

SESSION LAWS

OF THE

STATE OF WASHINGTON

SECOND EXTRAORDINARY SESSION, THIRTY-SECOND LEGISLATURE
Convened August 24, 1951, Adjourned September 1, 1951

REGULAR SESSION, THIRTY-THIRD LEGISLATURE
Convened January 12, 1953, Adjourned March 12, 1953

EXTRAORDINARY SESSION, THIRTY-THIRD LEGISLATURE
Convened March 13, 1953, Adjourned March 21, 1953

Compiled in Chapters by EARL COE
Secretary of State



MARGINAL NOTES AND INDEX

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Published by Authority

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Part I

LAWS, 2ND EXTRAORDINARY SESSION, 1951


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PREFACE

The Second Extraordinary Session of the Thirty-Second Legislature of the State of Washington convened at Olympia on the 24th day of August, 1951, at the hour of 11:00 A. M., daylight saving time, at the call of Governor Arthur B. Langlie. The special session adjourned *sine die* on September 1, 1951.

Twenty-eight measures were passed and signed into law and all but four contained emergency clauses. All measures containing emergency clauses took effect upon approval of the Governor with the exception of Chapter 22 establishing a uniform narcotic drug act which took effect October 1, 1951.

The four measures not containing emergency clauses did not take effect until ninety days after adjournment. This effective date fell on *midnight*, November 30, 1951. The four measures concerned were: Chapter 9 (Forest Reserve Fund), Chapter 10 (State Employees Retirement System), Chapter 15 (Irrigation District Assessments) and Chapter 20 (Timber Valuation Manual).



EARL COE

Secretary of State.

LAWS OF WASHINGTON

Passed At The
Second Extraordinary Session
Of The
Thirty-Second Legislature
1951

CHAPTER 1.

[H. B. 1.]

LEGISLATIVE EXPENDITURES.

AN ACT appropriating the sum of seventy-five thousand dollars, or so much thereof as may be necessary, for the actual and necessary expenses of the legislature, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the general fund of the state of Washington the sum of seventy-five thousand dollars, or so much thereof as may be necessary, to be used for the purpose of paying the expenses, including legislative printing, of the second Extraordinary Session of the thirty-second legislature of the state of Washington. Appropriation.

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

Passed the House August 24, 1951.

Passed the Senate August 25, 1951.

Approved by the Governor August 28, 1951.

CHAPTER 2.

[H. B. 2.]

SUBSISTENCE EXPENSES FOR LEGISLATORS.

AN ACT appropriating the sum of thirty thousand four hundred and fifty dollars (\$30,450.00), 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:

Appropriation.

SECTION 1. There is hereby appropriated out of the general fund of the state of Washington the sum of thirty thousand four hundred and fifty dollars (\$30,450.00), for the actual and necessary expenses of the members of the thirty-second legislature, actually expended by them for subsistence and lodging while absent from their usual places of residence in the service of the state, at a rate not exceeding ten dollars (\$10.00) per day, to be evidenced by the duly verified vouchers of the respective members of the legislature.

Emergency.

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 House August 24, 1951.

Passed the Senate August 25, 1951.

Approved by the Governor August 28, 1951.

CHAPTER 3.

[H. B. 5.]

GENERAL APPROPRIATIONS.

AN Act making appropriations and reappropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase, condemnation and improvement of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for emergencies, and for refunds, and for the relief of certain individuals, corporations, counties and municipalities, and for transfers, and for deficiencies, and for appropriation of revolving funds, 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, 1951, and ending March 31, 1953, except as otherwise provided, defining terms, limiting allowances and payments, prescribing penalties, validating, confirming, and ratifying appropriations and expenditures made under Chapter 10, Laws First Extraordinary Session, 1951, and obligations incurred thereunder, and declaring 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, condemnation 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, 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, materials, services and maintenance of the various institutions, departments and offices of the state government, other than

"Operations."

salaries and wages: *Provided*, That no portion of the appropriations made hereunder shall be expended for coupon or script books, or other evidences of advance payment for future delivery: *Provided further*, That allowances made for subsistence and lodging for the elective or appointive officers and employees while away from their domicile on state business shall equal actual expenses incurred therefor or *per diem* rates as provided by law, but in no event shall actual expenses claimed exceed such *per diem* rates provided by law.

Subsistence
and lodging
allowances.

Appropriation.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase, condemnation and improvement of land and construction of buildings, and improvements for the various state institutions, and for deficiencies, and for emergencies, and for refunds, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of congress, and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium beginning April 1, 1951, and ending March 31, 1953, except as otherwise provided.

Officials
incurring
deficiency.

Any official who incurs any deficiency shall be considered to have violated the expressed intent of the legislature in making these appropriations.

FROM THE GENERAL FUND.

FOR THE GOVERNOR:		Governor.
Salaries, Wages and Operations	\$128,654.00	
Investigation and Emergency Purposes, to be distributed on vouchers approved by the Governor	16,000.00	
Extradition Expenses (including deficiencies)	22,000.00	
Auditing Records of the State Auditor	2,500.00	
Total	<u> </u>	\$169,154.00
FOR THE GOVERNOR'S MANSION:		Governor's mansion.
Maintenance, to be distributed on vouchers approved by the Governor		\$24,000.00
FOR THE LIEUTENANT GOVERNOR:		Lieutenant governor.
Salary of the Lieutenant Governor	\$12,000.00	
Other Salaries, Wages and Operations, and Compensation when serving as Governor...	9,900.00	
Total	<u> </u>	\$21,900.00
FOR THE SECRETARY OF STATE:		Secretary of state.
Salaries and Wages.....	\$175,000.00	
Operations	50,000.00	
Checking, Printing, Advertising, and Mailing Initiative and Referendum Measures and Constitutional Amendments.	10,000.00	
To carry out provisions of chapter 14, Laws of 1950, special method of voting for Service voters	10,000.00	
Deficiency, Operations	5,500.00	
Total	<u> </u>	\$250,500.00
FOR THE STATE TREASURER:		State treasurer.
Salaries and Wages.....	\$213,150.00	
Operations	43,000.00	
Total	<u> </u>	\$256,150.00
FROM THE MOTOR VEHICLE FUND.		
Salaries and Wages.....	\$13,200.00	
Operations	2,600.00	
Total	<u> </u>	\$15,800.00

FROM THE GENERAL FUND.

State auditor.

FOR THE STATE AUDITOR:		
Salaries and Wages.....	\$459,575.00	
Operations	103,000.00	
Special Printing	9,000.00	
Total	<u> </u>	\$571,575.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$40,000.00	
Operations	10,800.00	
Total	<u> </u>	\$50,800.00

FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.

Salaries and Wages.....		\$6,000.00
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FROM THE GENERAL FUND.

Attorney general.

FOR THE ATTORNEY GENERAL:		
Salaries and Wages.....	\$461,240.00	
Operations, Printing Briefs, Court Costs and Expenses of Special Litigation in State and Federal Courts.....	170,138.00	
Deficiency, Operations	6,500.00	
Total	<u> </u>	\$637,878.00

FROM THE CURRENT SCHOOL FUND.

Superintendent of public instruction.

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		
Salaries and Wages.....	\$465,000.00	
Operations	168,950.00	
Total	<u> </u>	\$633,950.00

FROM THE GENERAL FUND.

Commissioner of public lands.

FOR THE COMMISSIONER OF PUBLIC LANDS:		
Salaries, Wages, and plotting state-owned land into home sites and construction of roadways therein		
	\$425,000.00	
Operations	210,000.00	
Total	<u> </u>	\$635,000.00

Insurance commissioner.

FOR THE INSURANCE COMMISSIONER:		
Salaries and Wages.....	\$300,000.00	
Operations	120,000.00	
To carry out provisions of chapter 168, Laws of 1951, relating to the licensing and regulation of maternity homes		
	8,750.00	
Total	<u> </u>	\$428,750.00

FOR LEGISLATIVE EXPENSE:		Legislative expense.
For the purpose of paying the expenses of the Thirty-second Legislature of the State of Washington	\$4,800.00	
Printing, Indexing, Binding and Editing Session Laws, Senate and House Journals, other Legislative Printing, and Binding Public Documents of the Thirty-second Session...	55,000.00	
Salaries of Members of Legislature	348,000.00	
Total	<u> </u>	\$407,800.00
FOR THE SUPREME COURT:		Supreme court.
Salaries and Wages.....	\$427,800.00	
Operations	40,000.00	
Total	<u> </u>	\$467,800.00
FOR THE STATE LAW LIBRARY:		State law library.
Salaries and Wages.....	\$44,760.00	
Operations	29,000.00	
Total	<u> </u>	\$73,760.00
FOR THE JUDICIAL COUNCIL:		Judicial council.
Salaries, Wages and Operations		\$4,000.00
FOR THE UNIFORM LAW COMMISSION:		Uniform law commission.
Operations		\$1,000.00
FOR THE SUPERIOR COURT JUDGES:		Superior court judges.
Salaries and Wages.....	\$561,125.00	
Expenses, Judges in Joint Districts	9,000.00	
Total	<u> </u>	\$570,125.00
FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES:		Association of superior court judges.
Operations		\$3,500.00
FOR THE JUDGES' RETIREMENT FUND:		Judges retirement fund.
To be expended in accordance with the provisions of chapter 229, Laws of 1937, and laws amendatory thereto....		\$63,900.00

State board of accountancy.

FOR THE STATE BOARD OF ACCOUNTANCY:		
Salaries and Wages.....	\$25,000.00	
Operations	50,000.00	
(Expenditures not to exceed revenues accruing under the Accountancy Act.)		
Total	<hr/>	\$75,000.00

State aeronautics commission.

FOR THE STATE AERONAUTICS COMMISSION:		
Salaries and Wages.....	\$32,946.00	
Salaries of Commission members while attending meetings	2,100.00	
Operations	17,054.00	
Total	<hr/>	\$52,100.00

State athletic commission.

FOR THE STATE ATHLETIC COMMISSION:		
Salaries and Wages.....	\$8,000.00	
Operations	2,700.00	
Total	<hr/>	\$10,700.00

State capitol committee.

FOR THE STATE CAPITOL COMMITTEE:		
Salaries and Wages.....	\$21,600.00	
Operations	15,725.00	
Total	<hr/>	\$37,325.00

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Paving of the parkway from the dam and spillway to Des Chutes Way in the City of Tumwater, and the curbs, walks, parking strip lights and other appurtenances in connection therewith	\$531,000.00
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FROM THE GENERAL FUND.

State board for the certification of librarians.

FOR THE STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS:		
Salaries, Wages and Operations		\$388.80

State board of education.

FOR THE STATE BOARD OF EDUCATION:		
General Office, including Junior College Supervision:		
Salaries and Wages.....	\$80,000.00	
Operations	20,750.00	

School Building Facilities:		
Salaries and Wages.....	\$50,000.00	
Operations	15,000.00	
School Facilities Survey:		
Salaries, Wages and		
Operations	43,960.00	
Total	_____	\$209,710.00

FROM THE STATE EMPLOYEES' RETIREMENT SYSTEM
EXPENSE FUND.

FOR THE STATE EMPLOYEES'			State
RETIREMENT BOARD:			employees
Salaries and Wages.....	\$200,000.00		retirement
Operations	81,000.00		board.
Salaries, Wages and Opera-			
tions (To become available			
only if the membership in			
the State Employees' Retire-			
ment System exceeds 28,000			
members)	22,052.00		
Total	_____	\$303,052.00	

FROM THE STATE EMPLOYEES' RETIREMENT FUND.

Pensions, Awards, Disability		
Payments, Adjustments and		
Refunds		\$7,500,000.00

FROM THE GENERAL FUND.

FOR THE STATE FINANCE COM-			State finance
MITTEE:			committee.
Salaries and Wages.....	\$21,500.00		
Operations	2,489.00		
Total	_____	\$23,989.00	

FROM THE MOTOR VEHICLE FUND.

For the payment of expense in-		
cident to the issuance and		
sale of bonds authorized by		
chapter 121, Laws of 1951...		\$50,000.00

FROM THE FOREST DEVELOPMENT FUND.

FOR THE STATE FOREST BOARD:			State
			forest board.
Salaries and Wages.....	\$20,800.00		
Operations	6,895.00		
Total	_____	\$27,695.00	

FROM THE GENERAL FUND.

Salaries and Wages.....	\$5,000.00	
Operations	2,000.00	
Total	_____	\$7,000.00

State sustained yield forest No. 1.

FOR THE STATE SUSTAINED YIELD FOREST NO. 1:

To carry out provisions of chapter 175, Laws of 1933:

Salaries and Wages.....	\$60,605.00
Operations	34,190.00

(This appropriation shall be disbursed as directed by a committee composed of the Governor, Commissioner of Public Lands, State Auditor, and Director of the Department of Conservation and Development. The Governor shall be chairman of said committee.)

Total	_____	\$94,795.00
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FROM THE ACCIDENT FUND.

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS:

Salaries and Wages.....	\$167,500.00
Operations	70,000.00

Total	_____	\$237,500.00
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FROM THE MEDICAL AID FUND.

Salaries and Wages.....	\$167,500.00
Operations	70,000.00

Total	_____	\$237,500.00
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FROM THE GENERAL FUND.

FOR THE BOARD OF STATE LAND

COMMISSIONERS:

Salaries and Wages.....	\$75,000.00
Operations	35,000.00

Total	_____	\$110,000.00
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Board of state land commissioners.

State library commission.

FOR THE STATE LIBRARY COMMISSION:

Salaries and Wages.....	\$118,750.00
Operations	46,345.00
Salaries for Microfilming....	5,160.00
Operations for Microfilming...	14,950.80

Public Library Services and Facilities:

For allocation to Public Libraries in accordance with the provisions of chapter 232, Laws of 1945.....

100,000.00	_____	\$285,205.80
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FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS AND RECREATION COMMISSION:		State parks and recreation commission.
Salaries and Wages.....	\$600,000.00	
Operations	280,000.00	
Capital Outlays and Major Repairs	500,000.00	
Purchase, Condemnation and Improvement of Land, Boat Moorages, Construction and Repairs of Buildings and other improvements, including necessary Salaries and Wages incident thereto....	255,000.00	
Capital Outlays (To become available only upon allocations from time to time and in such amounts as the Governor shall determine).....	400,000.00	
Total	<u>2,035,000.00</u>	

FROM THE MILLERSYLVANIA PARK CURRENT FUND.

Improvement, Maintenance and Upkeep of Millersylvania Park	\$400.00
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FROM THE GENERAL FUND.

FOR THE STATE BOARD OF PHARMACY:		State board of pharmacy.
Salaries and Wages.....	\$55,000.00	
Operations	30,000.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	<u>\$85,000.00</u>	

FROM THE PUGET SOUND PILOTAGE FUND.

FOR THE STATE BOARD OF PILOTAGE COMMISSIONERS:		State board of pilotage commissioners.
Salaries and Wages.....	\$4,200.00	
Operations	1,010.00	
Total	<u>\$5,210.00</u>	

FROM THE GENERAL FUND.

FOR THE POLLUTION CONTROL COMMISSION:		Pollution control commission.
Salaries and Wages.....	\$113,000.00	
Operations	55,000.00	

Investigations, Research and Surveys of Water Pollution caused by Industrial Waste..	\$26,800.00	
(Expenditures not to ex- ceed amounts received from the Federal govern- ment.)		
Investigation, Research and Surveys of the effects on Fish and Shellfish of Water Pollu- tion caused by Industrial Waste	20,000.00	
(Expenditures not to ex- ceed amounts received from the Federal govern- ment.)		
Total	\$214,800.00	

Board of
prison terms
and paroles.

FOR THE BOARD OF PRISON TERMS AND PAROLES:		
Salaries and Wages.....	\$252,000.00	
Operations	91,100.00	
Total	\$343,100.00	

FROM THE TEACHERS' RETIREMENT FUND.

Trustees;
state
teachers'
retirement
system.

FOR THE BOARD OF TRUSTEES OF THE STATE TEACHERS' RETIREMENT SYSTEM:		
Salaries and Wages.....	\$158,760.00	
Operations	36,920.00	
Housing Cost.....	7,250.00	
For the payment of Annuities, Awards and Refunds as pro- vided by law.....	9,850,720.00	
Total	\$10,053,650.00	

FROM THE GENERAL FUND.

Tuberculosis
hospital
building
commission.

FOR THE TUBERCULOSIS HOSPITAL BUILDING COMMISSION:		
Operations		\$300.00

Veterans'
rehabilita-
tion council.

FOR THE VETERANS' REHABILITA- TION COUNCIL:		
To carry out provisions of chapter 110, Laws of 1947...		\$780,000.00

FROM THE UNITED STATES VOCATIONAL
EDUCATION FUND.

FOR THE STATE BOARD FOR VOCATIONAL EDUCATION:

State board for vocational education.

To be expended in accordance with the provisions of Acts of Congress approved February 23, 1917, and August 1, 1946, and acts amendatory or supplementary thereto, and the provisions of chapter 183, Laws of 1939, providing for the promotion and development of Vocational Education \$1,101,005.90

To be expended in accordance with the provisions of Acts of Congress approved June 2, 1920, and July 6, 1943, and acts amendatory or supplementary thereto, and the provisions of chapter 176, Laws of 1933, providing for Civilian Vocational Rehabilitation 1,403,366.00

To be expended for special Veterans' Training in cooperation with the United States Veterans' Administration, expenditures not to exceed receipts from the Federal government 1,463,219.76

Total \$3,967,591.66

FROM THE WASHINGTON STATE PATROL
RETIREMENT FUND.

FOR THE WASHINGTON STATE PATROL RETIREMENT BOARD:

Washington state patrol retirement fund.

Pensions, Benefits, Awards and Refunds \$43,000.00

FROM THE GENERAL FUND.

FOR THE WASHINGTON STATE BOARD AGAINST DISCRIMINATION IN EMPLOYMENT:

Washington state board against discrimination in employment.

To carry out provisions of chapter 183, Laws of 1949:
Salaries and Wages \$16,720.00
Operations 7,380.00

Total \$24,100.00

Adjutant
general—
military
department.

FOR THE ADJUTANT GENERAL—

MILITARY DEPARTMENT:

Salaries and Wages.....	\$375,000.00	
Operations	225,000.00	
Uniform Allowance	75,000.00	
Medical Aid and Compensation	8,980.00	
Capital Outlays, Major Repairs and Betterments	125,000.00	
Total		\$808,980.00

FOR THE DEPARTMENT OF AGRICULTURE:

Department
of
agriculture.

Salaries and Wages.....	\$652,045.00	
Operations	270,524.00	
Indemnities and Control of Bang's Disease and Bovine Tuberculosis; Control of Mastitis, Plant Diseases, In- sect Pests, Apiculture; Mar- keting Research	1,068,000.00	
Total		\$1,990,569.00

FROM THE FEED AND FERTILIZER FUND.

Salaries and Wages.....	\$39,488.00	
Operations	29,610.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total		\$69,098.00

FROM THE GRAIN AND HAY INSPECTION FUND.

Salaries and Wages.....	\$600,078.00	
Operations	125,480.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total		\$725,558.00

FROM THE COMMISSION MERCHANTS' FUND.

Salaries and Wages.....	\$83,383.00	
Operations	32,385.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total		\$115,768.00

FROM THE NURSERY INSPECTION FUND.

Salaries and Wages.....	\$42,968.00	
Operations	20,260.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total		\$63,228.00

FROM THE SEED FUND.

Salaries and Wages.....	\$39,102.00	
Operations	35,235.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total		\$74,337.00

FROM THE GENERAL FUND.

FOR THE OFFICE OF DIRECTOR OF BUDGET:		Office of director of budget.
Salaries and Wages.....	\$228,840.00	
Operations	85,500.00	
Personnel Office:		
Salaries and Wages.....	38,000.00	
Operations	6,580.00	
Total		\$358,840.00
FOR THE DEPARTMENT OF CIVIL DEFENSE:		Department of civil defense.
Salaries and Wages.....	\$100,440.00	
Operations	157,936.00	
To carry out provisions of chapter 178, Laws of 1951...	2,000,000.00	
Total		\$2,258,376.00
FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:		Department of conservation and development.
General Office, including Divisions of Hydraulics; Mines and Geology; and Flood Control Administration:		
Salaries and Wages.....	\$193,500.00	
Operations	64,035.00	
Division of Progress and Industry Development:		Division of progress and industry.
Salaries and Wages.....	42,300.00	
Operations	100,000.00	
Promotion of Washington State Trade Fairs (Expenditures not to exceed five per cent of the gross		

	receipts of all pari-mutuel machines paid to the Washington Horse Racing Commission during the preceding season)	\$50,000.00	
Columbia basin commission.	Columbia Basin Commission:		
	Salaries and Wages.....	35,000.00	
	Operations	35,000.00	
Division of forestry.	Division of Forestry:		
	Salaries and Wages.....	1,018,000.00	
	Operations	395,000.00	
	Reforestation:		
	Salaries and Wages.....	105,000.00	
	Operations	16,000.00	
	Capital Outlays and Major Repairs	3,500.00	
	Institute of Forest Products:		
	Salaries and Wages.....	30,000.00	
	Operations	10,000.00	
	Stream Gaging and Ground Water Surveys:		
	Operations	65,000.00	
	Flood Control Maintenance:		
	To be expended in accordance with the provisions of chapter 240, Laws of 1951	500,000.00	
	Total		\$2,662,335.00

FROM THE EAGLE GORGE DAM FLOOD CONTROL PROJECT FUND.

To carry out provisions of chapter 27, Laws of 1949....	\$1,500,000.00
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FROM THE RECLAMATION REVOLVING FUND.

Reclamation division.	Reclamation Division:		
	Salaries and Wages.....	\$40,275.00	
	Operations	21,787.00	
	Natural Resources Surveys:		
	Salaries, Wages and Operations	62,000.00	
	Financing of Reclamation Districts as provided by law. (Expenditures from Reclamation Revolving Fund not to exceed cash on hand and available for expenditure.)	700,000.00	
	Total		\$824,062.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF

FISHERIES:

Department
of fisheries.

Salaries and Wages.....	\$1,200,000.00	
Operations	1,040,000.00	
Capital Outlays, Major Repairs and Betterments	1,200,000.00	
Construction of fish ways upon the Des Chutes River at Tumwater Falls in Thurston County	120,000.00	
Payment of bounties under the provisions of section 75.16- .040, R.C.W.	5,000.00	
[R.C.W. 75.16.040 was de- rived from § 44, ch. 112, L. '49 (Rem. Supp. 1949, § 5780-318).]		
Lower Columbia River Devel- opment:		
Salaries and Wages.....	160,000.00	
Operations	139,500.00	
Capital Outlays, Major Re- pairs and Betterments..	1,659,700.00	
(Expenditures for Lower Columbia River Devel- opment to be limited to approved projects upon which reimbursement of 100% will be made by the Federal govern- ment.)		
Total		\$5,524,200.00

FROM THE LEWIS RIVER HATCHERY FUND.

Salaries and Wages.....	\$27,214.00	
Operations	6,360.00	
Total		\$33,574.00

FROM THE GAME FUND.

FOR THE DEPARTMENT OF GAME:

Department
of game.

Salaries and Wages.....	\$2,440,252.00	
Operations	2,219,000.00	
Payment of Game Animal Damages and Expense.....	40,000.00	
Wild Life Restoration and Re- search, including the Pur- chase, Condemnation or Leasing of Lands (Expendi- tures to be limited to ap-		

proved projects upon which reimbursement of 75% will be made by the Federal government)	\$700,000.00	
Capital Outlays, Major Repairs and Betterments	100,000.00	
Acquisition of Lands for Public Hunting and Fishing Areas, Game Habitat Areas, Access Areas to Lakes and Streams and other like purposes.....	500,000.00	
Total	<u>1,300,000.00</u>	\$5,999,252.00

FROM THE GENERAL FUND.

Department of health.

FOR THE DEPARTMENT OF HEALTH:		
General Administration and Conservation of Hearing Program:		
Salaries and Wages.....	\$600,000.00	
Operations	260,000.00	
To carry out provisions of Initiative No. 178:		
Salaries and Wages.....	500,000.00	
Operations	230,000.00	
Field Training Program:		
Salaries and Wages.....	38,040.00	
Operations	7,418.00	
(Expenditures limited to receipts from the W. K. Kellogg Foundation.)		
Medical Services:		
To carry out provisions of Initiative No. 178 (including deficiencies).....		
	23,377,280.00	
Crippled Children's Program:		
Salaries and Wages.....	43,005.00	
Operations and Assistance..	283,232.00	
Rheumatic Fever Program:		
Salaries and Wages.....	1,440.00	
Operations and Assistance..	44,500.00	
State Cerebral Palsy Program:		
Cerebral Palsy Center:		
Salaries and Wages.....	126,000.00	
Operations	62,500.00	
Cerebral Palsy Field Program:		
Salaries and Wages.....	22,000.00	
Operations	13,500.00	

For Public Health Work (including deficiencies, expenditures not to exceed amounts received and credited to the General Fund from the Federal government for Public Health Work)	\$1,698,842.00	
For County Public Health Work	135,000.00	
Tuberculosis Hospitalization: State Aid to Counties and for Tuberculosis Hospitals (including deficiencies)	8,000,000.00	
Total	<u> </u>	\$35,442,757.00
FOR THE DEPARTMENT OF HIGHWAYS:		Department of highways.
State's Contribution to construct a suitable approach to the Rainier State School at Buckley		\$25,000.00
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:		Department of labor and industries.
Salaries and Wages	\$561,650.00	
Operations	483,160.00	
To carry out provisions of chapter 233, Laws of 1947, for the payment of additional pensions	4,000,000.00	
To carry out provisions of chapter 195, Laws of 1949, relating to the Industrial Welfare Commission:		
Salaries and Wages	12,000.00	
Operations	10,000.00	
To carry out provisions of chapter 32, Laws of 1951 (Expenditures not to exceed receipts from inspection fees)	25,000.00	
For ascertaining the qualifications of Industrial Establishments for furnishing other training on-the-job to Veterans (Expenditures not to exceed receipts from the Federal government)	72,600.00	
Total	<u> </u>	\$5,164,410.00

LAWS SECOND EXTRAORDINARY SESSION, 1951

FROM THE MEDICAL AID FUND.

Salaries and Wages.....	\$1,710,000.00	
Operations	275,000.00	
Appeal Costs:		
Salaries and Wages.....	94,000.00	
Operations	102,500.00	
Rehabilitation Center:		
Salaries and Wages.....	156,620.00	
Operations	103,970.00	
Medical Services and Refunds (including deficiencies).....	12,000,000.00	
Total	<u> </u>	\$14,442,090.00

FROM THE ACCIDENT FUND.

Appeal Costs:		
Salaries and Wages.....	\$94,000.00	
Operations	102,500.00	
Catastrophe Injury Claims....	500,000.00	
Second Injury Claims.....	1,000,000.00	
Claims, Awards and Refunds (including deficiencies)	22,000,000.00	
Total	<u> </u>	\$23,696,500.00

FROM THE RESERVE FUND.

For Pensions and Lump Sum Payments		\$8,000,000.00
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FROM THE ELECTRICAL LICENSE FUND.

Salaries and Wages.....	\$106,170.00	
Operations	41,070.00	
Total	<u> </u>	\$147,240.00

FROM THE GENERAL FUND.

Department
of licenses.

FOR THE DEPARTMENT OF LI-
CENSES:

Salaries and Wages.....	\$288,000.00	
Operations	157,000.00	
To carry out provisions of chapter 211, Laws of 1949, relating to Financial Re- sponsibility:		
Salaries and Wages.....	75,000.00	
Operations	17,500.00	
To carry out provisions of chapter 130, Laws of 1951 (Expenditures not to exceed receipts accruing under the act)	15,000.00	
Total	<u> </u>	\$552,500.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$1,145,000.00	
Operations	820,000.00	
Liquid Fuel Tax Refunds.....	5,750,000.00	
Total	<u> </u>	\$7,715,000.00

FROM THE HIGHWAY SAFETY FUND.

Salaries and Wages.....	\$216,000.00	
Operations	130,000.00	
Total	<u> </u>	\$346,000.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF PUBLIC
INSTITUTIONS:Department
of public
institutions.General Office, including Divi-
sion of Public Institutions
and Division of Purchas-
ing:

Salaries and Wages.....	\$400,000.00	
Operations	87,000.00	

Division of Children and Youth
Services:Division
of children
and youth
services.

To carry out provisions of chapter 234, Laws of 1951	65,000.00	
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State Council for Children
and Youth:

Expenses of Members....	10,000.00	
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Division of Banking:

Division
of banking.

Salaries and Wages.....	95,000.00	
Operations	32,500.00	

Division of Savings and Loan
Associations:Division
of savings
and loan.

Salaries and Wages.....	58,000.00	
Operations	22,000.00	

Capitol Buildings and Grounds:

Salaries and Wages.....	484,732.00	
Operations	305,650.00	

Painting, Repairs and Alter- ations to State Office Build- ings	50,000.00	
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Parole, Transportation and De-
portation:

Salaries and Wages.....	16,920.00	
Operations	41,080.00	

Total	<u> </u>	\$1,667,882.00
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FROM THE PUBLIC SERVICE REVOLVING FUND.

Public
service
commission.

FOR THE WASHINGTON PUBLIC

SERVICE COMMISSION:

Salaries and Wages.....	\$1,005,294.00	
Operations	514,555.00	
Special Investigations:		
Salaries, Wages and		
Operations	125,000.00	
(Expenditures not to ex-		
ceed fees heretofore or		
hereafter collected, but		
in no event shall any		
warrant be drawn on		
the Public Service Re-		
volving Fund in excess		
of actual cash on deposit		
in the State Treasury.)		
Total		\$1,644,849.00

FROM THE GENERAL FUND.

Department
of social
security.

FOR THE DEPARTMENT OF SOCIAL

SECURITY:

General Administration:

Salaries and Wages.....	\$6,813,740.00
Operations	1,306,990.00

Division of Old Age Assistance:

Senior Citizen Grants.....	93,380,000.00
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Division
of old age
assistance.

Division of Public Assistance:

Aid to the Permanently Dis-	
abled and General Home	
Assistance	11,063,200.00
Burials	700,000.00

Division
of public
assistance.

Division for
children.

Division for Children:

Child Welfare Services:

Salaries and Wages.....	1,040,284.00
Operations	84,945.00
Assistance as provided by	
law	3,883,120.00

Aid to Dependent Children:

Assistance as provided by	
law	22,690,776.00

Division for
the blind.

Division for the Blind:

Assistance as provided by	
law	1,424,168.00

Self-supporting Aid to
Blind:

To carry out provisions of	
chapter 166, Laws of	
1949	38,000.00

Vocational Rehabilitation for the Blind:		
Administration:		
Salaries and Wages.....	\$95,976.00	
Operations	26,950.00	
Assistance	40,000.00	
Other Case Services to the Blind		
	220,000.00	
Total	—————	\$142,808,149.00
FOR THE WASHINGTON STATE		Washington
PATROL:		state patrol.
Salaries and Wages.....	\$637,350.00	
Operations	200,000.00	
Total	—————	\$837,350.00
FROM THE HIGHWAY SAFETY FUND.		
Salaries and Wages.....	\$1,725,000.00	
Operations	850,000.00	
Major Repairs	30,000.00	
Total	—————	\$2,605,000.00
FROM THE MOTOR VEHICLE FUND.		
Salaries and Wages.....	\$1,216,000.00	
Operations	665,300.00	
Weight Control:		
Capital Outlays and Major		
Repairs	18,000.00	
Total	—————	\$1,899,300.00
FOR THE DEPARTMENT OF HIGH-		Department
WAYS:		of highways.
Weight Control:		
Capital Outlays and Major		
Repairs		\$129,000.00
FROM THE GENERAL FUND.		
FOR THE TAX COMMISSION OF THE		Tax
STATE OF WASHINGTON:		commission.
Salaries and Wages.....	\$2,023,525.00	
Operations	614,725.00	
Purchase of Cigarette Stamps.	10,000.00	
Refunds of Taxes, Costs, Pen-		
alties, Interest and Redemp-		
tion of Tokens as provided		
by chapter 191, Laws of 1933,		
and chapter 180, Laws of		
1935, and all laws amenda-		
tory thereto		
	600,000.00	
Total	—————	\$3,248,250.00

FROM THE MOTOR VEHICLE EXCISE FUND.

Refunds as provided by chapter 152, Laws of 1945, and chapter 49, Laws of 1949 (including deficiencies)	\$250,000.00
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FROM THE GENERAL FUND.

Department of public institutions.

FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:

INSTITUTIONS:		
State School for the Blind:		
Salaries and Wages.....	\$255,000.00	
Operations	145,000.00	
Total		\$400,000.00
State School for the Deaf:		
Salaries and Wages.....	\$350,000.00	
Operations	210,000.00	
Total		\$560,000.00
Eastern State Hospital:		
Salaries and Wages.....	\$1,950,000.00	
Operations	1,575,000.00	
Total		\$3,525,000.00
State School for Girls:		
Salaries and Wages.....	\$200,000.00	
Operations	135,000.00	
Total		\$335,000.00
Lakeland Village:		
Salaries and Wages.....	\$1,160,000.00	
Operations	1,268,000.00	
Total		\$2,428,000.00
Northern State Hospital:		
Salaries and Wages.....	\$1,911,000.00	
Operations	1,393,000.00	
Total		\$3,304,000.00
Washington State Penitentiary:		
Salaries and Wages.....	\$852,000.00	
Operations	1,400,000.00	
Prisoners' Aid Fund.....	5,000.00	
Total		\$2,257,000.00

FROM THE PENITENTIARY REVOLVING FUND.

Industrial Operations:		
Salaries and Wages.....	\$216,936.00	
Operations	608,600.00	
Total		\$825,536.00

FROM THE GENERAL FUND.

Rainier State School:		
Salaries and Wages.....	\$1,425,000.00	
Operations	935,000.00	
Total		\$2,360,000.00

Washington State Reformatory:		
Salaries and Wages.....	\$504,000.00	
Operations	661,000.00	
Prisoners' Aid Fund.....	5,000.00	
Total	<u> </u>	\$1,170,000.00

FROM THE REFORMATORY REVOLVING FUND.

Industrial Operations:		
Salaries and Wages.....	\$97,900.00	
Operations	158,000.00	
Total	<u> </u>	\$255,900.00

FROM THE GENERAL FUND.

State Soldiers' Home and Colony:		
Salaries and Wages.....	\$207,000.00	
Operations	215,000.00	
Total	<u> </u>	\$422,000.00
State Training School:		
Salaries and Wages.....	\$370,000.00	
Operations	320,000.00	
Total	<u> </u>	\$690,000.00
Washington Veterans' Home:		
Salaries and Wages.....	\$429,000.00	
Operations	425,000.00	
Total	<u> </u>	\$854,000.00
Western State Hospital:		
Salaries and Wages.....	\$2,630,000.00	
Operations	1,960,000.00	
Research Building:		
Salaries and Wages.....	130,000.00	
Total	<u> </u>	\$4,720,000.00
State Institutions:		
Salaries, Wages and Operations at various State Institutions, \$300,000.00 of which shall be a contingency fund to be allotted by the Governor based upon increased population	\$600,000.00	
Capital Outlays, Major Repairs and Betterments at various State Institutions.	550,000.00	
Equipment and minor Capital Outlays for new buildings at various State Institutions	500,000.00	
Total	<u> </u>	\$1,650,000.00

FROM THE INSTITUTIONAL BUILDING CONSTRUCTION FUND.

To carry out provisions of chapter 230, Laws of 1949...	\$20,000,000.00
(Being the reappropriation of the unexpended balance of appropriation made for like purpose by chapter 230, Laws of 1949.)	

FROM THE UNIVERSITY OF WASHINGTON FUND.

University of Washington.

FOR THE UNIVERSITY OF WASHINGTON:

Salaries and Wages.....	\$14,677,500.00	
Operations, including Repairs.	3,610,000.00	
Total	_____	\$18,287,500.00

FROM THE GENERAL FUND.

School of Medicine and Dentistry:

Salaries and Wages.....	\$2,750,000.00	
Operations and Maintenance	800,000.00	
Total	_____	\$3,550,000.00

FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

Construction of new buildings, equipment and remodeling..	\$300,000.00	
Construction of Teaching Hospital	1,000,000.00	
Total	_____	\$1,300,000.00

FROM THE UNIVERSITY OF WASHINGTON MEDICAL AND DENTAL BUILDING AND EQUIPMENT FUND.

Construction and Equipping Medical and Dental Buildings	\$1,050,000.00
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FROM THE MOTOR VEHICLE EXCISE FUND.

Bureau of Governmental Research:	
Municipal Research and Service	\$95,000.00

FROM THE WASHINGTON STATE COLLEGE FUND.

State College of Washington.

FOR THE STATE COLLEGE OF WASHINGTON:

College Teaching:	
Salaries and Wages.....	\$6,650,000.00
Operations	2,835,328.00

State Services—Agricultural and Industrial:	
Salaries, Wages and Operations	\$728,650.00
Division of Industrial Research:	
Salaries, Wages and Operations	661,960.00
Agricultural Extension Work:	
Salaries, Wages and Operations	980,477.00
Agricultural Experiment Stations:	
Main Experiment Station, Pullman and Walla Walla:	
Salaries, Wages and Operations	1,239,410.00
Western Washington Experiment Station, Puyallup:	
Salaries, Wages and Operations	759,995.00
Irrigation Branch Station, Prosser:	
Salaries, Wages and Operations	498,555.00
Tree Fruit Branch Station, Wenatchee:	
Salaries, Wages and Operations	251,287.00
Dry Land Branch Station, Lind:	
Salaries, Wages and Operations	43,657.00
Cranberry, Blueberry Branch Station, Ilwaco:	
Salaries, Wages and Operations	45,186.00
Northwestern Washington Experiment Station, Mount Vernon:	
Salaries, Wages and Operations	109,278.00
Capital Outlays (Expenditures contingent	

upon an equal amount of matching funds from local sources)	\$40,000.00	
Southwestern Experiment Station, Vancouver: Salaries, Wages and Op- erations	61,090.00	
Total	—————	\$14,904,873.00

FROM THE GENERAL FUND.

Capital Outlays, Major Repairs and Betterments	\$250,000.00
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FROM THE STATE COLLEGE OF WASHINGTON
BUILDING FUND.

Capital Outlays, Major Repairs and Betterments	\$500,000.00	
FOR THE CENTRAL WASHINGTON COLLEGE OF EDUCATION:		
From the Normal School Current Fund	\$50,000.00	
From the Central College Fund. \$1,660,000.00		
Salaries and Wages	\$1,440,200.00	
Operations	269,800.00	
Total	—————	\$1,710,000.00

Central
Washington
College of
Education.

FROM THE GENERAL FUND.

Capital Outlays, Major Repairs and Betterments	\$200,000.00
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FOR THE EASTERN WASHINGTON COLLEGE OF EDUCATION:		
From the Normal School Current Fund	\$50,000.00	
From the Eastern College Fund. \$1,660,000.00		
Salaries and Wages	\$1,425,950.00	
Operations	284,050.00	
Total	—————	\$1,710,000.00

Eastern
Washington
College of
Education.

FROM THE GENERAL FUND.

Capital Outlays, Major Repairs and Betterments	\$200,000.00
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FOR THE WESTERN WASHINGTON		Western
COLLEGE OF EDUCATION:		Washington
From the Normal		College of
School Current		Education.
Fund	\$50,000.00	
From the Western		
College Fund.	\$1,660,000.00	
Salaries and Wages.....	\$1,438,300.00	
Operations	271,700.00	
Total	<u> </u>	\$1,710,000.00
FROM THE GENERAL FUND.		
Capital Outlays, Major Repairs		
and Betterments		\$200,000.00
FOR THE STATE CAPITOL HISTORICAL ASSOCIATION:		State Capitol
Salaries and Wages.....	\$10,368.00	Historical
Operations	7,800.00	Association.
Total	<u> </u>	\$18,168.00
FOR THE WASHINGTON STATE HISTORICAL SOCIETY:		Washington
Salaries and Wages.....	\$43,700.00	State
Operations	15,075.00	Historical
Repairs to Pickett House.....	1,200.00	Society.
Washington Territorial Centennial	20,000.00	
Capital Outlays, Major Repairs		
and Betterments	2,850.00	
Total	<u> </u>	\$82,825.00
FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY:		Eastern
Salaries and Wages.....	\$15,180.00	Washington
Operations	8,469.00	Historical
Capital Outlays and Major Repairs	3,250.00	Society.
Total	<u> </u>	\$26,899.00
FOR THE COUNCIL OF STATE GOVERNMENTS:		Council of
To be distributed on vouchers		state gov-
approved by the Governor..		ernments.
		\$7,000.00
FOR COURT COSTS IN INSANITY CASES (including deficiencies).		\$50,000.00
		Court costs
		in insanity
		cases.
FOR CRIMINAL COST BILLS (including deficiencies)		\$20,000.00
		Criminal
		cost bills.

FROM THE CAPITOL BUILDING BOND REDEMPTION FUND.

Interest on bonds. FOR THE PAYMENT OF INTEREST ON BONDS \$95,000.00

FROM THE CONTINGENT RECEIPTS FUND.

Ch. 243, Laws of 1945. TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 243, LAWS OF 1945, AND LAWS AMENDATORY OR SUPPLEMENTARY THERETO \$20,000,000.00

FROM THE GENERAL FUND.

Emergency warrants. FOR THE PAYMENT OF WARRANTS DRAWN FOR EMERGENCY PURPOSES APPROVED DURING THE BIENNium APRIL 1, 1951, TO MARCH 31, 1953, PURSUANT TO SECTION 10, CHAPTER 9, LAWS OF 1925, AS AMENDED BY SECTION 6, CHAPTER 162, LAWS OF 1929 \$250,000.00

Governor; for allocation to various state departments, etc. FOR THE GOVERNOR: To be allocated to various state departments, officers and institutions for salaries, wages, operations, and emergency construction or repairs of public buildings: Provided, That this appropriation shall become available only upon filing with the Secretary of State, from time to time, allotments to said departments, offices and institutions, setting forth the purpose and amount allotted therefor, approved by the Governor. \$2,000,000.00

FROM THE CURRENT SCHOOL FUND.

Apportionment to counties for school districts. FOR APPORTIONMENT TO COUNTIES FOR SCHOOL DISTRICTS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 141, LAWS OF 1945, AND ACTS AMENDATORY THERETO: Provided, That the funds apportioned hereunder on the basis of the number of certificated em-

<p>ployees shall not exceed eighteen hundred dollars (\$1,800) per educational unit.....</p>	<p>\$124,000,000.00</p>	
<p>FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:</p> <p>To be expended in accordance with the provisions of chapter 120, Laws of 1943, relating to the education of handicapped children, and laws amendatory or supplementary thereto, and chapter 240, Laws of 1947, relating to the education of children afflicted with cerebral palsy..</p>	<p>\$875,000.00</p>	<p>Superintendent of public instruction.</p>
<p>FROM THE GENERAL FUND.</p>		
<p>Division for Handicapped Children: To carry out provisions of chapter 92, Laws of 1951..</p>	<p>\$125,000.00</p>	<p>Division for handicapped children.</p>
<p>FROM THE STATE SCHOOL EQUALIZATION FUND.</p>		
<p>FOR DISTRIBUTION TO COUNTIES AS PROVIDED BY CHAPTER 11, LAWS OF FIRST EXTRAORDINARY SESSION 1951</p>	<p>\$17,350,000.00</p>	<p>Distribution to counties under Ch. 11, L. '51, 1st Ex. Sess.</p>
<p>FROM THE GENERAL FUND</p>		
<p>TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 154, LAWS OF 1935, AS AMENDED, PROVIDING ASSISTANCE FOR BLIND STUDENTS.....</p>	<p>\$20,000.00</p>	<p>Assistance for blind students.</p>
<p>TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 224, LAWS OF 1947, PROVIDING EDUCATIONAL AID FOR CHILDREN OF VETERANS.....</p>	<p>\$8,000.00</p>	<p>Educational aid for children of veterans.</p>
<p>FOR EDUCATION OF INDIAN CHILDREN:</p> <p>To carry out provisions of the Johnson-O'Malley Act, April 16, 1934 (Expenditures not to exceed amounts received from the Federal government)</p>	<p>\$307,000.00</p>	<p>Education of Indian children.</p>

School lunch program. FOR SCHOOL LUNCH PROGRAM:
 To carry out provisions of the National School-Lunch Act, Public Law 396, 79th Congress (Expenditures not to exceed amounts received from the Federal government)... \$1,600,000.00

FROM THE PUBLIC SCHOOL BUILDING CONSTRUCTION FUND.

State assistance; public school plant facilities. TO CARRY OUT PROVISIONS OF CHAPTER 229, LAWS OF 1949.... \$40,000,000.00
 (Being the reappropriation of the unexpended balance of appropriation made for like purpose by chapter 229, Laws of 1949.)

FROM THE GENERAL FUND.

Distribution to "firemen's relief and pension funds." FOR DISTRIBUTION TO "FIREMEN'S RELIEF AND PENSION FUNDS" AS PROVIDED BY CHAPTER 91, LAWS OF 1947, AS AMENDED (including deficiencies) \$525,000.00

FROM THE FOREST RESERVE FUND.

Distribution of forest reserve monies. FOR DISTRIBUTION OF MONIES RECEIVED FROM THE FEDERAL GOVERNMENT FROM FOREST RESERVES AS PROVIDED BY CHAPTER 185, LAWS OF 1907 (including deficiencies) \$2,300,000.00

FROM THE GENERAL OBLIGATION BONDS OF 1933 RETIREMENT FUND.

G. O. bond retirement. FOR BOND RETIREMENT AND INTEREST \$1,595,725.00

FROM THE HARBOR IMPROVEMENT FUND.

Harbor improvement. FOR DISTRIBUTION IN ACCORDANCE WITH CHAPTERS 168, 169 AND 170, LAWS OF 1913, BASED ON RECEIPTS (including deficiencies) \$200,000.00

FROM THE HIGHWAY BOND RETIREMENT FUND.

Highway bond retirement. FOR BOND RETIREMENT AND INTEREST \$2,000,000.00

FROM THE INSTITUTIONAL BUILDING
BOND REDEMPTION FUND.

Institutional
building
bond
retirement.

FOR BOND RETIREMENT AND IN-
TEREST \$525,000.00

FROM THE GENERAL FUND.

FOR THE STATE AUDITOR:

State
auditor.

For the payment of Local Im-
provement District Assessments
as provided by chapter 205,
Laws of 1947..... \$50,000.00

FOR PRESIDENTIAL ELECTORS (in-
cluding deficiencies) \$689.20 Presidential
electors.

FROM THE MOTOR VEHICLE EXCISE FUND.

FOR TRANSFERS AND DISTRIBUTION
TO CITIES AND TOWNS AS PRO-
VIDED BY CHAPTER 144, LAWS OF
1943 (including deficiencies).. \$19,000,000.00 Motor
vehicle
excises; dis-
tribution to
cities and
towns.

FROM THE PUBLIC SCHOOL BUILDING BOND
REDEMPTION FUND.

FOR BOND RETIREMENT AND IN-
TEREST \$1,050,000.00 Public school
building
bond
retirement.

FROM THE VOLUNTEER FIREMEN'S RELIEF
AND PENSION FUND.

FOR CLAIMS, AWARDS AND OTHER
EXPENSES ALLOWED BY LAW
(including deficiencies) \$44,500.00 Volunteer
firemen's
relief.

FROM THE GENERAL FUND.

FOR DISTRIBUTION OF FUNDS RE-
CEIVED UNDER THE FEDERAL ACT
OF JUNE 28, 1934, 48 STAT. 1273,
SECTION 10 (including defici-
encies). THESE FUNDS TO BE
DISTRIBUTED TO COUNTIES FROM
WHICH RECEIPTS WERE DERIVED \$6,000.00 Distribution
of grazing
district
receipts.

FROM THE WAR VETERANS' COMPENSATION FUND.

FOR THE STATE AUDITOR:

State
auditor.

For Administration and Com-
pensation for Veterans of
World War II:
Salaries and Wages..... \$174,120.00
Operations 46,220.00
War Veteran's Compensation \$17,925,876.43

(Expenditures hereunder not to exceed the unexpended balance of appropriation made by chapter 180, Laws of 1949.)

Total \$18,146,216.43

FROM THE WAR VETERANS' COMPENSATION BOND RETIREMENT FUND.

Veterans' compensation bond retirement.

FOR BOND RETIREMENT AND INTEREST \$8,500,810.00

FROM THE GENERAL FUND.

General fund transfers.

FOR TRANSFERS IN EQUAL QUARTERLY INSTALLMENTS:
To Forest Insect and Disease Control Fund \$100,000.00
To Teachers' Retirement Fund. 6,700,000.00
To Teachers' Retirement Pension Reserve Fund..... 5,167,500.00
To United States Vocational Education Fund:
For the development of Instructional Material for Apprentices and to carry out provisions of chapter 183, Laws of 1939, relating to Vocational Education 325,000.00
To carry out provisions of chapter 176, Laws of 1951, and chapter 176, Laws of 1933, relating to Vocational Rehabilitation 570,000.00
To Eagle Gorge Dam Flood Control Project Fund..... 1,500,000.00
Total \$14,362,500.00

FROM THE MOTOR VEHICLE EXCISE FUND.

Public service revolving fund.

To Public Service Revolving Fund (Reimbursement for costs incurred in collecting excise tax) \$2,067.40

FROM THE PARKS AND PARKWAY FUND.

Vetoed. { To General Fund (being the amount expended from the Washington State Development Fund by the State Parks

and Recreation Commission for construction of facilities at Dry Falls State Park)	\$389,999.70	}	Vetoed.
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FROM THE GENERAL FUND.

FOR THE LIEUTENANT GOVERNOR: Deficiency, Salaries, Wages and Operations (Emergency ap- proved March 23, 1949)	\$616.00	Lieutenant governor.
FOR THE INSURANCE COMMISSIONER: Deficiency, Salaries and Wages (Emergency approved March 30, 1949)	\$2,773.62	Insurance commis- sioner.
FOR THE SUPERIOR COURT JUDGES: Deficiency, Salaries and Wages (Emergency approved April 11, 1949)	\$7,151.93	Superior court judges.
FOR THE STATE ATHLETIC COMMISSION: Deficiency, Salaries, Wages and Operations (Emergency ap- proved April 27, 1949)	\$259.79	State athletic commission.
FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS: Capitol Buildings and Grounds: Deficiency, Operations (Emer- gency approved April 27, 1949)	\$15,730.64	Department of public institutions.

FROM THE WASHINGTON STATE PATROL
RETIREMENT FUND.

FOR THE WASHINGTON STATE PA- TROL RETIREMENT BOARD: Deficiency, Pensions, Benefits, Awards and Refunds (To re- imburse the General Fund ac- count emergencies approved August 9, 1950, and Febru- ary 28, 1951)	\$7,000.00	Washington state patrol retirement board.
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FROM THE GENERAL FUND.

FOR THE RELIEF OF THE FOLLOW- ING INDIVIDUALS, FIRMS AND CORPORATIONS: ARTHUR C. BASEL, refund of amounts paid for the pur- chase of tract of tideland in the plat of Sunlight Beach . . .	\$35.00	Reliefs.
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Reliefs.

HERB BOND, refund of amount paid for purchase of certain second-class tideland in Pierce county	\$65.40
JOHN E. BOYER and LOUISE BOYER, for settlement of damages for certain tidelands in King county: <i>Provided</i> , That no portion of this amount shall become available until the city of Seattle has paid its portion of the claim.....	\$5,500.00
CAPITOL CHEVROLET COMPANY, for insurance on automobile used in connection with Students' Oratorical Contest....	\$94.62
CARSTENS PACKING COMPANY, refund of overpayment of business tax	\$9,327.38
ARTHUR C. DAHLIN, repairs to automobile damaged in collision with jeep operated by Washington National Guard	\$77.10
H. H. DEHART, refund of rentals erroneously paid in connection with an oil and gas permit	\$257.83
FARNAN AND SEEMAN, INC., refund of overpayment of sales tax	\$678.24
GARRISON MINING COMPANY, refund of overpayment of corporation license fees.....	\$67.50
VINCE J. GUIFFRE and STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, damages sustained with vehicle of Washington National Guard	\$761.85
ORRIS L. HAMILTON, for travel expense as Superior Court Judge in March, 1949.....	\$38.35
HARBOR PLYWOOD CORPORATION, refund of payment for right of way across W½ of NE¼ and SE¼ of NE¼ of section 33, township 6 north, range 4 east W. M.....	\$2,966.40

	Reliefs.
LOUISE HOVE, for personal injuries and medical expenses incident to a fall in National Guard Armory in Seattle on January 16, 1950.....	\$547.50
C. V. KUEHL, damages to property incurred in arrest of criminal in Whitman county	\$300.00
EARL M. MADDEN and STANLEY R. JARVIS, damages to property on account of the forced landing of Washington National Guard airplane.....	\$100.00
FRANK E. MAYFIELD, for material furnished the Commissioner of Public Lands in May, 1946	\$83.37
JAMES MORRIS, Sheriff of Clallam county, for reimbursement for trip to St. Louis to return John D. Withers, wanted in two other counties	\$315.09
THOMAS G. MORTLAND, refund of amount paid for purchase of certain tidelands located in Deer Lagoon.....	\$198.55
A. STEWART McMORRAN, legal services in connection with extradition of criminal from British Columbia	\$550.00
LUTHER NORWOOD and THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD, damages sustained in collision with vehicle of Washington National Guard at Bremerton..	\$192.32
DR. S. H. SUSSMAN and THE NORTHWESTERN INSURANCE COMPANY, damages in collision with vehicle of Washington National Guard at Seattle on March 4, 1949.	\$95.25
FRANK T. SAGER, refund of assets of estate of Lillian B. Cone escheated to the state of Washington	\$5,375.00
LYMAN H. SKOW, damages to automobile in collision with truck operated by a member of the Washington National	

	Guard at Seattle on January 21, 1949	\$182.02
	TRUE'S OIL COMPANY, refund of overpayment of fuel oil tax.	\$10.00
	FORD Q. ELVIDGE, for legal services furnished the Un-American Activities Committee	\$250.00
	CLEM B. WARNER and OSCAR BROWN, refund in connection with the purchase of certain detached tidelands in Cowlitz county	\$162.66
Refund of corporation license fees.	REFUND OF CORPORATION LICENSE FEES:	
	COLUMBIA GYPSUM PRODUCTS, INC.	\$585.00
	P. E. HARRIS AND COMPANY..	\$304.55
	SOUTH BAY MOTOR FREIGHT COMPANY, INC.	\$15.00
	ROSLYN CASCADE COAL COMPANY	\$17.50
	PEERLESS PACIFIC COMPANY..	\$216.25
	GENERAL MOTORS CORPORATION	\$939.57
Refunds; department of fisheries.	REFUND OF SUNDRY FEES AND LICENSES COLLECTED BY THE DEPARTMENT OF FISHERIES:	
	RUDOLPH MODUM	\$5.00
	EARL BELL	\$5.00
	HILARY R. BROWN.....	\$55.00
	DONALD W. EASTERLY.....	\$5.00
	C. A. BROCKMAN.....	\$8.92
	H. COY	\$54.00
	PAUL WAGNER	\$35.76
Refund; unclaimed dividends.	REFUND OF UNCLAIMED DIVIDENDS OF THE SPOKANE SAVINGS BANK, ESCHEATED TO THE STATE OF WASHINGTON:	
	JOHANNES BLANKRUD.....	\$518.05
	JOHN CHRISTIANSON.....	\$11.62
	MARGARET JOENS	\$58.56
	MRS. PAUL SIEVERS.....	\$5.56
Refund; inheritance tax.	REFUND OF INHERITANCE TAX:	
	LENA GUERRINI	\$551.73
	VIRGINIA A. HOWSER.....	\$613.50
	WILLIAM BUTLER REMEY ESTATE	\$1,848.57

REFUND OF SALES TAX ON AUTOMOBILES SOLD TO UNITED STATES GOVERNMENT FOR AMPUTEE VETERANS:	Refund; sales tax, amputee autos.
BUCHANAN CHEVROLET COMPANY, Spokane	\$37.95
JONES PONTIAC, Wenatchee.	\$46.31
MALLON MOTORS, Tacoma...	\$46.34
SMITH-GANDY, Inc., Seattle.	\$92.84
THORNBERRY MOTORS, Everett	\$46.59
J. H. WEBER CHEVROLET COMPANY, Yakima	\$46.54
WESTLAKE CHEVROLET COMPANY, Seattle	\$139.78
WHITE AND BLESSING MOTOR COMPANY, Colville	\$46.58
WILSON MOTOR COMPANY, Seattle	\$46.32

FROM THE CURRENT SCHOOL FUND.

O. H. BUTTERFIELD, refund of overpayment of rental on state land in Benton county.	Refunds; rentals.
	\$124.10
MARY SHIPMAN PENROSE, refund of payment for rental on state land in Pierce county.....	\$82.00

FROM THE GAME FUND.

JOSEPHINE HASBROOK DAVIS, refund of deposit on unused 1947 game licenses.....	Refunds and relief; game operations.
	\$444.50
FRANK J. JACKSON SPORTING GOODS, refund of deposit on unused 1949 game licenses..	\$50.00
RELIEF OF VARIOUS CLAIMANTS FOR LOSS OF DOGS BY POISON PLACED OUT BY DEPARTMENT OF GAME:	
CLARENCE A. BATES.....	\$75.00
E. F. G. MEYER.....	\$50.00
WILLIAM SMITH	\$50.00
MRS. RUSSELL F. TRAVAILLE..	\$50.00
D. W. BUTTERFIELD and O. J. McLAUGHLIN, damages to strawberry crop by deer....	\$350.00
MARION F. DAY, damages to orchard by deer.....	\$324.00
RALPH KILLINGER, damages to crops by trespassing elk....	\$420.00

W. W. MUFFLY, damages by trespassing deer	\$45.25
EFFIE ROBINSON, damages by deer	\$290.00
PAUL E. SPAETH, damage to irrigation ditches by screening operations	\$407.04
H. A. SUDHOFF, damages to crops and orchard by deer ..	\$678.00
E. E. TURNER, damages to orchard by elk browsing on the trees	\$164.00
N. WILSON, damages to crops by trespassing deer.....	\$200.00

FROM THE HIGHWAY SAFETY FUND.

Reliefs and refunds.

MRS. CLEO HARDING, for injuries suffered in accidental shooting by patrolman on August 30, 1950.....	\$2,000.00
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FROM THE MOTOR VEHICLE FUND.

L. E. BUTTON, damage to automobile in accident on S.S.H. 1A, May 9, 1949.....	\$22.00
ROY ERICKSON, damage to paint on automobile due to negligence of employee of Department of Highways.....	\$22.66
JIM HINNENKAMP, refund of overpayment of motor vehicle license fees.....	\$12.50
NEIL TIRE SALES AND SERVICE, refund of gasoline tax to Federal government	\$91.64
SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY, repairs to railway equipment resulting from a derailment alleged to have been due to negligence of employees of Department of Highways...	\$486.69
TRUE'S OIL COMPANY, refund of tax on export sales of gasoline	\$2,368.43
REFUND OF MOTOR VEHICLE LICENSE FEES:	
JACK E. CARL.....	\$21.00
CARL DECKER	\$5.50
ELLIOTT AND VERDUIN.....	\$20.00

Refunds; motor vehicle license fees.

CHRIS JACOBSEN	\$5.50
LYNDEN TRANSFER, INC.....	\$63.50
BIRCH McCARTNEY.....	\$46.00
JOSEPH C. MILLER.....	\$30.00
BERNARD H. ROSE.....	\$30.00
WAITSBURG WELDING WORKS.....	\$13.00
REFUND OF OVERPAYMENT OF	
MOTOR VEHICLE LICENSE.....	
FEES:	
C. ARTHUR APPELO.....	\$3.00
CAPITAL FRUIT AND PRODUCE	
TRANSPORT COMPANY	\$196.75
CHARLES L. CLINE.....	\$20.00
L. M. CRONIN.....	\$3.00
L. DELANDER	\$5.00
LAKEVIEW FARMS	\$11.50
SHELDON ONSDORFF	\$10.50
W. V. RASMUSSEN.....	\$52.00
G. W. RIPLEY.....	\$3.00
STODDARD WENDLE MOTORS..	\$55.00
CLIFFORD E. TALBOT.....	\$9.50
WARREN BROS. CHEVROLET	
COMPANY	\$5.50
EUGENE WILLMORTH	\$5.00
JOHN P. ZAREMBA.....	\$5.00

FROM THE MOTOR VEHICLE EXCISE FUND.

REFUND OF OVERPAYMENT OF		Refunds;
MOTOR VEHICLE EXCISE		motor
TAX:		vehicle
C. ARTHUR APPELO	\$1.75	excise tax.
CAPITAL FRUIT AND PRODUCE		
TRANSPORT COMPANY	\$75.00	
L. M. CRONIN.....	\$4.00	
L. DELANDER	\$1.00	
LAKEVIEW FARMS	\$12.55	
ALBERT D. MANN.....	\$8.25	
M. MCKILLOP	\$3.10	
MARY E. NICHOLS.....	\$7.00	
HENRY B. NORMAN.....	\$3.20	
SHELDON ONSDORFF	\$8.25	
W. V. RASMUSSEN.....	\$16.25	
G. W. RIPLEY.....	\$20.00	
STODDARD WENDLE MOTORS..	\$2.50	
CLIFFORD E. TALBOT.....	\$1.00	
WARREN BROS. CHEVROLET		
COMPANY	\$23.75	
EUGENE WILLMORTH.....	\$1.00	
JOHN P. ZAREMBA.....	\$1.00	

REFUND OF MOTOR VEHICLE EX-
CISE TAX:

ANTON ALTHOFF	\$4.50
BILES COLEMAN L U M B E R C O M P A N Y	\$37.50
F. H. BROWN.....	\$3.75
P. W. BROWN.....	\$3.75
H. A. CONLEE.....	\$3.75
GRAYSON AND BROWN.....	\$26.25
VERA HOKE	\$23.75
APOLLONIA M. JACOBI.....	\$3.50
JAMES S. KELLAM.....	\$2.75
RAYMOND LEWIS	\$11.25
RICHARD LUOTO	\$2.00
FRED NORTH	\$4.25
WILBUR PETERSEN	\$20.50
R. L. RAGAN.....	\$6.00
CARL A. ROBERTSON.....	\$9.50
L. A. STEWARD.....	\$5.75
ROBERT D. WAGONER.....	\$5.25
DR. SYLVESTER WILHELMY..	\$11.25

FROM THE PARKS AND PARKWAY FUND.

MARY ELSON, for water damage to personal property while staying in cabin at Sun Lakes State Park	\$47.45
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FROM THE PENITENTIARY REVOLVING FUND

GALE P. FOLLANSBEE, for dam- ages to peach crop on account of undue delay under a pick- ing contract with the State.	\$185.40
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FROM THE GENERAL FUND.

Deficiencies.

FOR DEFICIENCIES:

For supplies, services, etc.,
furnished various depart-
ments and institutions in the
previous biennium:

FOR THE ADJUTANT GENERAL—
MILITARY DEPARTMENT:

Deficiency, Base Pay and Op- erations	\$70.66
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FOR THE DEPARTMENT OF AGRICUL-
TURE:

Deficiency, Operations	\$1,506.32
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FOR THE DEPARTMENT OF CONSER-
VATION AND DEVELOPMENT:

Deficiency, Operations	\$27.55
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FOR THE DEPARTMENT OF FISHERIES:		
Deficiency, Operations		\$89.62
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:		
Deficiency, Operations		\$323.85
FOR LEGISLATIVE EXPENSE:		
Deficiency, Senate Interim Committee		\$231.39
FOR THE LIEUTENANT GOVERNOR:		
Deficiency, Operations		\$791.78
Deficiency, Employer's Contribution to State Employees' Retirement System		\$270.35
FOR THE STATE BOARD OF PHARMACY:		
Deficiency, Services		\$34.75
FOR THE POLLUTION CONTROL COMMISSION:		
Deficiency, Operations		\$3.12
FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:		
Deficiencies, various State Institutions		\$30,250.56
FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES:		
Deficiency, Operations		\$1,152.61
FOR THE SUPERIOR COURT JUDGES:		
Deficiency, Services		\$10.00
FOR THE DEPARTMENT OF SOCIAL SECURITY:		
Deficiency, Operations and Assistance		\$25,449.69
FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:		
Deficiency, Operations		\$30.17
FOR THE VETERANS' REHABILITATION COUNCIL:		
Deficiency, Operations		\$529.10
FROM THE GRAIN AND HAY INSPECTION FUND.	Deficiencies.	
FOR THE DEPARTMENT OF AGRICULTURE:		
Deficiency, Operations		\$50.73
FROM THE COMMISSION MERCHANTS' FUND.		
Deficiency, Operations		\$14.94
FROM THE NURSERY INSPECTION FUND.		
Deficiency, Operations		\$7.47

LAWS SECOND EXTRAORDINARY SESSION, 1951

FROM THE SEED FUND.

Deficiency, Operations \$15.14

FROM THE GAME FUND.

FOR THE DEPARTMENT OF GAME:

Deficiency, Operations \$3,008.71

FROM THE HIGHWAY EQUIPMENT FUND.

FOR THE DEPARTMENT OF HIGHWAYS:

Deficiency, Operations \$224.62

FROM THE MOTOR VEHICLE FUND.

Deficiency, Operations \$5,349.83

FOR THE WASHINGTON STATE PATROL:

Deficiency, Operations \$211.39

FROM THE HIGHWAY SAFETY FUND.

Deficiency, Operations \$212.48

FROM THE PENITENTIARY REVOLVING FUND.

FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:

Washington State Penitentiary:

Deficiency, Operations \$40.32

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS AND RECREATION COMMISSION:

Deficiency, Operations \$3,100.93

FROM THE GENERAL FUND.

Judgments.

FOR JUDGMENTS:

ARTHUR AMUNDSEN (State of Washington vs. Arthur Amundsen, Supreme Court No. 31373, Franklin county No. 1321) \$501.81

DONALD K. BROWN (State of Washington vs. Donald K. Brown, Supreme Court No. 30993, Spokane county No. 13456) \$335.70

EDGAR H. FLEHMAN (State of Washington vs. Edgar H. Fliehman, Supreme Court No. 24740, King county No. 223321) \$83.70

	Judgments.
BESS E. GILROY (State of Washington vs. Bess E. Gilroy, Supreme Court No. 25561, King county No. 229585)	\$233.80
LEE RAYMOND GOEBEL (State of Washington vs. Lee Raymond Goebel, Supreme Court No. 25247, King county No. 227294)	\$416.67
JOHN E. HARTWIG (State of Washington vs. John E. Hartwig, Supreme Court No. 31305, Okanogan county No. 04104)	\$806.65
FRANCIS E. LANE (State of Washington vs. Francis E. Lane, Supreme Court No. 25395, King county No. 230307)	\$261.18
CHARLES S. MARKLEY (State of Washington vs. Charles S. Markley, Supreme Court No. 25005, King county No. 221551)	\$184.39
FRANK M. McVEIGH (State of Washington vs. Frank M. McVeigh, Supreme Court No. 24649, King county No. 224639)	\$208.45
LOUIE SMOTHERMAN (State of Washington vs. Louie Smotherman, Supreme Court No. 25821, King county No. 232703)	\$169.70
JESSE RICHARD WILLIS (State of Washington vs. Jesse Richard Willis, Supreme Court No. 25565, King county No. 231100)	\$310.75
LOCAL IMPROVEMENT ASSESSMENTS:	Local improvement assessments.
<p>Sundry municipalities, for local improvement assessments against state-owned lands as follows: <i>Provided</i>, That the payment for local improvement assessments from the following appropriations shall be made only in accordance</p>	

with the terms and provisions of section 79.44.050, R.C.W.:

[R.C.W. 79.44.050 was derived from sec. 1, ch. 109, L. '33 (Rem. Supp. § 8129).]

FOR THE TREASURER OF COWLITZ COUNTY:

Sewer District No. 16..... \$66.68

FOR THE TREASURER OF ADAMS COUNTY:

East Columbia Basin Irrigation District \$258.95

FOR THE TREASURER OF BENTON COUNTY:

Sunnyside Irrigation District.. \$5,140.44

FOR THE TREASURER OF FRANKLIN COUNTY:

South Columbia Basin Irrigation District \$450.54

FOR THE TREASURER OF GRANT COUNTY:

South Columbia Basin Irrigation District \$102.34

East Columbia Basin Irrigation District \$206.79

Quincy Columbia Basin Irrigation District \$443.21

FOR THE TREASURER OF GRAYS HARBOR COUNTY:

Sewerage Improvement District •trict No. 5..... \$73.85

FOR THE TREASURER OF OKANOGAN COUNTY:

Whitestone Reclamation District \$2,632.50

Wolf Creek Reclamation District \$1,219.00

FOR THE TREASURER OF YAKIMA COUNTY:

Roza Irrigation District..... \$2,878.07

Yakima-Tieton Irrigation District \$823.20

FOR THE STATE CAPITOL COMMITTEE:

Portrait of the Honorable Clarence D. Martin..... \$650.00

Portrait of the Honorable Mon C. Wallgren 650.00

Total \$1,300.00

Various county treasurers.

State capitol committee.

(Being the reappropriation of the unexpended balance of appropriations made for like purposes by chapter 242, Laws of 1949.)

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Construction of Roads, Fills, Parkways and other improvements \$200,000.00

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 47, Laws of 1949.)

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS AND RECREATION COMMISSION:

State parks and recreation commission.

Capital Outlays and Major Repairs \$158,845.85

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 242, Laws of 1949.)

Purchase, Condemnation and Improvement of Land, Construction of Buildings and other Improvements, including necessary Salaries and Wages incident thereto, allocated as follows:

Beacon Rock State Park....	\$1,974.86
Bogachiel State Park.....	506.82
Bridgeport State Park.....	10,000.00
Camano Island State Park..	1,138.90
Conconully State Park.....	2,442.77
Fields' Spring State Park...	8,281.52
Ginkgo Petrified Forest State Park	8,780.00
Kamiak Butte State Park...	6,816.41
Lake Sylvia State Park....	1,932.50
Larrabee State Park.....	2,750.00
Lewis and Clark Trail State Park	590.00
Mt. Spokane State Park....	22,819.44
Mukilteo State Park.....	65,000.00
Palouse Falls State Park...	4,145.76

Pend Oreille State Park....	2,200.00	
Riverside State Park.....	40,502.57	
Saltwater State Park.....	7,000.00	
Sun Lakes State Park.....	5,257.76	
Twanoh State Park.....	8,758.45	
Wenatchee Lake State Park.	601.75	
Fort Columbia State Park..	751.55	
Hidden Valley State Park...	71.09	
Historical Sites (purchase and develop)	10,418.42	
Total	<hr/>	\$212,740.57

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 52, Laws of 1949.)

FROM THE GENERAL FUND.

Tuberculosis hospital building commission.

FOR THE TUBERCULOSIS HOSPITAL BUILDING COMMISSION:		
Construction of Pierce County Tuberculosis Hospital		\$800,000.00
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 241, Laws of 1949.)		

Department of fisheries.

FOR THE DEPARTMENT OF FISHERIES:		
Lower Columbia River Development		\$1,135,508.98
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 242, Laws of 1949; expenditures herefrom to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government.)		
Capital Outlays, Major Repairs and Betterments		\$31,222.00
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 242, Laws of 1949.)		

FROM THE GAME FUND.

FOR THE DEPARTMENT OF GAME:

Department
of game.

Construction of Concrete Raceways; Replacement of Water Intake System and Pipe Line destroyed by flood at the Tokul Creek Hatchery.	\$35,750.00
(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by chapter 242, Laws of 1949.)	

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:

Department
of public
institutions.

Engineering, Architects' Fees and Surveys, including Time-keeping and Administrative Expenses, in connection with earthquake damage repairs to State Buildings.....	\$25,510.89	
Earthquake damage repairs to the Temple of Justice.....	97,585.08	
Rebuilding the State Insurance Building	2,000.00	
Earthquake damage repairs to the Legislative Building, including the replacement of the cupola	39,000.00	
Total	\$164,095.97	

(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by chapter 88, Laws of 1949.)

Engineering and Architects' Fees for the construction of new buildings at the State Charitable, Educational and Penal Institutions	\$150,000.00
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(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by chapter 242, Laws of 1949: *Provided*, That the General

Fund shall be reimbursed for amounts expended hereunder by allotment from the Institutional Building Construction Fund.)

Painting, Repairs and Alterations to Buildings \$3,264.73

(Being the reappropriation of the unexpended balance of appropriation for like purposes by chapter 242, Laws of 1949.)

Washington state patrol.

FOR THE WASHINGTON STATE PATROL:

Patrol Headquarters and Vehicle Safety Inspection Testing Lanes at Spokane, Seattle, and Tacoma \$58,252.24

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 242, Laws of 1949.)

FROM THE HIGHWAY SAFETY FUND.

Capital Outlays, Major Repairs, and Betterments \$9,500.00

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 242, Laws of 1949.)

FROM THE GENERAL FUND.

Department of public institutions.

FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:

Eastern State Hospital:
 Completion of Senile Ward Building \$22,409.39
 Equipment for Senile Ward Building 19,304.69

Northern State Hospital:
 Capital Outlays, Major Repairs and Betterments 13,453.37

Western State Hospital:
 Completion of Men's Ward Building 161,102.67
 Equipment for Men's Ward Building 46,598.02

Construction of Sewage Disposal Plant	\$157,500.00	
Total	_____	\$420,368.14

(Being the reappropriation of the unexpended balances of appropriations made for like purposes by chapter 242, Laws of 1949.)

Northern State Hospital:

Enlarging of kitchen, cold storage and dining room facilities	\$944.73	
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Rainier State School:

Construction of four Ward Buildings; to provide inspection during construction; and for extension of Steam, Power and Water Services, Power Plant Facilities, Sewage Disposal System, and the purchase of equipment and furnishings for the Kitchen, Ward and Dormitories	2,555.67	
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State Training School:

Construction of new Dormitory Buildings, rebuild Sewer System, renovation of the Refrigeration Plant, renew Boiler, Stoker and Power Plant Facilities, and renew Steam Lines.....	8,139.89	
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Total	_____	\$11,640.29
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(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by chapter 242, Laws of 1949.)

FOR THE UNIVERITY OF WASHINGTON:

University of Washington.

Expansion of Power House and Construction of Underground Utilities to service new buildings	\$750,000.00	
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(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 242, Laws of 1949.)

State
College of
Washington.

FOR THE STATE COLLEGE OF
WASHINGTON:

Furnishings and Equipment for Holland Library, Todd Hall, and Technology Buildings..	\$226,543.29	
Expansion of Power House and construction of Utilities Tun- nels to service new buildings	69,191.17	
Total	<hr/>	\$295,734.46
(Being the reappropriation of the unexpended balance of appropriations made for like purposes by chapter 242, Laws of 1949.)		

Central
Washington
College of
Education.

FOR THE CENTRAL WASHINGTON
COLLEGE OF EDUCATION:

Survey, Repairs, and Replace- ment of Steam Distribution Lines of campus buildings.	\$85,000.00	
(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by chapter 242, Laws of 1949.)		

Western
Washington
College of
Education.

FOR THE WESTERN WASHINGTON
COLLEGE OF EDUCATION:

Completion of Auditorium and Music Building and Equip- ment	\$34,339.46	
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 242, Laws of 1949.)		

State board
of education.

FOR THE STATE BOARD OF
EDUCATION:

Grants-in-aid to School Dis- tricts, to be expended in accordance with the provi- sions of chapter 278, Laws of 1947, and laws amenda- tory or supplementary thereto	\$2,009,829.57	
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 242, Laws of 1949.)		

FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:

Tax commission.

To carry out provisions of chapter 10, Laws First Extraordinary Session, 1951, relating to Corporation Excise Taxes (Expenditures herefrom to be limited to obligations incurred prior to August 21, 1951)

\$150,000.00

SEC. 3. It is the intent of the legislature and it hereby directs that the administrative agencies of state government, elected or otherwise, attempt to reduce their expenses of operation by a minimum of at least 2½ per cent for the rest of this biennium.

We hereby direct every agency of state government, within 30 days of the governor's signing of this bill, to file with the department of budget and the legislative budget committee a statement of their actions in this connection.

Vetoed.

It is not the intention of the legislature by the above, to in any way direct any reduction in any of the funds to be used for school, public welfare, the industrial insurance programs of the state or state institutions.

SEC. 4. This act is enacted in lieu of and in substitutions for sections 1 and 2, chapter 10, Laws First Extraordinary Session, 1951, effective April 16, 1951, and shall have retroactive effect to and including April 1, 1951. All expenditures heretofore regularly made and all obligations heretofore regularly incurred against the several appropriations and items thereof contained in said chapter 10, and all warrants issued in payment thereof, are hereby validated, ratified and in all things confirmed. It is the intent of the legislature by this act to reappropriate the several appropriations made by chapter 10, Laws First Extraordinary Session, 1951, and that expenditures to be hereafter made and obligations to be hereafter incurred against the appropriations made by this act

Prior expenditures validated.

shall be limited to the monies remaining unexpended from the appropriations made by chapter 10, Laws First Extraordinary Session, 1951.

Emergency.

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

Passed the House August 28, 1951.

Passed the Senate August 27, 1951.

Approved by the Governor August 28, 1951, with the exception of a certain item and Section 3, which are vetoed.

CHAPTER 4.

[S. B. 9.]

STATE WARRANTS—TEMPORARY SUSPENSION OF
R.C.W. 43.09.080.

AN ACT relating to state funds; suspending the operation of section 43.09.080, R.C.W.; and declaring an emergency.

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

RCW
43.09.080
suspended.

SECTION 1. In order that there be the least possible delay in payment of obligations of the state government, the provisions of section 43.09.080, R.C.W., prohibiting the state auditor from drawing a state warrant unless its states the act under which it is drawn is hereby suspended for a period of thirty days from the effective date of this act.

[R.C.W. 43.09.080 is R.R.S. § 11002.]

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 August 28, 1951.

Passed the House August 28, 1951.

Approved by the Governor August 29, 1951.

CHAPTER 5.

[H. B. 4.]

TAX LEVIES IN UNION HIGH SCHOOL DISTRICTS.

AN ACT relating to education; providing for tax levies in union high school districts, amending section 28.57.320, R.C.W., and declaring an emergency.

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

SECTION 1. Section 28.57.320, R.C.W., as derived **Amendment.** from section 37, chapter 266, Laws of 1947, is amended to read as follows:

The tax levy for the general fund of any union high school district shall not be in excess of four and eight-tenths mills for any one school year nor shall the general fund levy for any component district within a union high school district be in excess of seven and two-tenths mills for any one school year, unless a levy in excess thereof is authorized by the electors of the union high school district or of the component district in conformity with the requirements of law. **Maximum rates of levy.**

[Am. Rem. Supp. 1947, § 4693-56.]

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

Passed the House August 28, 1951.

Passed the Senate August 31, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 6.

[H. B. 6.]

VALIDATING SCHOOL BONDS AND
AUTHORIZING SALE THEREOF.

AN ACT relating to general obligation bonds of school districts; authorizing the issuance and sale of such bonds notwithstanding certain limiting periods prescribed by statutes, validating any such bonds, and declaring an emergency.

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

Time
for issuance
and sale
extended.

SECTION 1. At any time prior to the thirty-first day of December, 1951, general obligation serial bonds of any school district authorized by vote of the electors thereof subsequent to the first day of January, 1949, for the purpose of providing capital funds for use in improving and/or extending the school building facilities of the district may be issued and sold, notwithstanding the existing statutory requirement that such bonds must be sold within two years of the date of their authorization by the voters. The bonds of any school district so authorized, issued, and sold shall become the legal and irrevocable obligation of the school district just as if they had been issued and sold within the aforesaid two-year time limit.

Emergency.

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

Passed the House August 29, 1951.

Passed the Senate August 31, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 7.

[H. B. 8.]

LAWS OF EXTRAORDINARY SESSIONS—INCLUSION
IN REVISED CODE OF WASHINGTON.

AN ACT relating to the publication of the Revised Code of
Washington, and declaring an emergency.

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

SECTION 1. The temporary committee for the publication of the Revised Code of Washington, which was created by chapter 155, Laws of 1951, shall, in addition to laws directed to be included in said publication by said chapter, include also in said publication those laws of a general and permanent nature enacted by the First Extraordinary Session of the thirty-second legislature which convened on March 27, 1951, and those laws of a general and permanent nature enacted by this Second Extraordinary Session of the thirty-second legislature, which convened on August 24, 1951. The laws hereby directed to be included in said publication shall be edited in the manner set forth in section 4, chapter 155, Laws of 1951.

Laws
1st and 2nd
Ex. Sess.
1951;
inclusion in
RCW.

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

Emergency.

Passed the House August 30, 1951.

Passed the Senate August 31, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 8.

[H. B. 9.]

SCHOOL BOND VALIDATION.

AN ACT validating, ratifying, approving and confirming any school district bonds and other instruments or obligations heretofore issued; validating, ratifying, approving and confirming certain proceedings heretofore taken by such districts for public works projects, and declaring an emergency.

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

Proceedings
and bonds
validated.

SECTION 1. All proceedings which have been taken, subsequent to the first day of January, 1950, but prior to the date this act takes effect, for the purpose of submitting to the electors of any school district a proposition for the authorization and issuance of general obligation serial bonds of the district for the purpose of financing or aiding in the financing of any project for the improvement and/or extension of the school building facilities of the district are hereby approved, ratified and validated, notwithstanding failure on the part of the governing body of said school district or its agents or of the county auditor, as the case may be, to include on the ballot following the statement of the aforesaid proposition the words "Bonds, Yes" and "Bonds, No," as required by law: *Provided*, That the words substituted therefor in each case afforded the electors an opportunity to approve or reject the proposition.

Emergency.

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

Passed the House August 29, 1951.

Passed the Senate August 31, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 9.

[H. B. 22.]

APPROPRIATION—FOREST RESERVE FUND.

AN ACT relating to the forest reserve fund and making an appropriation therefrom for distribution to counties.

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

SECTION 1. There is hereby appropriated from the forest reserve fund the sum of three million dollars (\$3,000,000.00), or so much thereof as may be necessary, for distribution to counties as provided by chapter 185, Laws of 1907: *Provided*, That expenditures hereunder shall be limited to monies received from the federal government. Appropriation.

Passed the House September 1, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 10.

[H. B. 38.]

STATE EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to the state employees' retirement system; providing optional retirement allowances and validating certain elections of options, and amending section 41.40.290, R.C.W.

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

SECTION 1. Section 41.40.290, R.C.W., as derived from section 2, chapter 141, Laws of 1951, is amended to read as follows: Amendment.

Any member may elect, in accordance with the provisions of this section and in lieu of a regular retirement allowance payable throughout life with termination at death, to receive as an optional retirement allowance the actuarial equivalent, at the time of his retirement, of his regular retirement allow- Election of optional allowances.

Prior
elections
validated.

ance in accordance with the provisions of options I, II, and III, as hereinafter set forth: *Provided*, That any member who, after June 6, 1951, and prior to the effective date of this act, attempted to make an election of option but which election was invalid under laws then in force either because of failure (1) to file written election of option within twelve months before date of his retirement, or (2) to pass a satisfactory health examination at the time of making such election, shall nevertheless be deemed to have made a valid election of option. No election of an optional retirement allowance shall be effective in case the member making such election dies before his actual retirement date: *Provided, however*, That any option selected in writing by any member who shall have heretofore died or who shall hereafter die while still in service at an attained age of seventy years or more shall be effective and in any such case if no such option shall have been selected, then option II shall automatically be given effect as if in fact selected for the benefit of the surviving spouse, unless such spouse shall elect to take payment [under] R.C.W. 41.40.270.

Option I.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representatives; or

Option II.

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by writ-

ten designation duly executed and filed with the retirement board at the time of his retirement; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

[Formerly Rem. Supp. 1949, § 11072-30.]

[R.C.W. 41.40.270 was derived from section 1, chapter 141, Laws of 1951 (formerly Rem. Supp. 1949, § 11072-28).]

Passed the House September 1, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 11.

[H. B. 16.]

APPROPRIATION—FISH RESTORATION AND MANAGEMENT PROJECTS.

AN ACT relating to fish restoration and management projects; appropriating the sum of two hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of chapter 124, Laws of 1951, and the act of congress approved August 9, 1950 (Public, No. 681, 81st Congress), and declaring an emergency.

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

SECTION 1. There is hereby appropriated from the state game fund to the state department of game the sum of two hundred thousand dollars (\$200,000.00), or so much thereof as may be necessary, for fish restoration and management projects in accordance with chapter 124, Laws of 1951, and the act of congress approved August 9, 1950 (Public, No. 681, 81st Congress): *Provided*, That expenditures herefrom shall be limited to approved projects upon which

Appropriation.

reimbursement of seventy-five per cent will be made by the federal government.

Emergency.

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

Passed the House August 29, 1951.

Passed the Senate August 31, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 12.

[H. B. 18.]

APPROPRIATION—WILDLIFE RESTORATION PROJECTS.

AN ACT relating to wildlife restoration projects; appropriating the sum of five hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of chapter 140, Laws of 1939, and the act of congress approved September 2, 1937 (Public, No. 415, 75th Congress), and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated from the state game fund to the state department of game the sum of five hundred thousand dollars (\$500,000.00), or so much thereof as may be necessary, for wildlife restoration projects in accordance with chapter 140, Laws of 1939, and the act of congress approved September 2, 1937 (Public, No. 415, 75th Congress): *Provided*, That expenditures herefrom shall be limited to approved projects upon which reimbursement of seventy-five per cent will be made by the federal government.

Emergency.

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

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

Passed the House August 29, 1951.

Passed the Senate August 31, 1951.

Approved by the Governor, September 6, 1951.

CHAPTER 13.

[H. B. 25.]

LIQUOR PERMITS.

AN ACT relating to liquor permits; amending section 66.20.010, R.C.W., and declaring an emergency and that this act shall take effect immediately.

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

SECTION 1. Section 66.20.010, R.C.W., as derived from section 12, chapter 62, Laws of 1933, Extraordinary Session, is amended to read as follows: Amendment.

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit for the purchase of liquor under this title, the employee shall issue to the applicant a permit of the class applied for, as follows: Issuance of liquor permits; fees.

(1) Where the application is for an individual permit and is made by an individual of the full age of twenty-one years, an individual permit in the prescribed form entitling the applicant to purchase liquor for beverage purposes. The fee for such permit shall be one dollar, except for members in uniform in the active military service of the United States or its allies, for which a fee of fifty cents shall be charged; Individual permits.

(2) Where the application is for a special permit and is made by a physician or dentist, or by any person in charge of an institution regularly conducted Special permits.

as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people. The fee for such permit shall be fifty cents;

(3) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit in the prescribed form entitling the applicant to purchase alcohol for the purpose named in the permit, at such fee as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit in the prescribed form entitling the applicant to purchase liquor for consumption at such banquet, to such applicants and at such fee and under such regulations as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, under the regulations, at such fee as may be fixed by the board;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, under the regulations, at such fee as may be fixed by the board.

[Am. R.R.S. 7306-12.]

Emergency.

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

Passed the House September 1, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 14.

[H. B. 49.]

LEASING OF COUNTY PROPERTY FOR AIRPORT
OR AERONAUTICAL PURPOSES.

AN ACT relating to the leasing of county property, providing for the leasing thereof for airport or aeronautical purposes or purposes incidental thereto; amending section 36.34.140, R.C.W., and declaring an emergency.

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

SECTION 1. Section 36.34.140, R.C.W., as derived from sections 1 and 6, chapter 87, Laws of 1901, is amended to read as follows: Amendment.

The board of county commissioners, if it appears that it is for the best interests of the county and the people thereof, that any county real property and its appurtenances should be leased for a year or a term of years, may lease such property under the limitations and restrictions and in the manner provided in this chapter, and, if it appears that it is for the best interests of the county and the people thereof, that any county real property and its appurtenances which is now being, or is to be devoted to airport or aeronautical purposes or purposes incidental thereto, should be leased for a year or a term of years, said board of county commissioners may lease such property under the limitations and restrictions and in the manner provided in this chapter, and said board of county commissioners shall have power to lease such county real property and its appurtenances whether such property was heretofore or hereafter acquired or whether heretofore or hereafter acquired by tax deed under tax foreclosure proceedings for nonpayment of taxes or whether held or acquired in any other manner. Any lease executed under the authority of the provisions here- Lease of county property.

of creates a vested interest and a contract binding upon the county and the lessee.

[R.C.W. 36.34.140 was derived from R.R.S., § 4019 and R.R.S., § 4024 (part).]

Emergency.

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

Passed the House September 1, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 15.

[S. B. 1.]

IRRIGATION DISTRICTS—INCLUSION OF STATE LANDS—ASSESSMENTS.

AN ACT relating to irrigation districts, and to the levy and collection of assessments; amending section 87.01.060, R.C.W.

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

Amendment.

SECTION 1. Section 87.01.060, R.C.W., being section 1, chapter 212, Laws of 1951, is amended to read as follows:

Inclusion of
state lands.

Whenever public lands of the state are situated in or taken into an irrigation district they shall be treated the same as other lands, except as hereinafter provided. The commissioner of public lands shall be served with a copy of the petition proposing to include such lands, together with a map of the district and notice of the time and place of hearing thereon, at least thirty days before the hearing, and if he determines that such lands will be benefited by being included in the district he shall give his consent thereto in writing. If he determines that they will not be benefited he shall file with the board a statement of his objections thereto.

Any public lands of the state which are situated within the boundaries of an irrigation district, but which were not included in the district at the time of its organization, may be included after a hearing as herein provided.

Whenever the commissioner or any interested person desires to have state public lands included in an existing district, he shall file a request to that effect in writing with the district board, which shall thereupon fix a time and place for hearing the request and post notice thereof in three public conspicuous places in the district, one of which shall be at the place of hearing, at least twenty days before the hearing, and send by registered mail a copy of the notice to the commissioner. The notice shall describe the lands to be included and direct all persons objecting to such inclusion to appear at the time and place stated and present their objections. At the hearing the district board shall consider all objections and may adjourn to a later date, and by resolution determine the matter, and its determination shall be final: *Provided*, That no such lands shall be included in a district without the written consent of the commissioner of public lands.

Any public lands of the state situated in any irrigation district shall be subject to the provisions of the laws of this state relating to the collection of irrigation district assessments to the same extent and in the same manner in which lands of like character held under private ownership are subject thereto and the state land commissioner, the department of conservation and development or other state department having jurisdiction over the public lands subjected to such irrigation district assessments are hereby authorized to make payment of such irriga-

Assessments,
payment by
state.

tion district assessments at the time they become due.

[Formerly R.R.S. 7419.]

Passed by the Senate August 28, 1951.

Passed by the House August 30, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 16.

[S. B. 6.]

REAL ESTATE EXCISE TAX—PAYMENTS TO COUNTIES FROM THE STATE SCHOOL EQUALIZATION FUND.

AN ACT relating to the support of common schools; authorizing certain payments to counties from the state school equalization fund; amending section 28.45.110, R.C.W.; and declaring an emergency.

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

Amendment.

SECTION 1. Section 28.45.110, R.C.W., being section 3, chapter 11, Laws of 1951, First Ex. Sess., is amended to read as follows:

Deficit payments to counties.

If the excise tax herein authorized shall be levied in any county for a period of twelve or any lesser number of months and it shall appear upon the first day of May of any year that such tax has not produced seventeen cents per day's attendance credit or such proportion thereof as such lesser number of months, or major fraction thereof, during which the tax was levied, bears to twelve, the deficit shall be certified by the board of county commissioners to the state superintendent of public instruction as a charge against the state school equalization fund for the schools of such county. The sum so certified shall be paid to the county treasurer from the state school equalization fund and allotted to the school districts in the same manner as other money is distributed from the county school fund: *Provided*, That whenever in the judgment of the county superintendent

Estimate of deficit.

of schools and the county treasurer of any county it becomes evident that the proceeds of the aforesaid excise tax levied in such county during any fiscal year will not equal the amount per day of attendance credit hereinbefore specified, the aforesaid county officers shall prepare and submit an estimate of such deficit to the superintendent of public instruction who is hereby authorized to allot from the state school equalization fund to the county treasurer of such county for apportionment to the school districts thereof an amount deemed by the aforesaid state officer to be required to pay such deficit: *Provided*, That the state superintendent of public instruction may pay such estimated deficit on a monthly basis in the same manner as other state funds are apportioned: *Provided, further*, That in the event the aforesaid allotments for any one year beginning the first day of May and ending the last day of April of the next succeeding year should exceed the deficit which the county commissioners are required by this act to certify to the state superintendent of public instruction, the amount of such excess shall be deducted from subsequent allotments made to the treasurer by the superintendent of public instruction from the state school equalization fund.

Monthly
payment.

Excess
payments.

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

Emergency.

Passed the Senate August 31, 1951.

Passed the House September 1, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 17.

[S. B. 7.]

OLD AGE ASSISTANCE—CRIMES AND PENALTIES.

AN ACT relating to old age assistance; defining crimes; amending section 74.08.320 [74.08.330], R.C.W.; and declaring an emergency.

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

Amendment.

SECTION 1. Section 74.08.320 [74.08.330], R.C.W., as derived from section 20, chapter 182, Laws of 1935, is amended to read as follows:

Old age assistance; fraudulent acts.

A. Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain assistance to which he is not entitled; greater assistance than that to which he is justly entitled; or payment of any forfeited installment grant shall be guilty of larceny.

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

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

[Am. Rem. Supp. 9998-20.]

Passed the Senate September 1, 1951.

Passed the House September 1, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 18.

[S. B. 11.]

FOREST PROTECTION—CLOSURE OF OPERATIONS.

AN ACT for the protection of forests and prevention and suppression of fires; amending section 76.04.190, R.C.W.; and declaring an emergency.

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

SECTION 1. Section 76.04.190, R.C.W., as derived from section 3, chapter 152, Laws of 1937, is amended to read as follows: Amendment.

When in the opinion of the supervisor, weather conditions arise which present an extreme fire hazard, whereby life and property may be endangered by spreading forest fires, he may issue an order closing all logging, land clearing, or other industrial operations which may cause a forest fire to start, and such closure shall be for the periods and regions, designated in the order. During all such closures, all persons are excluded from logging operating areas and areas of logging slashings, except those persons present in the interest of fire protection for the period of the closure ordered by the state supervisor of forestry, or his authorized deputies. Closure.

Persons excluded from areas.

Any one violating any such order shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each violation, or by imprisonment for not less than thirty days in the county jail. Each day's violation shall constitute a separate offense. Penalty.

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

[Am. Rem. Supp., § 5789-1.]

Passed the Senate August 30, 1951.

Passed the House August 31, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 19.

[S. B. 16.]

EXCISE TAXES UPON THE SALE OF REAL ESTATE.

AN ACT relating to revenue and taxation; amending and adding to chapter 28.45, R.C.W.; and declaring an emergency.

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

Amendment.

SECTION 1. Section 28.45.010, R.C.W., as derived from section 7, chapter 11, Laws of 1951, First Extraordinary Session, is amended to read as follows:

"Sale," defined.

As used in this chapter, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person by his direction, while title is retained by the vendor as security for the payment of the purchase price.

Transactions not included.

The term shall not include a transfer by gift, devise, or inheritance, a transfer of any leasehold interest other than of the type mentioned above, the assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved (but in any case where such contract is forfeited, foreclosed, or otherwise not performed, and the assignee thereby obtains the interest of the purchaser therein, a sale of real property shall then be deemed to have occurred), transfers by appropriation or decree in condemnation proceedings brought by the United States,

the state, or a municipal corporation, a mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof, nor a transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed, nor the sale of any grave or lot in an established cemetery, nor a sale by the United States or this state.

SEC. 2. Section 28.45.030, R.C.W., as derived from section 8, chapter 11, Laws of 1951, First Extraordinary Session, is amended to read as follows: Amendment.

As used in this chapter, the term "selling price" means the consideration, including money or anything of value, paid or delivered or contracted to be paid or delivered in return for the transfer of the real property or estate or interest in real property, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale. "Selling price," defined.

The term shall not include the amount of any outstanding lien or incumbrance in favor of the United States, the state, or a municipal corporation for the taxes, special benefits, or improvements. Exceptions.

SEC. 3. A new section is added to chapter 28.45, R.C.W., as derived from chapter 11, Laws of 1951, First Extraordinary Session, to read as follows: Amendment.

The board of county commissioners shall provide by ordinance for the determination of the selling price in the case of leases with option to purchase, and shall further provide that the tax shall not be payable, where inequity will otherwise result, until and unless the option is exercised and accepted. The board shall further provide by ordinance for cases Leases with option to purchase.

where the selling price is not separately stated or is not ascertainable at the time of sale, for the payment of the tax at a time when the selling price is ascertained, in which case suitable security may be required for payment of the tax, and may further provide for the determination of the selling price by an appraisal by the county assessor, based on the full and true market value, which appraisal shall be *prima facie* evidence of the selling price of the real property.

SEC. 4. Section 28.45.090, R.C.W., as derived from section 11, chapter 11, Laws of 1951, First Extraordinary Session, is amended to read as follows:

Collection.

The tax hereby imposed shall be paid to and collected by the county treasurer who shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer.

Receipt.

Recording.

SEC. 5. 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 September 1, 1951.

Passed the House September 1, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 20.

TIMBER VALUATION MANUAL.

[S. B. 21.]

AN ACT relating to taxation, authorizing the tax commission to prepare and distribute a timber valuation manual; and making an appropriation.

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

SECTION 1. The tax commission is authorized and directed to formulate, prepare, and publish a timber valuation manual, embodying such rules and processes for the assessment of timber for tax purposes as are best calculated to secure uniform assessment of property of like kind and value in the various taxing units of the state. Upon completion of the manual, the commission shall furnish copies thereof to each county auditor and assessor free of charge, and to all others at a price of two dollars and fifty cents.

Timber
valuation
manual.

SEC. 2. To carry out the provisions of this act there is hereby appropriated to the tax commission from the general fund for the biennium ending March 31, 1953, the sum of eight thousand dollars, or so much thereof as may be necessary.

Passed the Senate September 1, 1951.

Passed the House September 1, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 21.

[S. B. 24.]

PUBLIC ASSISTANCE—VERIFICATION
OF APPLICATIONS.

AN ACT relating to social security; providing for the verification of certain statements before certain officers and employees; adding a new section to chapter 74.04, R.C.W.; and declaring an emergency.

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

Applications shall be verified.

SECTION 1. The following section is hereby added to chapter 74.04, R.C.W.:

All applications for public assistance, together with all statements required by the department of social security in support thereof, shall be verified under oath before an officer authorized to administer oaths.

Oaths; who may administer.

The director of the department of social security is hereby empowered and directed to designate certain subordinate officers and employees in his department who are hereby authorized and empowered to administer oaths as required in this section.

Emergency.

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 September 1, 1951.

Passed the House September 1, 1951.

Approved by the Governor September 6, 1951.

CHAPTER 22.

[H. B. 14.]

UNIFORM NARCOTIC DRUG ACT.

AN ACT relating to narcotic drugs; adopting the Uniform Narcotic Drug Act, defining crimes, providing penalties, providing for search and seizure, amending sections 69.32.010 69.32.030 and 69.32.06 [69.32.060], R.C.W., and repealing sections 69.32.020, 69.32.040 and 69.32.050, R.C.W., and declaring an emergency and that this act shall take effect October 1, 1951.

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

SECTION 1. The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires: Definitions.

(1) "Person" includes any corporation, association, copartnership, or one or more individuals. "Person."

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment. "Physician."

(3) "Dentist" means a person authorized by law to practice dentistry in this state. "Dentist."

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state. "Veterinarian."

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions. "Manufacturer."

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions. "Wholesaler."

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other "Apothecary."

place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

"Hospital."

(8) "Hospital" means an institution for the care and treatment of the sick and injured, found by the state board of pharmacy to have a custodian of narcotics proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

"Laboratory."

(9) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

"Sale."

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

"Coca leaves."

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

"Opium."

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

"Cannabis."

(13) "Cannabis" includes all parts of the plant *Cannabis Sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant,

its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(14) "Narcotic drugs" means coca leaves, opium, cannabis, isonipecaine, amidone, isoamidone, ketobemidone, and every other substance neither chemically nor physically distinguishable from them. "Narcotic drugs."

(a) "Amidone" means any substance identified chemically as (4-4-Diphenyl-6-Dimethylamino-Hep-tanone-3), or any salt thereof, by whatever trade name designated. "Amidone."

(b) "Isoamidone" means any substance identified chemically as (4-4-Dyphenyl-5-Methyl-6-Dimethylaminohexanone-3), or any salt thereof, by whatever trade name designated. "Isoami-done."

(c) "Keto-Bemidone" means any substance identified chemically as [4-(3-Hydroxyphenyl)-1-Meth-yl-4-piperidyl ethyl ketone hydrochloride], or any salt thereof, by whatever trade name designated. "Keto-Bemidone."

(15) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs. "Federal narcotic laws."

(16) "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the state board of pharmacy. "Official written order."

(17) "Dispense" includes distribute, leave with, give away, dispose of, or deliver. "Dispense."

“Registry number.”

(18) “Registry number” means the number assigned to each person registered under the federal narcotic laws.

Unlawful acts.

SEC. 2. It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this chapter.

Licenses required.

SEC. 3. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the state board of pharmacy.

Who may be licensed.

SEC. 4. No license shall be issued under the foregoing section unless and until the applicant therefor has furnished proof satisfactory to the state board of pharmacy.

(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

Board may revoke.

The state board of pharmacy may suspend or revoke any license for cause.

Sales by manufacturers and wholesalers.

SEC. 5. (1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(a) To a manufacturer, wholesaler, or apothecary.

(b) To a physician, dentist, or veterinarian.

(c) To a person in charge of a hospital, but only for use by or in that hospital.

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

(a) On a special written order accompanied by a certificate of exemption, as required by the federal narcotic laws, to a person in the employ of the United States Government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or to a physician or surgeon duly licensed in some state, territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States Army, Navy, or public health service employed upon such ship or aircraft, only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service.

(c) To a person in a foreign country if the provisions of the federal narcotic laws are complied with.

(3) An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such

Official
written
order;
procedure.

a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with the federal narcotic laws, respecting the requirements governing the use of order forms.

Possession or control lawful, when.

(4) Possession of or control of narcotic drugs obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

Limitation on use of drugs.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some state, territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States Army, Navy, or public health service employed upon such ship or aircraft who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this chapter.

Sales by apothecaries. Prescriptions.

SEC. 6. (1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the

species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter. The prescription shall not be refilled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty per cent of the complete solution, to be used for medical purposes.

SEC. 7. (1) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision.

Prescribe, administer or dispense; physician or dentist may.

(2) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

Same; veterinarian may.

(3) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist, or veterinarian any unused

Return of unused drug.

portion of such drug, when it is no longer required by the patient.

Exemption;
medicine
containing
codeine.

SEC. 8. Except as otherwise in this chapter specifically provided, this chapter shall not apply to the following cases:

Administering, dispensing, or selling at retail any medicinal preparation that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts.

The exemption authorized by this section shall be subject to the following conditions: (1) That the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and (2) that such preparation shall be administered, dispensed, and sold in good faith as a medicine and not for the purpose of evading the provisions of this chapter.

Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this chapter.

Records
required;
physicians,
dentists,
veterinarians
and others.

SEC. 9. (1) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or

other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients: *Provided*, That no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(2) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

Same; manufacturers and wholesalers.

(3) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection 5 of this section.

Same; apothecaries.

(4) Every person who purchases for resale, or who sells narcotic drug preparations exempted by section 8 of this chapter, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection 5 of this section.

Same; of medicine containing codeine.

(5) The form of records shall be prescribed by the state board of pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs

Form of records.

received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced and the proportion of resin contained in or producible from the plant *Cannabis Sativa L.* The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

Preservation
of records.

Labels.

SEC. 10. (1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person except an apothecary for the purpose of filling a prescription under this act, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the

container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

SEC. 11. A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of section 5 of this chapter, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

Drug to be kept in delivered container.

SEC. 12. The provisions of this chapter restricting the possessing and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

Exemptions from possession and control provisions of chapter.

SEC. 13. Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug

Public nuisance.

addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a public nuisance. No person shall keep or maintain such a public nuisance.

Forfeiture.

SEC. 14. All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

Disposition
of forfeited
drugs.

(a) Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them.

(b) Upon written application by the state board of pharmacy, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said state board of pharmacy, for distribution or destruction, as hereinafter provided.

(c) Upon application by any hospital within this state, not operated for private gain, the state board of pharmacy may in its discretion deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medical use. The state board of pharmacy may from time to time deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics, or may destroy the same.

Records.

(d) The state board of pharmacy shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds,

quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

SEC. 15. On the conviction of any person of the violation of any provision of sections 1 to 19, inclusive, of this act, a copy of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. Upon receipt of a certified copy of such final judgment and sentence, and opinion if any, the licensing board or officer concerned shall call and conduct a hearing, as provided by law, to determine whether the registration or the professional license of such person shall be revoked. The certified copy of judgment and sentence shall, for purposes of the hearing, constitute conclusive evidence of violation of this act. Conviction of violation of any provision of sections 1 to 19, inclusive, of this act shall constitute grounds for revocation of the registration or the professional license of the person convicted. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration.

Registration
or
professional
license;
revocation
upon
conviction
of violation.

SEC. 16. Prescriptions, orders, and records, required by this chapter, and stocks of narcotic drugs, shall be open for inspection only to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowl-

Inspection.

Officers;
divulgence of
knowledge.

edge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, order, or records relate is a party.

Forgeries
and frauds.

SEC. 17. (1) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section 8 of this chapter, in the

same way as they apply to transactions under all other sections.

SEC. 18. Section 69.32.060, R.C.W., as derived from section 5, chapter 47, Laws of 1923, is amended to read as follows: Amendment.

In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this chapter, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant. Pleading; exceptions need not be negatived.

[Am. R.R.S., § 2509-5.]

SEC. 19. It is hereby made the duty of the state board of pharmacy, its officers, agents, inspectors, and representatives, and of all peace officers within the state, and of all county prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs. Duty of enforcement; where vested.

SEC. 20. Any person violating any provision of sections 1 to 19, inclusive, of this chapter, shall, upon conviction, be punished by a fine not exceeding fifty thousand dollars and by imprisonment in the state penitentiary for a term of not less than ten years: *Provided*, That for the first offense the court may in its discretion impose a fine of not to exceed one thousand dollars or a sentence not to exceed one year in the county jail, or both such fine and imprisonment. Penalties.

SEC. 21. No person shall be prosecuted for a violation of any provision of this chapter if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which, it is alleged, constitutes a violation of this chapter. Prior prosecution under federal law.

Amendment.

SEC. 22. Section 69.32.010, R.C.W., as derived from section 2, chapter 47, Laws of 1923, is amended to read as follows:

Application of definitions.

The definitions contained in section 1 of this act shall also apply to sections 69.32.030 and 69.32.060 to 69.32.130, inclusive, R.C.W.

"Narcotic addict."

The term "narcotic addict" means a person who habitually uses a narcotic drug or drugs.

[Am. R.R.S., § 2509-2.] [R.C.W. 69.32.030 is sec. 23, *infra*; 69.32.060 is sec. 18, *supra*; R.C.W. 69.32.070-69.32.130 were derived from R.R.S. § 2509-4 and R.R.S. §§ 2509-6—2509-11.]

Amendment.

SEC. 23. Section 69.32.030, R.C.W., as derived from section 3, chapter 47, Laws of 1923, is amended to read as follows:

Use by university and state college.

Nothing herein shall make unlawful or prevent the purchase by the State University and the State College of Washington or the proper departments thereof, of narcotic drugs and the use thereof for experimental purposes only, when purchased, owned, held, possessed and used in compliance with the acts of congress and the rules and regulations thereunder.

[R.C.W. 69.32.020 was derived from R.R.S., § 2509-3, part (3rd paragraph).]

Search and seizure.

SEC. 24. If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court or justice of the peace that there is probable cause to believe that any narcotic drug is being used, manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and described in such complaint and warrant, and to seize all narcotic drugs there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept

for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such narcotic drugs, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such narcotic drugs, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises.

SEC. 25. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. Severability.

SEC. 26. This chapter shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it. Construction.

SEC. 27. Sections 1 to 21, inclusive, 25, 26, and 29 may be cited as the uniform narcotic drug act. Short title.

SEC. 28. Sections 69.32.020, 69.32.040 and 69.32-.050, R.C.W., as derived from section 3, chapter 47, Laws of 1923, are repealed. Repeals.

[R.C.W. 69.32.020 was derived from R.R.S., § 2509-3, part (first 2 paragraphs); R.C.W. 69.32.040 was derived from R.R.S., § 2509-3, part (4th paragraph); R.C.W. 69.32.050 was derived from R.R.S., § 2509-3, part (last paragraph).]

SEC. 29. This act is necessary for the immediate preservation of the public peace, health and safety, Emergency.

the support of the state government and its existing public institutions, and shall take effect October 1, 1951.

Passed the House August 31, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 10, 1951.

CHAPTER 23.

[H. B. 33.]

TAXATION OF PROPERTY.

AN ACT relating to property taxes; providing for limiting rates of levy, authorizing the levy of additional taxes for sewer districts, water districts, public hospital districts, rural county library districts, inter-county rural library districts and fire protection districts, amending sections 84.52.050 and 84.52.010, R.C.W., and declaring an emergency.

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

SECTION 1. Section 84.52.050, R.C.W., as derived from section 1, chapter 255, Laws of 1951, is amended and divided into sections 2 to 4, inclusive, herein.

[Formerly Rem. Supp. 1945, § 11238-1e.]

SEC. 2. Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per cent of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the support of the University of Washington, Washington State College, and the State Colleges of Education; the levy by any county shall not exceed ten mills; the levy by or for any school district shall not exceed twelve mills; the levy for

Amended
and divided.

Forty mill
limitation.

any road district shall not exceed ten mills; and the levy by or for any city or town shall not exceed fifteen mills.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

SEC. 3. The limitations imposed by this act shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued by or through the agency of the state, or any county, city, town, or school district, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, sewer district, water district, public hospital district, rural county library district, inter-county rural library district, fire protection district, city, or town may levy taxes at a rate in excess of the rate specified in this act, when authorized so to do by the electors of such county, school district, metropolitan park district, sewer district, water district, public hospital district, rural county library district, inter-county rural library district, fire protection district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may

Excess levy;
bonds
outstanding
Dec. 6, 1932,
and
Dec. 6, 1934.

Excess levies.

be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, sewer district, water district, public hospital district, rural county library district, inter-county rural library district, fire protection district, city or town, by giving notice thereof for two successive weeks by publication and posting in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes," and those opposed thereto to vote "No": *Provided*, That the total number of persons voting at such special election must constitute not less than forty per cent of the voters in said taxing district who voted at the last preceding general state election.

SEC. 4. Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitation contained in this act. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty per cent of the voters in said municipal corporation who voted at the last preceding general state election.

Excess
levies; bond
retirement.

Any taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for in this act. Same; refunding.

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. Emergency.

Passed the House August 31, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 10, 1951.

CHAPTER 24.

[H. B. 29.]

FIRE PROTECTION DISTRICTS.

AN ACT relating to fire protection districts; authorizing such districts to incur indebtedness and issue general obligation bonds payable from tax levies in excess of the forty-mill tax limitation, providing the terms and provisions of such bonds, and authorizing such districts to levy a general tax on all property within the district in any year and authorizing such districts to accept gifts, devises and bequests, amending sections 52.16.020 and 52.16.070, R.C.W., adding new sections to chapter 52.16, R.C.W., repealing sections 52.16.044, 52.16.045 [52.16.046] and 51.16.060, R.C.W., and declaring an emergency.

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

SECTION 1. Section 52.16.020, R.C.W., as derived from section 1, chapter 22, Laws of 1949, is amended to read as follows: Amendment.

There are hereby created in said county treasurer's office of each county in which a fire protection district shall be organized for the use of the district the following funds: (1) expense fund; (2) coupon warrant fund; (3) contract fund; (4) re- District funds.

serve fund; (5) local improvement district No. fund; and (6) general obligation bond fund. All taxes levied for administrative, operative, and maintenance purposes, when collected, shall be placed by the county treasurer in the expense fund of the district; all taxes levied for the payment of coupon warrants and interest thereon, when collected shall be placed by the county treasurer in the coupon warrant fund of the district; all taxes levied for the purchase of fire-fighting equipment, apparatus, and for the housing thereof, proceeds from the sale of coupon warrants heretofore authorized and general obligation bonds, and the transfer of any surplus in the expense fund, shall be placed by the county treasurer in the contract fund of the district; all taxes levied for the payment of the principal and interest of general obligation bonds, when collected, shall be placed by the county treasurer in the general obligation bond fund of the district; the board of fire commissioners may include in its annual budget items of possible outlay to be provided for and held in reserve for any district purpose and until the same or any part thereof is transferred by the county treasurer upon order of the board of fire commissioners to any other appropriate fund of the district and taxes shall be levied therefor and all such taxes, when collected by the county treasurer, shall be placed in the reserve fund of the district; all special taxes levied against the lands in any improvement district within the fire protection district, when collected, shall be placed by the county treasurer in the local improvement district fund for such local improvement district.

[Am. Rem. Supp. 1949, § 5654-134.]

SEC. 2. Sections 3 to 9, inclusive, are hereby added to chapter 52.16, R.C.W.

SEC. 3. Fire protection districts are hereby authorized to incur general indebtedness for capital

Issuance of
general
obligation
bonds
authorized.

purposes and for the purpose of refunding outstanding coupon warrants issued for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to three per cent of the assessed valuation of the taxable property within such district and to issue general obligation bonds evidencing such indebtedness on the terms and provisions hereinafter set forth, the principal and interest thereof to be payable from annual tax levies to be made in excess of the forty-mill tax limitation.

SEC. 4. After adoption by the board of fire commissioners of any district of a resolution fixing the purpose or purposes for the incurring of such indebtedness and the issuance of said bonds, the question of whether or not such indebtedness shall be incurred and such bonds issued shall be submitted to the qualified electors of the district for their ratification or rejection at a general or special election which may be held at any time. Such proposition shall state the purpose or purposes for which such bonds shall be issued, and the amount thereof, the length of time the same shall run, the maximum interest which the same may bear, and must receive an affirmative vote of three-fifths of those voting on such proposition at such election, at which such election the total number of persons voting shall constitute not less than forty per cent of the voters in said fire protection district who voted at the last preceding general state election.

Bond
election.

SEC. 5. Bonds shall be serial in form and maturity and numbered from one up consecutively. They shall bear interest at a rate of not to exceed six per cent *per annum*, payable semiannually from date of said bonds until the principal thereof is paid with interest coupons evidencing such interest to be attached thereto. The first annual maturity shall be two years from the date of issue of said bonds and

Form,
maturity and
amount of
bonds.

the various annual maturities shall be as nearly as practicable in such amounts as will, together with the interest on all outstanding bonds, be met by equal annual tax levies for the payment of the principal and interest of said bonds. Bonds issued under this act may not run for more than twenty years from the date of issue and except for bond No. 1, may only be in multiples of one hundred dollars.

Signatures
and sales.

SEC. 6. Such bonds shall be signed by the chairman of the board of fire commissioners and attested by the secretary of said board under the seal of the district and the interest coupons to be attached thereto shall be signed with the facsimile signatures of said officials. Said bonds shall be sold in such manner as the board of fire commissioners shall deem to be for the best interest of the district and at a price not less than par.

Excess levy
for bond
retirement
and interest.

SEC. 7. An annual levy in excess of the forty-mill tax limitation shall be made upon all the taxable property within such district, except those lands within the district which are now or will hereafter be required to pay forest protection assessment, by the officers or governing body thereof now or hereafter charged by law with the duty of levying taxes for such district sufficient to meet the annual and semiannual payments of principal and interest due on said bonds.

Two mill
levy for
district
purposes.

SEC. 8. To carry out the purposes for which fire protection districts are created, the board of fire commissioners of any such district is hereby authorized to levy each year, in addition to the levy or levies provided in this act for the payment of the principal and interest of any outstanding general obligation bonds and the levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding, an *ad valorem* tax on all taxable property located in such district not to

exceed two mills: *Provided*, That such tax shall not be levied upon those lands within the district which are now or will hereafter be required to pay forest protection assessment: *And provided further*, That in no case may the total general levy for all purposes, except retirement of general obligation bonds, exceed four mills. Any such tax when so levied shall be certified to the proper county officials for the collection of the same as for other general taxes. Such taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which the district is situated, upon authorization of the board of fire commissioners of such district.

Collection.

Disbursement.

SEC. 9. Notwithstanding the limitation of millage contained in section 8, the board of fire commissioners of any such district is hereby authorized to levy, in addition to any levy for the payment of the principal and interest of any outstanding general obligation bonds and levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding, an *ad valorem* tax on all property located in such district of not to exceed two mills when such levy will not take millage which other taxing districts may lawfully claim and which will not cause the combined levies to exceed the forty-mill limitation, and such additional levy, or any portion thereof, may also be made when millage of other taxing units is released therefor by agreement with the other taxing units from their authorized levies.

Additional
levy where
millage
available.

SEC. 10. Section 52.16.070, R.C.W., as derived from section 11, chapter 254, Laws of 1947, is amended to read as follows:

Amendment.

Except as authorized by virtue of the issuance and sale of district coupon warrants and general obligation bonds, the board of fire commissioners

Yearly
expenses
limited to
yearly levy.

shall have no authority to incur expenses or other financial obligations payable in any year in excess of the aggregate amount of taxes levied for that year. In the event that there are any unpaid warrants drawn on any district fund or funds for expenses and obligations incurred outstanding at the end of any calendar year, the same may be paid from taxes collected in the subsequent year or years for the same fund or funds.

[Am. Rem. Supp. 1947, § 5654-139.]

District may
receive gifts.

SEC. 11. Any fire protection district may, by resolution of its board of fire commissioners, accept and receive in behalf of the district, any money or property donated, devised or bequeathed to the district, and may carry out the terms of the donation, devise or bequest, if within the powers granted by law to fire protection districts, or in the absence of such terms, may expend or use the same for such district purposes as shall be determined by the board.

Repeals.

SEC. 12. Sections 52.16.044, 52.16.045 [52.16.046] and 52.16.060, R.C.W., as derived from section 2, chapter 107, Laws of 1951, section 2, chapter 6, Laws of First Extraordinary Session 1951, and section 10, chapter 254, Laws of 1947, respectively, are repealed.

[Rep. Rem. Supp. 1947, § 5654-138.]

Emergency.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House August 31, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 10, 1951.

CHAPTER 25.

[H. B. 30.]

WATER DISTRICTS.

AN ACT relating to water districts; granting to such districts authority to incur indebtedness, to issue general obligation bonds and to levy taxes for the payment thereof in excess of the forty-mill tax limitation, providing the terms and provisions of such bonds, authorizing the levy of a tax of not to exceed two mills under certain conditions, amending section 57.20.010, R.C.W., repealing sections 57.20.104 and 57.20.106, R.C.W., and declaring an emergency.

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

SECTION 1. Section 57.16.020, R.C.W., as derived from section 2, chapter 128, Laws of 1939, is amended to read as follows: Amendment.

The comprehensive plan shall be adopted by resolution, which shall provide for the submission thereof at a general or special election specified in the resolution to the voters of the district. No expenditure for carrying on any part of the plan shall be made by the commissioners other than the necessary salaries of engineers, clerical, and office expenses and the cost of engineering, surveying, preparation, and collection of data necessary for making the general plan of improvements, until it has been ratified by a majority of the voters of the district voting thereon at the election held for that purpose. Notice of the election shall be given in accordance with the general election laws. If a majority of the votes favor the adoption of the plan, it shall thereupon be ratified and proclamation thereof made by the commission within ten days after the election. The commission may submit at the same election or at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the forty-mill tax limitation for the construction of any part or all of the compre- Adoption of comprehensive plan.

Proposition to incur general indebtedness.

How submitted to voters.

hensive plan. The proposition to incur indebtedness shall be submitted so as to enable the voters to vote for or against it independent of a vote on the plan, and if general indebtedness is to be incurred, the amount of the indebtedness and the terms thereof shall be included in the proposition submitted to the voters, and the proposition shall be adopted by three-fifths of the voters voting thereon, at which such election the total number of persons voting shall constitute not less than forty per cent of the voters in said water district who voted at the last preceding general state election.

[R.C.W. 57.16.020 was derived from Rem. Supp., § 11588, part (2nd paragraph).]

Amendment.

SEC. 2. Section 57.16.040, R.C.W., as derived from section 2, chapter 112, Laws of 1951, is amended to read as follows:

Plan for additions and betterments.

In the same manner as provided for the adoption and ratification of the original comprehensive plan, a plan providing for additions and betterments to the original plan may be adopted and ratified. Whenever an area has been annexed to a district after the adoption of the comprehensive plan, the commission shall have the right without further vote of the electors of the district to adopt a scheme for additions and betterments to the original comprehensive scheme to provide for the needs of the area annexed.

Scheme for additions for areas annexed.

General indebtedness for additions and betterments; excess levies.

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

specified in the proposition to incur the general indebtedness.

The district may issue revenue bonds to pay for the construction of the additions and the betterments in the same way revenue bonds may be issued for payment of the construction of the original comprehensive plan or any portion thereof. Revenue bonds for additions and betterments may be issued by the water commissioners without authorization of the voters of the district.

Revenue bonds for additions and betterments.

[Formerly Rem. Supp., § 11588, part (last 3 paragraphs).]

SEC. 3. Section 57.20.010, R.C.W., as derived from section 2, chapter 72, Laws of 1931, is amended to read as follows:

Amendment.

When general district indebtedness payable from annual tax levies to be made in excess of the forty-mill limitation has been authorized, the district may issue its general obligation bonds in payment thereof. The bonds shall be serial in form and maturity and numbered from one up consecutively and shall bear interest not to exceed six per cent per year payable semiannually, with interest coupons attached. The various annual maturities shall commence with the second year after the date of the issue, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of the bonds and interest. Only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

General obligation bonds; issuance, form, interest and maturity.

Bonds shall not be issued to run for a longer period than twenty years from the date of issue and shall as near as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds and shall be dated either July 1 or January 1.

Same;
signatures.

The bonds shall be signed by the president of the board and attested by the secretary, under the seal of the district. The interest coupons shall be signed by the facsimile signature of the president and attested by the facsimile signature of the secretary.

Same;
levy for
retirement
and interest.

There shall be levied by the officers or governing body charged with the duty of levying taxes, an annual levy in excess of the forty-mill tax limitation sufficient to meet the annual or semiannual payments of principal and interest on the bonds upon all taxable property within the district.

Same; sale.

The bonds shall be sold in such manner as the commissioners deem for the best interest of the district, and at a price not less than par and accrued interest.

[Am. R.R.S., § 11589.]

Amendment.

SEC. 4. Section 57.20.100, R.C.W., as derived from section 1, chapter 62, Laws of 1951, is amended to read as follows:

General levy
where fire
department
maintained.

A district may, in addition to the levies mentioned in sections 57.16.020, 57.16.040 and 57.20.010, levy a general tax on all property located in the district each year not to exceed two mills on the assessed valuation of the property where such water district maintains a fire department as authorized by sections 57.16.010 to 57.16.040, inclusive, R.C.W., but such levy shall not be made where any property within such water district lies within the boundaries of any fire protection district created under sections 52.04.010 to 52.04.160, inclusive, R.C.W. The taxes so levied shall be certified for collection as other general taxes, and the proceeds, when collected, shall be placed in such water district funds as the commissioners may direct and paid out on warrants issued for water district purposes.

[Formerly R.R.S., § 11595.]

[R.C.W. 57.16.020, 57.16.040, and 57.20.010 appear respectively as sections 1, 2 and 3 of this act; R.C.W. 57.16.010 was derived from Rem. Supp., § 11588, part (1st paragraph); R.C.W.

57.16.030 was derived from § 1, chapter 112, Laws '51; R.C.W. 52.04.010-52.04.160 were derived from Rem. Supp. 5654-101—5654-114 as amended.]

SEC. 5. Section 57.24.010, R.C.W., as derived from section 5, chapter 72, Laws of 1931, is amended to read as follows: Amendment.

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

The county commissioners, upon receipt of a petition certified to contain a sufficient number of sig-

natures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the water commissioners, at a regular or special meeting shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed in the county, and in general circulation throughout the territory proposed to be annexed, and in case no such newspaper is printed in the county, then in some such newspaper of general circulation therein, a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

[R.C.W. 57.24.010 was derived from R.R.S., § 11593, part (to line 6, p. 770).]

Repeals.

SEC. 6. Section 57.20.104, R.C.W., as derived from section 4, chapter 107, Laws of 1951, and section 57.20.106, R.C.W., as derived from section 4, chapter 6, Laws First Extraordinary Session 1951, are hereby repealed.

Emergency.

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

Passed the House August 31, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 10, 1951.

CHAPTER 26.

[H. B. 31.]

SEWER DISTRICTS.

AN ACT relating to sewer districts; granting such districts authority to incur indebtedness, issue general obligation bonds, and levy taxes for the payment thereof in excess of the forty-mill tax limitation, providing the terms and provisions of such bonds, regulating annexations elections by such districts, amending sections 56.16.010, 56.16.030, 56.16.040 and 56.24.010, R.C.W., repealing sections 56.16.120 and 56.16.125, R.C.W., and declaring an emergency.

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

SECTION 1. Section 56.16.010, R.C.W., as derived from section 14, chapter 210, Laws of 1941, is amended to read as follows: Amendment.

The sewer commissioners may submit at the same election at which the proposition to adopt the comprehensive plan or scheme is submitted, or at any general or special election, a proposition that said sewer district incur a general indebtedness payable from annual tax levies to be made in excess of the forty-mill tax limitation for the construction of any part or all of said comprehensive plan. Such proposition to incur indebtedness shall be submitted so as to enable the voters to vote for or against the same, independent of any vote on the proposition to adopt the comprehensive plan or scheme. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid, and such proposition, to be effective, shall be adopted and assented to by three-fifths of the qualified voters of the said sewer district voting on said proposition at said election, at which such election the total number of persons voting shall constitute not less than forty per cent of the voters in said sewer Comprehensive plan
general
indebtedness.

district who voted at the last preceding general state election.

[Am. Rem. Supp. 1941, § 9425-23.]

Amendment. SEC. 2. Section 56.16.030, R.C.W., as derived from section 3, chapter 129, Laws of 1951, is amended to read as follows:

Plan for additions and betterments.

In the same manner as herein provided for the adoption and ratification of the original comprehensive scheme, and after the adoption of the original comprehensive scheme, a plan providing for additions and betterments to the original comprehensive scheme, or reorganized district, may be adopted and ratified. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the forty-mill tax limitation for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the original comprehensive scheme after submission to the voters of the entire district in the manner the original proposition to incur indebtedness may be submitted. Upon ratification the additions and betterments may be carried out by the sewer commissioners to the extent specified in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments in the same way revenue bonds may be issued for payment of the construction of the original comprehensive plan or any portion thereof.

General indebtedness for additions and betterments.

Revenue bonds for additions and betterments.

[Formerly Rem. Supp. 1945, § 9425-26.]

Amendment. SEC. 3. Section 56.16.040, R.C.W., as derived from section 12, chapter 140, Laws of 1945, is amended to read as follows:

Whenever the qualified voters of any such sewer district shall hereafter adopt a proposition for a sewer system as herein provided, or any additions and betterments thereto, or whenever the qualified

voters of any reorganized sewer district shall hereafter adopt a proposition for any additions or betterments thereto, and shall hereafter authorize a general indebtedness for all the said proposition, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued as hereinafter provided. The said bonds shall be serial in form and maturity and numbered from one up consecutively. The said bonds shall bear interest not to exceed six per cent *per annum*, payable semiannually from date of said bonds until principal thereof is paid, with interest coupons, evidencing such interest to maturity, attached. The various annual maturities shall commence with the second year after the date of issue of said bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest: *Provided*, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

General obligation bonds; issuance, form, interest and maturity.

Bonds issued under this act shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of the said board under the seal of the sewer district, and the interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of the board of sewer commissioners.

Same; signatures.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty

Same; levy for retirement and interest.

of levying taxes in the manner provided by law an annual levy in excess of the forty-mill tax limitation sufficient to meet the annual or semiannual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.

Same; sale.

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

[Am. Rem. Supp. 1945, § 9425-27.]

Amendment.

SEC. 4. Section 56.24.010, R.C.W., as derived from section 13, chapter 140, Laws of 1945, is amended to read as follows:

Annexation of territory.

The territory adjoining or in close proximity to and in the same county with a sewer district, may be annexed to the district. It may either comprise or include the area of one or more other sewer districts. To effect the annexation, twenty per cent of the number of registered voters residing in the territory who voted at the last election may petition the commissioners of the district and cause the question to be submitted to the electors of the area whether it shall be annexed to the district.

[Am. Rem. Supp. 1945, § 9425-43.]

SEC. 5. Sections 56.16.120 and 56.16.125, R.C.W., as derived from section 1, chapter 236, Laws of 1943 [1947], as amended by section 3, chapter 107, Laws of 1951, and section 3, chapter 6, Laws First Extraordinary Session 1951, are hereby repealed.

[R.C.W. 56.16.120 was formerly Rem. Supp. 1947, § 9425-50.]

Emergency.

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

Passed the House August 31, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 10, 1951.

CHAPTER 27.

[H. B. 36.]

ANNEXATION OF WATER, SEWER, OR FIRE PROTECTION DISTRICT TERRITORY TO CITIES AND TOWNS.

AN ACT pertaining to annexation to cities and towns of territory which includes all or part of a water, sewer or fire protection district; providing that a city and town may contract with such water, sewer or fire protection district for the continuation of all powers, rights, duties and authority of such districts notwithstanding such annexation, amending section 35.13.250, R.C.W., and declaring an emergency.

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

SECTION 1. Section 35.13.250, R.C.W., as derived from section 4, chapter 248, Laws of 1951 is amended to read as follows: Amendment.

Notwithstanding the provisions of this act, the city may, through its legislative authority authorize a contract with the district, with respect to rights, duties and obligations of the city and the district as to ownership or property, services, assets, liabilities and debts and any other questions arising out of the annexation, which contract may also make provisions for services by the district and use of its facilities or real estate within the city, and which contract may also provide that for such time as the contract may provide such district may continue to exercise all rights, privileges, powers and functions of such district provided by law as if there had been no annexation, including but not by way of limitation the right to levy and collect special assessments, adopt and carry out the provisions of a comprehensive plan, or amendments thereto, for a system of improvements, and issue and sell revenue and general obligation bonds. City may contract with district notwithstanding act.

May provide for continued exercise of powers by district.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing Emergency.

public institutions, and shall take effect immediately.

Passed the House August 31, 1951.

Passed the Senate September 1, 1951.

Approved by the Governor September 10, 1951.

CHAPTER 28.

[S. B. 22.]

REVENUE AND TAXATION.

AN ACT relating to revenue and taxation; adding to and amending title 82, R.C.W., and declaring an emergency.

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

SECTION 1. There is added to chapter 82.04, R.C.W., as derived from title II, chapter 180, Laws of 1935, as amended, a new section to read as follows:

Business and occupation tax; surtax.

From and after the first day of November, 1951, until the thirtieth day of April, 1953, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by this chapter and as a temporary increase thereof, a surtax in the amount of twenty per cent of the tax payable under this chapter.

SEC. 2. There is added to chapter 82.16, R.C.W., as derived from title V, chapter 180, Laws of 1935, as amended, a new section to read as follows:

Public utility tax; surtax.

From and after the first day of November, 1951, until the thirtieth day of April, 1953, there is levied and shall be collected from every person for the act or privilege of engaging within this state in one or more of the businesses named in section 82.16.020, R.C.W., as a part of the tax imposed by this chapter and as a temporary increase thereof, a surtax in the

amount of ten per cent of the tax payable under this chapter.

SEC. 3. Section 82.04.050, R.C.W., as derived from section 2, chapter 228, Laws of 1949, is amended to read as follows: Amendment.

“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 term also means every sale of tangible personal property to persons engaged in any business which is taxable under sections 82.04.280, subsection (2), and 82.04.290, R.C.W. Business and occupation tax; “sale at retail” or “retail sale.”

The term “sale at retail” or “retail sale” shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (1) the installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (2) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for

the clearing of land and the moving of earth to the extent necessary for such constructing or improving, unless the charge therefor is stated separately from other charges made in connection with the work performed, under such rules as the tax commission may prescribe; (3) between November 1, 1951, and May 1, 1953, for the furnishing of lodging and related services to transients in or by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

Not included.

The 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.

[R.C.W. 82.04.050 was derived from Rem. Supp. 1949, § 8370-5, part (subsection d).]

[R.C.W. 82.04.280 and 82.04.290 were derived from section 1, chapter 5, Laws of 1950 Ex. Sess. (subsections f and g); formerly Rem. Supp. 1949, § 8370-4 (subsections f and g).]

Amendment.

SEC. 4. Section 82.04.260, R.C.W., as derived from section 1, chapter 5, Laws of 1950, Extraordinary Session, is amended to read as follows:

Business and occupation tax; grain wholesalers.

(1) Upon every person engaging within this state in the business of buying wheat, oats, corn and

barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one per cent: *Provided*, That as to business conducted from and after the first day of November, 1951, until the thirtieth day of April, 1953, the rate of tax as to sales of such article purchased from the producer thereof shall be one-quarter of one per cent.

Rates.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one per cent.

Wheat flour manufacturers.

Rate.

[Formerly Rem. Supp. 1949, § 8370-4 (subsections (d)(1) and (d)(2).]

SEC. 5. There is added to chapter 82.08, R.C.W., as derived from title III, chapter 180, Laws of 1935, as amended, a new section to read as follows:

There is levied and shall be collected from and after the first day of November, 1951, until the thirtieth day of April, 1953, a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten per cent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, R.C.W., any sale not for resale in such original package. The tax imposed in this section shall apply to the sale of spirits, wine, or strong beer by the Washington state liquor stores, including sales to Class H licensees. The tax imposed in section 82.08-.020, R.C.W., shall not apply to sales subject to the tax imposed by this section.

Retail sale tax; spirits, wine, or strong beer in original package.

As used in this section, the terms "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in section 66.04.200 [chapter 66.04], R.C.W.

[Pertinent section of chapter 82.04 R.C.W. appears as section 3, *supra*; R.C.W. 82.08.020 was derived from Rem. Supp. 1949, § 8370-16.]

[Chapter 66.04 was derived from Rem. Supp. 7306-3.]

SEC. 6. There is added to title 82, R.C.W., a new chapter comprised of the following sections 7 to 17, inclusive, to be known as the "Soft Drink Tax."

SEC. 7. For the purposes of this chapter:

(1) "Bottled soft drinks" means any and all bottled, canned, or otherwise packaged nonintoxicating beverage, whether carbonated or not, whether concentrated or not, including but not limited to soda water, ginger ale, seven-up, coca cola, pepsi cola, and other cola beverages, near beer, fruit juice, milk drinks (but not milk, cream, or buttermilk), cider, and carbonated water;

(2) "Syrup" means the compound mixture or basic ingredient used in the making, mixing, or compounding of soft drinks by the mixing of the same with water, carbonated water, ice, fruit, milk, or any other product, among such syrups being simple syrup, coca cola syrup, vanilla syrup, chocolate syrup, and various fruit and fruit flavor syrups, and all other syrups usable for the purpose of mixing soft drinks;

(3) "Wholesaler" means every person who sells or distributes any one or more of the articles taxed herein to other persons for the purpose of resale only;

(4) "Retailer" means every person other than a wholesaler who sells or distributes any one or more of the articles taxed herein to consumers.

(5) The meaning ascribed to words and phrases in chapter 82.04, R.C.W., as derived from title II, chapter 180, Laws of 1935, as amended, insofar as ap-

Vetoed.

plicable, shall have full force and effect with respect to taxes imposed by this act.

SEC. 8. There is levied and shall be collected a tax upon the sale, use, consumption, handling, or distribution of (1) bottled soft drinks in an amount equal to one-half cent for every twelve fluid ounces or fraction thereof of the capacity of the bottle or smallest container in which the soft drink is contained, and (2) syrups in an amount equal to forty cents per gallon of syrups.

SEC. 9. The tax hereby levied shall not apply to syrups used or to be used in the making, mixing, manufacture, or production of bottled soft drinks for sale.

SEC. 10. In order to enforce collection of the tax the tax commission shall design and have printed stamps of such size and denominations as it may determine, to be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed. Every person shall cause to be affixed on every such container of the taxed articles stamps of an amount equal to the tax due before he sells, offers for sale, uses, consumes, or distributes the same: *Provided*, That in lieu of stamps the commission may sell to manufacturers, bottlers, or distributors crowns which must be affixed to the product sold, such crowns to be in such denominations as will equal the tax due on the commodity to which the crown is affixed. Crowns shall be sold at their face value plus manufacturers' price and transportation charges. Vetoed.

SEC. 11. Except as provided in section 13, 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.

SEC. 12. Except as provided in section 13, 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 in 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.

SEC. 13. Any wholesaler or 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 chapter. Said interstate stock shall be kept separate and apart from stamped stock. Every wholesaler or 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 taxable articles, and shall retain the same subject to the use and inspection of the tax commission.

Vetoed.

SEC. 14. Stamps or crowns shall be affixed in such manner that they cannot be removed from the container without the stamp being mutilated or destroyed, and stamps or crowns so affixed shall be evidence of payment of the tax imposed.

SEC. 15. Wholesalers and retailers subject to the provisions of this chapter shall be allowed as compensation for their services in affixing the stamps a sum equal to five per cent of the face value of the stamps purchased by them: *Provided*, That no such compensation shall be allowed where crowns are used.

SEC. 16. It is the intent and purpose of this chapter to levy a tax on all of the articles taxed herein,

sold, used, consumed, handled, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles herein taxed is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, or distributed in this state.

SEC. 17. The provisions of sections 82.24.090, 82.24.100, 82.24.110, 82.24.120, 82.24.130, and 82.24.210, R.C.W., as derived from sections 84, 85, 86, 87, 88, and 92, respectively, of chapter 180, Laws of 1935, as amended, and chapter 82.32, R.C.W., as derived from titles XVIII, XIX, and XX of chapter 180, Laws of 1935, as amended, shall have full force and application with respect to taxes imposed under the provisions of this chapter.

SEC. 18. Sections 6 to 17, inclusive, of this act shall become effective November 1, 1951, and on and after May 1, 1953, shall have no force or effect. Vetoed.

SEC. 19. For the purpose of carrying out the provisions of the "Soft Drink Tax," there is hereby created a fund, to be known as the "Soft Drink Tax Revolving Fund," to which the commission may transfer by warrant out of its appropriations, from time to time, and into which the commission shall have the power to deposit a portion of its receipts from the sale of stamps or crowns for the collection of the Soft Drink Tax: *Provided*, That such fund shall at no time exceed twenty-five thousand dollars. The commission may draw upon such fund by check or voucher or warrant for payment of stamps or crowns purchased for the collection of such tax. Such revolving fund may be deposited by the commission in such banks and financial institutions as it may select throughout the state, which banks and financial

Vetoed. } institutions shall give to the commission surety bonds executed by surety companies authorized to do business in the state, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit. None of the provisions of section '43.01-.050, R.C.W., shall be applicable to such fund nor to any of the moneys received by the commission in the collection of the Soft Drink Tax.

Severability. SEC. 20. If any title, section, subdivision of a section, paragraph, sentence, clause or word of this act for any reason shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of this act.

Emergency. SEC. 21. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate August 31, 1951.

Passed the House September 1, 1951.

Approved by the Governor September 10, 1951, with the exception of Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, which are vetoed.

AUTHENTICATION

I, Earl Coe, 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 Second Extraordinary Session of the Thirty-Second Legislature of the State of Washington, held from August 24, 1951, until September 1, 1951, inclusive, with the original enrolled laws, now on file in this office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], in each case as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 1st day of October, 1951.



A handwritten signature in cursive script, appearing to read "Earl Coe".

EARL COE

Secretary of State

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PREFACE

The Thirty-Third Legislature of the State of Washington convened at 12 o'clock noon, January 12, 1953 (being the second Monday in January), and adjourned *sine die* March 13, 1953.

All acts passed by the session, approved by the Governor, took effect ninety days after adjournment, or 12 o'clock **midnight**, June 10, 1953, except relief bills, appropriations and other acts declaring an emergency.



EARL COE

Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Thirty-Third Regular Session

1953

CHAPTER 1.

[Initiative Measure 180.]

YELLOW OLEOMARGARINE.

AN ACT relating to yellow oleomargarine; removing the prohibitions against the manufacture, transportation, handling, possession, sale, use or serving thereof and repealing section 15.40.020, Revised Code of Washington.

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

SECTION 1. The purpose of this act is to legalize the manufacture, transportation, handling, possession, sale, use or serving of yellow oleomargarine. The term oleomargarine shall have the same meaning as given in section 1, chapter 13, Laws of 1949.

Legalized.

Oleomargarine defined.

SEC. 2. Section 15.40.020, RCW, as derived from section 2(a), chapter 13, Laws of 1949 is hereby repealed.

Repealing clause.

Filed in the office of the Secretary of State February 4, 1952.

Passed by vote of the people November 4, 1952, at the general election.

Proclamation signed by the Governor December 4, 1952.

CHAPTER 2.

[Initiative Measure 181.]

STANDARD TIME.

AN ACT relating to the observance of standard time.

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

Daylight saving time forbidden.

Exception.

Federal areas.

SECTION 1. No county, city or other political subdivision of this state shall adopt any provision for the observance of daylight saving time, or any time other than standard, except pursuant to a gubernatorial proclamation declaring an emergency during a period of national war and authorizing such adoption, or unless other than standard time is established on a national basis: *Provided*, That this act shall not apply to orders made by federal authorities in a local area entirely under federal control.

Filed in the office of the Secretary of State February 27, 1952.

Passed by vote of the people November 4, 1952, at the general election.

Proclamation signed by the Governor December 4, 1952.

CHAPTER 3.

[S. B. 1.]

APPROPRIATION—EXPENSES OF LEGISLATURE.

AN ACT appropriating the sum of three hundred thousand dollars, or so much thereof as may be necessary, for the actual and necessary expenses of the legislature; and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated out of the general fund the sum of three hundred thousand dollars, or so much thereof as may be necessary, to

be used for the purpose of paying the expenses, except legislative printing, of the thirty-third legislature.

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

Passed the Senate January 12, 1953.

Passed the House January 12, 1953.

Approved by the Governor January 14, 1953.

CHAPTER 4.

[S. B. 2.]

APPROPRIATION—LEGISLATIVE PRINTING.

AN ACT appropriating the sum of fifty thousand dollars, or so much thereof as may be necessary, for the printing ordered by the legislature; and declaring an emergency.

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

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

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

Passed the Senate January 12, 1953.

Passed the House January 12, 1953.

Approved by the Governor January 14, 1953.

CHAPTER 5.

[S. B. 3.]

APPROPRIATION—SUBSISTENCE EXPENSES FOR LEGISLATORS.

AN ACT appropriating the sum of eighty-seven thousand dollars, 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:

Appropriation.

SECTION 1. There is hereby appropriated out of the general fund the sum of eighty-seven thousand dollars, for the actual and necessary expenses of the members of the thirty-third legislature, actually expended by them for subsistence and lodging while absent from their usual places of residence in the service of the state, at a rate not exceeding ten dollars per day, to be evidenced by the duly verified vouchers of the respective members of the legislature.

Emergency.

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

Passed the Senate January 12, 1953.

Passed the House January 12, 1953.

Approved by the Governor January 14, 1953.

CHAPTER 6.

[S. B. 17.]

DEFICIENCY APPROPRIATION—DEPARTMENT
OF HEALTH.

AN ACT making a deficiency appropriation for medical services, as provided by law, for the department of health; 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 for medical services made by the Second Extraordinary Session of the 1951 Legislature, the sum of five million six hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated to the department of health, from the general fund for the biennium ending March 31, 1953. Deficiency appropriation.

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

Passed the Senate January 16, 1953.

Passed the House January 28, 1953.

Approved by the Governor February 2, 1953.

CHAPTER 7.

[S. B. 16.]

DEFICIENCY APPROPRIATION—TUBERCULOSIS HOSPITALIZATION.

AN ACT making a deficiency appropriation for tuberculosis hospitalization—state aid to counties, as provided by law, for the department of health; 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 for tuberculosis hospitalization—state aid to counties, made by the Second Extraordinary Session of the 1951 Legislature, the sum of one million five hundred eighty-seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated to the department of health from the general fund for the biennium ending March 31, 1953.

Emergency.

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

Passed the Senate January 21, 1953.

Passed the House February 4, 1953.

Approved by the Governor February 9, 1953.

CHAPTER 8.

[S. B. 37.]

APPROPRIATION—DEPARTMENT OF LABOR
AND INDUSTRIES.

AN ACT appropriating fifty thousand dollars to the department of labor and industries for the payment of appeals costs including attorneys' fees and court costs; and declaring an emergency.

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

SECTION 1. For the biennium ending March 31, 1953, there is hereby appropriated from the accident fund the sum of twenty-five thousand dollars and from the medical aid fund the sum of twenty-five thousand dollars for the department of labor and industries for the payment of appeals costs, including attorneys' fees and court costs. Appropriation.

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

Passed the Senate January 21, 1953.

Passed the House February 4, 1953.

Approved by the Governor February 9, 1953.

CHAPTER 9.

[H. B. 38.]

ALIEN LAND LAW.

AN ACT relating to the Alien Land Law; granting certain Canadian citizens and certain corporations the right to own or lease land within this state; and amending chapter 64.16, RCW, by adding a new section thereto.

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

SECTION 1. Chapter 64.16, RCW, as derived from chapter 50, Laws of 1921, as last amended by chap- Amendment.

ter 220, Laws of 1937, is amended by adding a new section thereto as follows:

Canadian
citizens.

Canadian
stockholders.

Canadian
corporations.

In accordance with public policy of the state of Washington herein declared, the right to own or lease land within this state is hereby granted (1) to citizens of such of the provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state, and (2) to corporations organized under the laws of this or any other state, a majority of whose capital stock is owned by citizens of such provinces of Canada, and/or by one or more separate and distinct corporations organized by special act of the Parliament of Canada or under the laws of the Dominion of Canada or of such provinces of the Dominion of Canada and/or by any combination of the foregoing with other persons eligible to own land in this state.

Passed the House January 27, 1953.

Passed the Senate February 5, 1953.

Approved by the Governor February 10, 1953.

CHAPTER 10.

[H. B. 4.]

ALIEN LAND LAW.

AN ACT relating to the Alien Land Law; redefining alien as such term refers to corporations; and amending section 64.16.010, RCW, as derived from section 1, chapter 50, Laws of 1921; and repealing section 23.08.110, RCW.

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

Amendment.

SECTION 1. Section 64.16.010, RCW, as derived from section 1, chapter 50, Laws of 1921, as amended by chapter 220 of the Laws of 1937, is amended to read as follows:

Definitions.

In this chapter, unless the context otherwise requires:

“Alien” does not include an alien who has in good faith declared his intention to become a citizen of the United States, but includes all other aliens and corporations and other organized groups of persons, a majority of whose capital stock is owned or controlled by aliens or a majority of whose members are aliens, and includes all persons who are non-citizens of the United States and who are ineligible to citizenship by naturalization: *Provided, however,* That a corporation organized under the laws of this or any other state, a majority of whose capital stock is owned by one or more separate and distinct corporations organized under the laws of this or any other state, shall not be considered an alien or a corporation a majority of whose capital stock is owned or controlled by aliens within the meaning of any provision of the Constitution or of this or any other statute of this state; “Alien.”

“Land” does not include land containing valuable deposits of minerals, metals, iron, coal, or fire clay or the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom, but includes every other kind of land and every interest therein and right to the control, possession, use, enjoyment, rents, issues, or profits thereof, except a mortgage and except a right to the possession, use, or enjoyment of land for a period of not more than ten years for a purpose for which an alien is accorded the use of land by a treaty between the United States and the country whereof he is a citizen; and includes any share or interest in a corporation or other organized group of persons deemed an alien in this chapter which has title to land; “Land.”

To “own” means to have the legal or equitable title to or the right to any benefit of; “Own.”

“Title” includes every kind of legal or equitable title; “Title.”

Ownership excluded.

Ownership of or title to land acquired by inheritance or in good faith either under mortgage or in the ordinary course of collection of debts, or acquired by a female citizen afterwards expatriated by marriage to an alien, is excluded;

"Inheritance."
"Mortgage."

"Inheritance" includes devise;

"Mortgage" includes every kind of lien upon land;

A mortgage of land under which an alien is entitled before default to any control, possession, use or enjoyment of the land, is an absolute conveyance; and

"Person."

"Person" includes an individual, partnership, corporation, or any other organized group of persons.

Partial invalidity.

SEC. 2. The provisions of this act are to be severable, and if any section, subdivision or clause of this act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act.

Repealing clause.

SEC. 3. Section 23.08.110, RCW, as derived from section 16, chapter 70, Laws of 1937, is hereby repealed.

Passed the House January 27, 1953.

Passed the Senate February 7, 1953.

Approved by the Governor February 11, 1953.

CHAPTER 11.

[H. B. 35.]

ALIEN LAND LAW.

AN ACT relating to the Alien Land Law and to title to property acquired from an alien; and amending section 64.16.130, RCW.

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

SECTION 1. Section 64.16.130, RCW, as derived from section 10, chapter 50, Laws of 1921, is amended to read as follows: Amendment.

This chapter shall not impair any title or right heretofore or hereafter acquired from or derived through an alien in good faith and for value by a person not under an alien's disability. A conveyance from a corporation which is under an alien's disability to a corporation which is not under an alien's disability, in exchange for all or a part of the capital stock of the latter, shall be deemed to be in good faith and for value. Nonalien
good faith
purchaser
for value.

Passed the House January 27, 1953.

Passed the Senate February 7, 1953.

Approved by the Governor February 11, 1953.

CHAPTER 12.

[H. B. 63.]

NONRESIDENT TAXICABS.

AN ACT relating to passenger transportation by motor vehicle, and amending section 81.72.130, RCW.

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

SECTION 1. Section 81.72.130, RCW, as derived from section 1, chapter 219, Laws of 1951, is amended to read as follows: Amendment.

Annual
permit
required.

No operator of a taxicab licensed or possessing a permit in another state to transport passengers for hire, and principally engaged as a for-hire operator in another state, shall cause the operation of a taxicab upon any highway of this state without first obtaining an annual permit from the director of licenses upon an application accompanied with an annual fee of twenty dollars for each taxicab. The issuance of a permit shall be further conditioned upon compliance with this chapter.

Passed the House January 30, 1953.

Passed the Senate February 7, 1953.

Approved by the Governor February 11, 1953.

CHAPTER 13.

[H. B. 110.]

DEFICIENCY APPROPRIATION—DEPARTMENT OF
SOCIAL SECURITY—OLD AGE ASSISTANCE
AND AID TO BLIND.

AN ACT making a deficiency appropriation to the department of social security for old age assistance and aid to the blind, as provided by law, 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 thirty-second regular session of the legislature, the sum of three million two hundred forty-five thousand dollars or so much thereof as shall be found necessary is hereby appropriated out of moneys in the general fund of the state treasury for the fiscal biennium beginning April 1, 1951, and ending March 31, 1953, for the purposes herein designated: For the department of social security: Old age assistance, three million two hundred thousand dollars; aid to the blind, forty-five thousand dollars.

SEC. 2. This act is necessary for the immediate Emergency. 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 3, 1953.

Passed the Senate February 11, 1953.

Approved by the Governor February 16, 1953.

CHAPTER 14.

[H. B. 108.]

APPROPRIATION—GRAIN AND TERMINAL WAREHOUSES —COMMODITY INSPECTION.

AN ACT appropriating one hundred and twenty-five thousand dollars from the grain and hay inspection fund to carry out the provisions of chapter 22.08, RCW, and declaring an emergency.

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

SECTION 1. There is hereby appropriated from Appropriation. the grain and hay inspection fund the sum of one hundred and twenty-five thousand dollars for salaries, wages and operations to carry out the provisions of chapter 22.08, RCW.

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

Passed the House February 4, 1953.

Passed the Senate February 11, 1953.

Approved by the Governor February 16, 1953.

CHAPTER 15.

[H. B. 112.]

DEFICIENCY APPROPRIATION—DEPARTMENT OF SOCIAL SECURITY—FUNERALS.

AN ACT making a deficiency appropriation to the department of social security for funerals, as provided by law, 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 thirty-second regular session of the legislature, the sum of thirty-five thousand dollars, or so much thereof as shall be found necessary, is hereby appropriated out of moneys in the general fund of the state treasury for the fiscal biennium beginning April 1, 1951, and ending March 31, 1953, for the purposes herein designated:

For the department of social security:
Funerals, thirty-five thousand dollars.

Emergency.

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 House February 4, 1953.
Passed the Senate February 11, 1953.
Approved by the Governor February 16, 1953.

CHAPTER 16.

[H. B. 150.]

APPROPRIATION—TEMPORARY PUBLICATION
OF SESSION LAWS.

AN ACT appropriating the sum of fourteen thousand two hundred dollars, or so much thereof as may be necessary for the temporary publication of Session Laws of the thirty-third session of the Washington state legislature, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of fourteen thousand two hundred dollars, or so much thereof as may be necessary for the printing and mailing of the temporary publication of the Session Laws of the thirty-third 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 public institutions and shall take effect immediately Emergency.

Passed the House February 5, 1953.

Passed the Senate February 12, 1953.

Approved by the Governor February 16, 1953.

CHAPTER 17.

[S. B. 220.]

FEEDING GARBAGE TO SWINE.

AN ACT relating to animal diseases; defining certain terms; defining a crime; regulating garbage feeding; amending chapter 16.36, RCW; and declaring an emergency.

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

Definitions. SECTION 1. As used in this act:

"Director." "Director" means the director of agriculture of the state of Washington or his authorized representative.

"Department." "Department" means the department of agriculture of the state of Washington.

"Garbage." "Garbage" means the solid animal and vegetable waste and offal together with the natural moisture content resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, markets, meat shops, packing houses and similar establishments or any other food waste containing meat or meat products.

Amendment. SEC. 2. Section 16.36.020, RCW, as derived from section 1, chapter 172, Laws of 1947, is amended to read as follows:

Powers of director. The director of agriculture shall have general supervision of the prevention of the spread and the suppression of infectious, contagious, communicable and dangerous diseases affecting the domestic animals within, in transit through, and, by means of the division of dairy and livestock, may establish and enforce quarantine of and against any and all domestic animals which have been fed garbage or which are affected with any such disease or that may have been exposed to others thus affected, whether within or without the state, for such length of time as he deems necessary to determine whether any

Enforce quarantine.

such animal is infected with any such disease. The director shall also enforce and administer the provisions of this act, and when garbage has been fed to swine he may require the disinfection of all facilities, including yard, transportation and feeding facilities, used for keeping such swine.

Require
disinfection.

SEC. 3. There is added a new section to chapter 16.36, RCW, to read as follows:

New section.

All garbage before being fed to swine shall be thoroughly heated to at least two hundred and twelve degrees fahrenheit for at least thirty minutes in equipment and by methods approved by the director. The director may enter at reasonable times upon any private or public property for the purpose of investigating conditions relating to the treating of garbage to be fed to swine.

Swine;
treatment of
garbage;
investigation
of premises.

SEC. 4. There is added a new section to chapter 16.36, RCW, to read as follows:

New section.

No person shall feed garbage to swine without first securing a license therefor from the department of agriculture. The license shall be renewed on the thirtieth of June of each year. Application therefor shall be accompanied by a license fee of ten dollars which shall be returned to the applicant if the license is denied, or credited to the general fund if the license is granted. The license is non-transferable and a separate license shall be required for each place of business if an operator has more than one feeding station.

Swine;
garbage
feeding
license; fee.

SEC. 5. There is added a new section to chapter 16.36, RCW, to read as follows:

New section.

Upon receipt of an application for a license to feed garbage, the director shall cause an inspection to be made of the premises to determine that the location, construction and facilities meet the following requirements and any rules or regulations on sanitation which may be hereafter promulgated:

Same;
application;
inspection
of facilities.

Feeding
platforms.

(1) Feeding platforms must be constructed of impervious material which must be kept reasonably clean at all times with provision for the proper disposal of all refuse to prevent fly breeding, harboring of rats or other insanitary conditions.

Water
supply.

(2) Ample water supply under pressure must be provided to properly clean the feeding area and an approved drainage system must be provided for all cleaning operations.

New section.

SEC. 6. There is added a new section to chapter 16.36, RCW, to read as follows:

Same;
denial or
revocation
of license.

Upon failure to comply with any of the provisions of this act, or any rules or regulations promulgated under chapter 16.36, RCW, the director may revoke such license or refuse to issue a license to an applicant after first giving the licensee or applicant an opportunity to be heard in regard to the violation.

New section.

SEC. 7. There is added a new section to chapter 16.36, RCW, to read as follows:

Same;
exception.

Sections 3, 4, 5 and 6 of this act shall not apply to any person feeding garbage from his own domestic household.

Amendment.

SEC. 8. Section 16.36.110, RCW, as derived from section 33, chapter 165, Laws of 1927, is amended to read as follows:

Penalty.

A violation of or a failure to comply with any provision of this chapter shall be a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of this act may be enjoined from continuing such violation.

Injunction.

Any person violating the provisions of this act may be enjoined from continuing such violation.

Emergency.

SEC. 9. 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 Senate February 9, 1953.

Passed the House February 7, 1953.

Approved by the Governor February 16, 1953.

CHAPTER 18.

[S. B. 33.]

FORESTRY—POWER DRIVEN EQUIPMENT.

AN ACT regulating the use of power driven equipment; requiring an operating permit for certain operations; defining offenses; and prescribing penalties.

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

SECTION 1. Any bona fide owner or operator of Permit. land before conducting a commercial operation in dead or down timber with power driven machinery shall be required to obtain from the supervisor of forestry a written operating permit. The provisions of this act shall not apply to snag falling conducted for forest protection purposes.

To obtain such a permit the operator or owner must make a written application to the supervisor or to his authorized agent submitting a map showing the area to be logged, legal description and acreage. All permits shall expire at the end of each calendar year but shall be renewable for another year upon written application.

SEC. 2. Every person violating this act shall be Penalty. guilty of a misdemeanor and shall incur the penalties and prohibitions set forth [in] RCW 76.04.270.

Passed the Senate February 2, 1953.

Passed the House February 14, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 19.

[S. B. 13.]

SECOND CLASS CITIES—DEPUTIES.

AN ACT relating to officers and deputies in cities and towns;
and amending section 35.23.200, RCW.

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

Amendment.

SECTION 1. Section 35.23.200, RCW, as derived from section 18, chapter 241, Laws of 1907, is amended to read as follows:

Appointment.

The chief of police, the city attorney and the city clerk may each, with the approval of the city council, appoint such deputies as may be necessary by a written designation filed with the clerk. The compensation of each deputy shall be fixed by the city council. The deputies under the direction of their principal shall perform such duties as the council may prescribe. The principals shall be responsible for their respective deputies and may revoke their appointments at pleasure.

Compensation.

Duties.

Revocation of appointments.

Passed the Senate January 27, 1953.

Passed the House February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 20.

[Sub. S. B. 20.]

FLOOD CONTROL DISTRICTS IN CITIES AND TOWNS.

AN ACT relating to flood control districts in cities and towns;
and amending section 86.04.020, RCW.

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

SECTION 1. Section 86.04.020, RCW, as derived Amendment.
from section 1, chapter 160, Laws of 1935, is
amended to read as follows:

Flood control districts may be established, operated, and maintained to provide for control, to the Districts authorized; purposes.
extent practicable and by economically feasible
methods, of the whole or any part of a stream system,
and control against tidal or any bodies of water, for
the protection of life and property, the preservation
of public health, and the conservation and develop-
ment of the natural resources of the state.

A district established wholly within the bound- Surface or drainage waters.
aries of any city or town may also provide for the
collection, control, and safe and suitable conveyance
over and across the district, of intermittent surface
and drainage waters, originating within or without
its boundaries, to suitable and adequate outlets.

Passed the Senate February 7, 1953.

Passed the House February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 21.

[S. B. 32.]

STATE FOREST LANDS.

AN ACT relating to certain lands acquired by the state forest board; and amending section 76.12.120, RCW.

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

Amendment.

SECTION 1. Section 76.12.120, RCW, as derived from section 7, chapter 154, Laws of 1923, is amended to read as follows:

Timber and other products may be sold; land may be leased.

All land, acquired or designated by the board as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land, except that no sale of any timber or other products thereon and no lease of the land shall be made until ordered and approved by the board.

Christmas trees.

As to such leases and sales the provisions of RCW 79.40.070, prohibiting cutting of Christmas trees, shall apply unless otherwise ordered by the board.

Disposition of funds.

All money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows: The commissioner of public lands shall first determine the amount, if any, that has been expended from the reclamation revolving fund of the state treasury in acquiring, caring for, maintaining, and administering the land from which the revenue is derived and until such cost to the reclamation revolving fund is repaid, the whole amount of revenue derived from the land shall be paid into the reclamation revolving fund. There-

after revenues derived from the land shall be paid into the forest development fund.

Passed the Senate February 18, 1953.

Passed the House February 14, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 22.

[S. B. 147.]

CLASSIFICATION OF COUNTIES.

AN ACT classifying counties of the state by population; establishing a new class and relating to the power and duties of counties and offices; amending sections 36.13.010 and 36.13.090, RCW.

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

SECTION 1. Section 36.13.010, RCW, as derived from section 1, chapter 26, Laws of 1941, is amended to read as follows: Amendment.

The several counties of the state are classified by population as follows: Counties containing a population of five hundred thousand or more shall be known as class AA counties; counties containing a population of two hundred ten thousand or more shall be known as class A counties; counties containing a population of one hundred twenty-five thousand and less than two hundred ten thousand shall be known as counties of the first class; counties containing a population of seventy thousand and less than one hundred twenty-five thousand shall be known as counties of the second class; counties containing a population of forty thousand and less than seventy thousand shall be known as counties of the third class; counties containing a population of eighteen thousand and less than forty thousand shall be known as counties of the fourth class; counties containing a population of twelve thousand and less Counties classified by population.

than eighteen thousand shall be known as counties of the fifth class; counties containing a population of eight thousand and less than twelve thousand shall be known as counties of the sixth class; counties containing a population of five thousand and less than eight thousand shall be known as counties of the seventh class; counties containing a population of three thousand three hundred and less than five thousand shall be known as counties of the eighth class; counties containing a population of less than three thousand three hundred shall be known as counties of the ninth class.

Amendment.

SEC. 2. Section 36.13.090, RCW, as derived from section 1, chapter 133, Laws of 1921, is amended to read as follows:

Powers and duties of class A and class AA counties.

All provisions of law relative to the powers and duties of first class counties and the officers thereof shall apply with equal force to class A counties and class AA counties, except as otherwise provided by law.

Passed the Senate February 7, 1953.

Passed the House February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 23.

[S. B. 65.]

APPEALS BY MOTOR VEHICLE LICENSEES.

AN ACT relating to certain appeals by motor vehicle licensees; and amending sections 46.20.150 and 46.20.340, RCW.

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

SECTION 1. Section 46.20.150, RCW, as derived Amendment.
from section 1, chapter 26, Laws of 1943, is amended to read as follows:

Whenever the director 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 operator's license is or has become a faulty and unsafe driver of a motor vehicle or may become such because of physical, mental, or other defects, he may require the licensee to appear for reexamination as to his qualifications to operate a motor vehicle. Motor vehicle licenses; re-examination.

The director may require persons within certain age groups to be reexamined periodically if accident and violation reports in the department or in the state patrol indicate a disproportionate percentage of unsafe drivers in such age groups.

Except as above provided, the holders of valid motor vehicle operators' licenses shall not be required to be reexamined.

Should any licensee be dissatisfied with any decision of the director or other officer specified in this section he shall have the right to appeal therefrom to the superior court of Thurston county, or at his option to the superior court of the county of his residence. Appeal; right of.

SEC. 2. Section 46.20.340, RCW, as derived from section 74, chapter 188, Laws of 1937, is amended to read as follows: Amendment.

Same;
procedure.

The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in this and chapters 46.12, 46.16 and 46.20, shall be conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. The appeal shall not supersede the suspension, revocation, cancellation or refusal of the license or certificate by the director. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal.

Passed the Senate January 30, 1953.

Passed the House February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 24.

[H. B. 41.]

FOREST PROTECTION.

AN ACT relating to forest protection and amending section 76.04.140, RCW, as derived from chapter 43, Laws of 1925, Extraordinary Session; section 76.04.150, as derived from chapter 114, Laws of 1903, as amended; sections 76.04.250 and 76.04.270, RCW, as derived from chapter 125, Laws of 1911, as amended; section 76.04.300, RCW, as derived from chapter 184, Laws of 1923, as amended; repealing section 76.04.160, RCW, as derived from chapter 249, Laws of 1909, as amended; amending section 76.04.260, RCW; and adding one new section to chapter 76.04, RCW.

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

SECTION 1. Section 76.04.140, RCW, as derived from chapter 43, Laws of 1925, Extraordinary Session, is amended to read as follows: Amendment.

When, in the opinion of the director, any forest region is particularly exposed to fire danger, he may designate such region, defining the boundaries thereof by legal subdivisions or watercourses, watersheds, mountain ranges, or other natural monuments, as a region of extra fire hazard, and he shall promulgate rules and regulations for the protection thereof. All such rules and regulations shall be promulgated by publication in such newspapers of general circulation in the counties wherein such region is situated and for such length of time as the director may determine, and by posting copies thereof on roads and trails entering such region. The rules and regulations shall be in force from the time specified therein. This chapter shall not, however, authorize the director to prohibit the conduct of industrial operations, public work, or access of permanent residents to their own property: *Provided*, That no one legally entering the region of extra fire hazard will be permitted to use the area for recreational pur- Designation of extra-hazardous fire regions.

Rules and regulations.

Limitation on authority.

Use of area for recreation.

poses which are prohibited to the general public under the terms of this act.

Amendment.

SEC. 2. Section 76.04.150, RCW, as derived from chapter 114, Laws of 1903, as last amended by chapter 58, Laws of 1951, is amended to read as follows:

Burning inflammable material.

No one shall burn any inflammable material within any county in this state in which there is a warden or ranger during the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in Western Washington, or between the fifteenth day of April and the fifteenth day of October in Eastern Washington, unless a different date for such beginning and ending is fixed by order of the supervisor of forestry, without first obtaining permission in writing from the supervisor, or a warden, or ranger, and afterwards complying with the terms of said permit. However, if such fire is contained in a suitable device sufficient, in the opinion of the supervisor to prevent the fire from spreading, said written permission will not be necessary. A person violating this section shall, upon conviction, be fined not less than twenty-five dollars nor more than five hundred dollars or be imprisoned in the county jail not exceeding thirty days. Permission for burning shall be given only upon compliance with such rules and regulations as the director shall prescribe, which shall be only such as the director deems necessary for the protection of life or property.

Permit.

Penalty.

Rules and regulations of director.

Revocation, etc., of permit.

The supervisor, any of his assistants, any warden or ranger, may refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property.

Repealing clause.

SEC. 3. Section 76.04.160, RCW, as derived from chapter 249, Laws of 1909, as last amended by chapter 12, Laws of 1945, is hereby repealed.

SEC. 4. Section 76.04.250, RCW, as derived from chapter 125, Laws of 1911, as last amended by chapter 58, Laws of 1951, is amended to read as follows: Amendment.

It shall be unlawful for anyone to operate within one-eighth mile of any forest land between the fifteenth day of April and the fifteenth day of October, which period shall be designated as the closed season unless the designated season is extended by the supervisor due to dangerous fire conditions: Unlawful operations during closed seasons.

(1) Any woods operation or mill using spark emitting or electric engines unless provided with the following fire tools, or the serviceable equivalent thereof, at each landing, and/or yarding tree or mill: Conditions of operation; spark emitting or electric engines.

(a) For operations employing more than five men: Five men or more.

To be kept in a sealed tool box: Three axes, six shovels and six adze hoes; Equipment required.

To be kept adjacent to the tool box: Two bucking saws with handles, and one five-gallon pump can filled with water;

(b) For operations employing five men or less: Five men or less.

To be kept in a sealed tool box: Two axes, three shovels, and three adze hoes; Equipment required.

To be kept adjacent to the tool box: One bucking saw with handles, one hundred gallons of water and two buckets.

(2) Any gasoline, diesel, or electric yarding, skidding, or loading engine unless: Yarding, skidding or loading engine.

(a) Equipped with two chemical fire extinguishers of not less than one and one-half quart capacity; Equipment required.

(b) Exhaust is turned up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrestor.

(3) Any tractor unless: Tractor.

(a) Equipped with one chemical fire extinguisher of not less than one quart capacity; Equipment required.

(b) It has exhaust turned up perpendicular or is equipped with an adequate spark arrestor.

Truck hauling forest products.

(4) Any truck hauling forest products from any forest area unless:

Equipment required.

(a) Equipped with a chemical fire extinguisher of at least one quart capacity;

(b) Equipped with one axe;

(c) Equipped with one shovel;

(d) Exhaust is turned up perpendicular or equipped with adequate spark arrestor or muffler.

Portable power saw.

(5) Any portable power saw unless the power saw operators keep in their immediate possession, a serviceable chemical fire extinguisher of at least eight ounce capacity, or a serviceable shovel, and the power saw is equipped with a muffler or other device adequate to prevent the emission of sparks.

Other gasoline or diesel engines. Equipment required.

(6) Any gasoline or diesel engine used in a mill or for uses not specifically mentioned above unless:

(a) Equipped with chemical fire extinguisher of at least one quart capacity;

(b) Exhaust is pointed up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrestor;

(c) One hundred gallons of water and two buckets.

Amendment.

SEC. 5. Section 76.04.270, RCW, as derived from chapter 125, Laws of 1911, as last amended by chapter 58, Laws of 1951, is amended to read as follows:

Penalties.

Every person violating the provisions of RCW 76.04.250 and 76.04.260 shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than seventy-five dollars. Such person upon the issuance and receipt of a written notice of violation by the supervisor or regularly employed wardens or rangers shall be prohibited from operating the train, railroad locomotive, logging locomotive, or other engine, power equipment or boiler until the requirements of such sections have been

complied with. The forest officer may specify in the notice of violation the special conditions and precautions under which the operation would be allowed to continue until the end of that work day.

SEC. 6. Section 76.04.300, RCW, as derived from chapter 184, Laws of 1923, as last amended by chapter 89, Laws of 1931, is amended to read as follows: Amendment.

It shall be unlawful during the closed season, from April fifteenth to October fifteenth, for any person to throw away any lighted tobacco, cigars, cigarettes, matches, fire crackers, or other lighted material in any forest, brush, range, or grain areas. Closed season; unlawful to throw away lighted material.

It shall also be unlawful for any individual to smoke when walking or traveling in areas of logging slash and areas of current logging operations, except on paved or surfaced roads. Smoking in slash or logging areas.

Every conveyance operated through or above forest, brush, range, or grain areas, shall be equipped in each compartment with a suitable receptacle, for the disposition of lighted tobacco, cigars, cigarettes, matches, fire crackers, or other inflammable material. Conveyances; receptacles.

Every person operating a public conveyance through or above forest, range, or grain areas, shall post a copy of this section in a conspicuous place within the smoking compartment of the conveyance; and every person operating a saw mill, or a logging camp in any such areas, shall post a copy of this section in a conspicuous place upon the ground or buildings of such milling or logging operation. Law to be posted.

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

SEC. 7. Section 76.04.260, RCW, as derived from section 14, chapter 125, Laws of 1911, as last amended by section 5, chapter 58, Laws of 1951, is amended to read as follows: Amendment.

It shall be unlawful for anyone to operate within one-eighth mile of any forest land between the fifteenth day of April and the fifteenth day of October, Unlawful operations during closed seasons.

Conditions of operations; spark emitting railroad logging locomotive.

Equipment required.

which period shall be designated as the closed season unless the designated season is extended by the supervisor due to dangerous fire conditions:

(1) Any spark emitting railroad logging locomotive unless:

(a) Equipped with a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle;

(d) Equipped with all the complement of hand tools listed under subdivision 1 (a) of RCW 76.04.250, kept in a sealed tool box on such locomotive ready for instant use;

(e) Equipped with a sprinkler system which can be capable of wetting the tracks and at least two feet on either side of each rail. Such sprinkler system shall be manually controlled from the cab. The water supply tank for such sprinkler shall be capable of carrying an adequate supply of water in direct relation to the mileage of track covered and the available water supply;

Follow-up patrol.

(f) During the closed season it is followed by a speeder or other patrol. Such patrol shall be equipped with two shovels, one axe, and one five-gallon pump can filled with water. When a logging train operates on a common carrier track the patrol will be regulated under laws pertaining to common carrier railroads.

Common carrier railroad train; conditions of operation.

(2) Any common carrier railroad trains operating through forest lands unless:

(a) Such trains are followed by a speeder patrol at such times and in such places as the supervisor may designate, each patrol to be equipped with a

five-gallon fire extinguisher, two shovels and one axe. In case a railroad company fails to provide patrol as required, the supervisor is hereby authorized to employ patrolmen for such purpose and the railroad company concerned shall be liable for the expense of the same to be collected in a civil suit brought by the state against said railroad company;

(b) At the request of the supervisor, such common carrier maintain pumping equipment and fire fighting tools specified by the supervisor but not to exceed those required of logging locomotives.

(3) Any steam logging engine or boiler unless:

(a) Being equipped with and using a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures of not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle.

(4) Any railroad locomotive, logging locomotive, logging or other engine or boiler unless equipped with an adequate device to prevent the escape of fire or live coals or other burning substance from all ash pans, and all fire boxes, except when ash pans or fire boxes are being cleaned when not in motion. Any donkey boiler, when equipped to operate without the use of exhaust steam within the stack, and without any artificial means of creating a forced draught, shall not require a spark arrestor.

(5) Any railroad speeder unless:

(a) Equipped with one No. 2 shovel round point;
 (b) Exhaust is pointed up perpendicular and is cleared of all obstructions or is equipped with an adequate spark arrestor.

Steam logging engines or boilers. Equipment required.

Locomotives, engines and boilers; ash pan and fire box devices.

SEC. 8. There is added to chapter 76.04, RCW, a new section. to read as follows:

Blasting fuse; closed season.

It shall be unlawful to use fuse for blasting on any area of logging slash or area of actual logging operation for the period of June fifteenth to October fifteenth. This period may be extended by the supervisor if hazardous weather conditions warrant. Any person violating the provisions of this section shall be guilty of a misdemeanor. Upon the issuance of a written permit by the supervisor or warden or ranger, fuse may be used during the closed season under the conditions specified in the permit.

Same; penalty.

Same; permit.

Passed the House February 3, 1953.

Passed the Senate February 14, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 25.

[H. B. 5.]

EMERGENCY PARTY LINE TELEPHONE CALLS.

AN ACT relating to telephone calls on party lines during emergencies; prescribing priority for such calls, and providing penalties.

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

"Party line."

SECTION 1. "Party Line" means a subscribers' line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number.

"Emergency."

"Emergency" means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

Penalty; refusal to yield.

SEC. 2. Any person who shall wilfully refuse to yield or surrender the use of a party line to another person for the purpose of permitting such other person to report a fire or summon police, medical or other aid in case of emergency, shall be deemed guilty of a misdemeanor.

SEC. 3. Any person who shall ask for or request the use of a party line on pretext that an emergency exists, knowing that no emergency in fact exists, shall be deemed guilty of a misdemeanor.

Penalty;
request
for line on
pretext of
emergency.

SEC. 4. After the ninetieth day following the effective date of this act, every telephone directory thereafter distributed to the members of the general public shall contain a notice which explains this law, such notice to be printed in type which is no smaller than any other type on the same page and to be preceded by the word "warning": *Provided*, That the provisions of this section shall not apply to those directories distributed solely for business advertising purposes, commonly known as classified directories.

Telephone
directory;
notice.

Passed the House January 29, 1953.

Passed the Senate February 17, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 26.

[H. B. 11.]

CITIES AND TOWNS—LOCAL IMPROVEMENTS.

AN ACT relating to local improvements by cities and towns and amending section 35.43.130, RCW, as derived from chapter 98, Laws of 1911, as amended, and section 35.43.160, RCW, as derived from chapter 209, Laws of 1927, as amended.

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

SECTION 1. Section 35.43.130, RCW, is amended to read as follows: Amendment.

Upon the filing of a petition or upon the adoption of a resolution, as the case may be, initiating a proceeding for the formation of a local improvement district, the proper board, officer, or authority designated by charter or ordinance to make the preliminary estimates and assessment roll shall cause an estimate to be made of the cost and expense of the

Formation;
preliminary
estimates and
assessment
roll.

proposed improvement and certify it to the legislative authority of the city or town together with all papers and information in its possession touching the proposed improvement, a description of the boundaries of the district, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate including twenty-five percent of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purposes of general taxation.

Same;
petition
proceedings.

If the proceedings were initiated by petition the designated board, officer or authority shall also determine the sufficiency of the petition and whether the facts set forth therein are true. If the petition is found to be sufficient and in all proceedings initiated by resolution of the legislative authority of the city or town, the estimates must be accompanied by a diagram showing thereon the lots, tracts, and parcels of land and other property which will be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each lot, tract, or parcel of land or other property.

Same;
valuation of
unassessed
public
property.

For the purpose of estimating and levying local improvement assessments, the value of property of the United States, of the state, or of any county, city, town, school district, or other public corporation whose property is not assessed for general taxes shall be computed according to the standards afforded by similarly situated property which is assessed for general taxes.

SEC. 2. Section 35.43.160, RCW, as derived from chapter 209, Laws of 1927, is amended to read as follows: Amendment.

No city or town shall proceed with a local improvement initiated by petition if it appears from the preliminary estimates and assessment roll that the amount of the estimated cost and expense thereof which is to be assessed against the property in the proposed district when added to all other outstanding local improvement assessments against the property in the proposed district (excluding penalties and interest and excluding assessments for diking, drainage, sanitary fill or for filling any street to the established grade over any tideflats or tidelands or for storm or sanitary sewers or watermains) exceeds the aggregate actual valuation of the real estate (including twenty-five percent of the actual valuation of the improvements thereon) within the district according to the valuation last placed upon it for the purposes of general taxation, unless the proceeding was initiated by a petition signed by the owners of seventy-five percent of the lineal frontage upon the improvement and seventy-five percent of the area within the proposed district and the petition requests that the limitation be exceeded and the petitioners or someone in their behalf deposits with the city or town a sum of money equal to the amount by which the estimated cost of the improvement exceeds the limit herein fixed. Formation;
petition
procedure;
effect of
outstanding
assessments.

Passed the House January 26, 1953.

Passed the Senate February 17, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 27.

[H. B. 24.]

CITIES AND TOWNS—PAYROLL AND CLAIM FUNDS.

AN ACT relating to cities and towns and authorizing the creation of payroll and claim funds and specifying their uses.

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

SECTION 1. The legislative authority of any city or town is authorized to create the following special funds:

Payrolls
fund.

(1) Payrolls—into which moneys may be placed from time to time as directed by the legislative authority from any funds available and upon which warrants may be drawn and cashed for the purpose of paying any moneys due city employees for salaries and wages. The accounts of the city or town shall be so kept that they shall show the department or departments and amounts to which the payment is properly chargeable.

Claims fund.

(2) Claims—into which may be paid moneys from time to time from any funds which are available and upon which warrants may be issued and paid in payment of claims against the city or town for any purpose. The accounts of the city or town shall be so kept that they shall show the department or departments and the respective amounts for which the warrant is issued and paid.

Transfers
from
insolvent
funds.

SEC. 2. Transfers from an insolvent fund to the payrolls fund or claims fund shall be by warrant.

Passed the House January 26, 1953.

Passed the Senate February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 28.

[H. B. 239.]

STATE HIGHWAY COMMISSION—CONVEYANCE
OF LANDS.

AN ACT authorizing the state highway commission to deed parcels of land not needed for highway purposes to abutting property owners in consideration for other lands needed for highway purposes.

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

SECTION 1. Whenever the state department of highways shall have title to any parcel of land which the state highway commission shall determine is not necessary for highway purposes, the commission is authorized to cause such land to be deeded to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the highway commission deems to be necessary for highway purposes. The governor is authorized to execute and the secretary of state shall attest the conveyances necessary to carry out such exchange.

Highway
land;
exchange
with
abutting
owner.

Passed the House February 7, 1953.

Passed the Senate February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 29.

[H. B. 240.]

STATE HIGHWAY COMMISSION—CONTRACTS—
DAY LABOR.

AN ACT authorizing state highway district engineers to award certain contracts and amending section 47.28.030, RCW.

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

Amendment.

SECTION 1. Section 47.28.030, RCW, as derived from section 41, chapter 53, Laws of 1937, as last amended by section 1, chapter 70, Laws of 1949, is amended to read as follows:

Day labor.

A state highway shall be constructed, altered, repaired, or improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. The state highway commission may authorize any district engineer of the highway department to award any contract for work not exceeding a cost of fifteen thousand dollars. All such awards shall be subject to the approval of the commission and shall follow the same procedures as are prescribed for other highway department contracts except as provided in this section.

Contracts.

Passed the House February 7, 1953.

Passed the Senate February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 30.

[H. B. 241.]

LIMITED ACCESS HIGHWAYS—COUNTY ROADS—
CROSSINGS.

AN ACT relating to the crossing of county roads by state highways, and amending section 47.52.020, RCW.

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

SECTION 1. Section 47.52.020, RCW, as derived from section 2, chapter 202, Laws of 1947, as last amended by section 4, chapter 167, Laws of 1951, is amended to read as follows: Amendment.

The highway authorities of the state, counties, and incorporated cities and towns, acting alone or in cooperation with each other, or with any federal, state, or local agency, or any other state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, construct, maintain, and provide limited access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities: *Provided*, That within incorporated cities and towns, and upon county roads within counties, such authority or authorities shall be subject to the consent of the governing body, except that where a state limited access facility crosses a county road the state highway commission may, without the consent of the board of county commissioners, close off such county road so that it will not intersect such limited access facility. Highway authorities; powers.
Consent of local governing body.
Closure of county road.

The state highway commission may, in constructing or relocating any state highway, cross any county road at grade without obtaining the consent of the board of county commissioners, and in so doing may revise the alignment of such county road to the extent that the state highway commission finds neces- Crossing at grade.

sary for reasons of traffic safety or practical engineering considerations.

Passed the House February 7, 1953.

Passed the Senate February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 31.

[H. B. 244.]

HIGHWAYS—NO-PASSING ZONES.

AN ACT providing for the establishment of no passing zones upon state highways and amending section 46.60.060, RCW.

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

Amendment. SECTION 1. Section 46.60.060, RCW, as derived from section 79, chapter 189, Laws of 1937, is amended to read as follows:

Unlawful to pass; curves. It shall be unlawful for any person operating a vehicle upon a public highway outside of cities and towns to overtake and pass another vehicle proceeding in the same direction upon a curve when the view of the operator of the overtaking vehicle is obstructed or obscured within a distance of eight hundred feet along the highway in the direction in which he is proceeding.

Same; crest of hills. It shall be unlawful for any person operating a vehicle upon a public highway outside of cities and towns to overtake and pass another vehicle proceeding in the same direction while approaching the crest of any grade where there is not a clear view of the highway ahead within a distance of eight hundred feet along the highway.

Same; highway structures, tunnels, underpasses. It shall be unlawful for any person operating a vehicle upon a public highway outside of cities and towns to overtake and pass another vehicle upon any

highway structure, tunnel, or underpass or within five hundred feet of the approach thereto.

It shall be unlawful for any person operating a vehicle upon a public highway outside of cities and towns to overtake and pass another vehicle upon a highway railroad grade crossing or within two hundred feet of the approach thereto.

Same;
railroad
crossings.

Between the points herein designated, vehicles shall remain to the extreme right hand side of the driving portion of the roadway of the highway.

The provisions of this section shall not apply to the overtaking and passing of vehicles upon the proper driving portions of any multiple-lane highway.

Exception;
multiple-lane
highway.

The state highway commission may, when it deems it necessary for safe vehicle operation or for the enforcement of this section, install no-passing zones by means of a solid barrier paint line of contrasting color parallel, adjacent, and to the right of the painted barrier line of the traffic lane in which the vehicle is operating and which shall be visible to the vehicle operator to designate points between which vehicles may not lawfully overtake and pass as above provided.

No-passing
zones.

Passed the House February 7, 1953.

Passed the Senate February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 32.

[H. B. 247.]

TOLL BRIDGE AUTHORITY—SALE OF REALTY.

AN ACT authorizing the Washington toll bridge authority to sell surplus real property, and amending section 47.60.130, RCW.

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

Amendment.

SECTION 1. Section 47.60.130, RCW, as derived from section 3, chapter 179, Laws of 1949, is amended to read as follows:

Financing and operation of ferry system.

Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the authority may determine.

Rent, lease, or charter of property.

The authority is empowered to rent, lease, or charter any property acquired under this chapter. Whenever the authority shall determine that any land, including improvements thereon, is no longer needed for the purposes of the ferry system, it may offer the same for sale upon notice and bids in the manner of letting contracts for state highway improvements.

Sale of property.

The authority may reject all such bids if the highest bid does not equal the reasonable fair market value of the real property plus the value of the improvements thereon, computed on the basis of the reproduction value, less depreciation. It may accept the highest and best bid and request the attorney general to prepare the necessary instrument of conveyance which shall be executed by the governor. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150.

Same; bids.

Same; proceeds.

Passed the House February 10, 1953.

Passed the Senate February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 33.

[H. B. 252.]

WASHINGTON STATE FERRIES.

AN ACT authorizing the Washington toll bridge authority to operate a ferry system under the name of "Washington State Ferries."

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

SECTION 1. The Washington toll bridge authority is hereby authorized to operate its ferry system under the name: "Washington State Ferries."

Name.

Passed the House February 10, 1953.

Passed the Senate February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 34.

[S. B. 29.]

FIREWORKS.

AN ACT regulating the sale and the offering or exposing for sale of certain fireworks; regulating the manner of using fireworks; providing penalties; amending sections 70.77.030, 70.77.040, and 70.77.060, RCW; and declaring an emergency.

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

SECTION 1. Section 70.77.030, RCW, as derived from section 3, chapter 174, Laws of 1951, is amended to read as follows:

Amendment.

It shall be unlawful to manufacture, sell as a wholesaler, jobber or broker, offer for retail sale, expose for retail sale, sell at retail, or use or explode one pound rockets or larger, sidewick salutes, cherry bombs, cherry salutes, M-80's, T.N.T. bombs, toy torpedoes, or any other fireworks within the state except such as comply with the following detailed specifications: Ground explosives, which shall be

Unlawful to make or sell fireworks except in accordance with specifications.

Ground explosives.

made without solid silicate end plugs and be made of ordinary paper shells with fuse in end, and same shall not contain an explosive composition in excess of a total of twelve grains, nor be over two inches in length by one-half inch in width, outside diameter exclusive of fuse; skyrockets, which shall not be in excess of one and one-quarter inches in outside diameter, or in excess of ten inches in length, or designated in excess of one-half pound; ground propulsion items which shall not exceed the explosive content of a one and five-eighths inch Chinese firecracker; aerial bombs which do not contain a total explosive charge in excess of thirty grains of explosive composition per tube; buzz bombs or similar articles which do not contain an explosive composition in excess of twenty grains; Roman candles which do not contain balls in excess of twenty per candle; other types of fireworks such as sparklers, cone goods, handle goods, base goods, and wheel goods, snakes, snake nests, and boa constrictors of a non-poisonous nature; star shells, parachute shells, and bursting comets that do not contain any explosive composition in addition to their usual composition for smoke or illumination; any item of fireworks designed to stand on the ground, in the form of a cone, which shall not contain any explosive composition: *Provided*, That the provisions of this section shall not apply to the manufacture, sale, offer for sale, or use of fireworks employed in supervised public displays by municipalities, fair associations, amusement parks or other organizations or groups of individuals holding permits from the cities or counties wherein the displays are to be held.

Skyrockets.

Ground propulsion items.

Aerial bombs.

Buzz bombs.

Roman candles.

Other types.

Exception: supervised public displays.

Amendment.

SEC. 2. Section 70.77.040, RCW, as derived from section 4, chapter 174, Laws of 1951, is amended to read as follows:

Sale or use permitted, when.

It shall be unlawful for any person, firm, copartnership, or corporation to offer for retail sale, expose

for retail sale, sell at retail, or use or explode any fireworks within the state, except between the dates of June 25 and July 5, inclusive: *Provided*, That the provisions of this section shall not apply to supervised public displays by municipalities, fair associations, amusement parks or other organizations or groups of individuals holding permits from the cities or counties wherein the displays are to be held.

Exception:
supervised
public
displays.

SEC. 3. Section 70.77.060, RCW, as derived from section 6, chapter 174, Laws of 1951, is amended to read as follows: Amendment.

The state fire marshal shall adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other persons, organizations or groups of individuals: *Provided*, That the governing body of any municipality, or of any county, may require a bond or liability policy deemed adequate by the municipality, or the county, from any person, firm, copartnership or corporation in a sum not less than five hundred dollars conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the authorized display, and arising from any acts of any person, firm, copartnership or corporation, his agents, employees or subcontractors.

State
fire marshal;
permits.

Local
authority
may require
bond or
insurance.

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

Passed the Senate February 10, 1953.

Passed the House February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 35.

[S. B. 135.]

APPROPRIATION—COMMISSIONER OF PUBLIC LANDS.

AN ACT relating to state government; providing for an appropriation to the commissioner of public lands for the current biennium; and declaring an emergency.

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

Appropriation.

SECTION 1. For the biennium ending March 31, 1953, there is appropriated out of the general fund to the commissioner of public lands the sum of twenty-seven thousand eight hundred seventy-five and 83/100 dollars (\$27,875.83), or so much thereof as may be necessary, for salaries and wages.

Emergency.

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

Passed the Senate February 10, 1953.

Passed the House February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 36.

[H. B. 60.]

RENTAL OF ARMORIES.

AN ACT relating to armories and rifle ranges; authorizing the Adjutant General to rent for a limited period the field artillery armory in cities of more than three hundred thousand population; and declaring an emergency.

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

Adjutant General may lease.

SECTION 1. The Adjutant General of the State of Washington is authorized to let the field artillery armory in any city of more than three hundred thousand population during the calendar year 1954, for a

period of continuous use by the tenant of not to exceed four months, at a rental charge of eighty dollars per day which represents the predetermined operating costs of the structure determined as provided under the provisions of RCW 38.20.010.

Duration.
Rental.

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

Emergency.

Passed the House January 28, 1953.

Passed the Senate February 14, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 37.

[H. B. 17.]

COUNTIES—PAYMENT OF OFFICERS AND EMPLOYEES.

AN ACT permitting the payment of certain county officers and employees twice monthly, and amending section 36.17.040, RCW, as derived from section 37, Laws of 1890.

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

SECTION 1. Section 36.17.040, RCW, as derived from section 37, Laws of 1890, is amended to read as follows:

Amendment.

The salaries of county officers and employees of counties may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the twentieth day of the month, draw his warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw his warrant, not later than the fifth day of the following month, and the county com-

Salaries;
payment
twice
monthly

missioners may enter an order on the record journal empowering him so to do.

Passed the House January 29, 1953.

Passed the Senate February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 38.

[H. B. 25.]

CITIES AND TOWNS—CUMULATIVE RESERVE FUNDS.

AN ACT relating to the creation of cumulative reserve funds, and amending section 35.21.070, RCW, as derived from section 1, chapter 60, Laws of 1941, and section 35.21.080, RCW, as derived from section 2, chapter 60, Laws of 1941.

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

Amendment.

SECTION 1. Section 35.21.070, RCW, as derived from section 1, chapter 60, Laws of 1941, is amended to read as follows:

Cities authorized to create cumulative reserve fund.

Any city or town is hereby authorized to establish by ordinance a cumulative reserve fund in general terms for several different municipal purposes as well as for a very specific municipal purpose, including that of buying any specified supplies, material or equipment, or the construction, alteration or repair of any public building or work, or the making of any public improvement. The ordinance shall designate the fund as "cumulative reserve fund for

Designation of purpose.

.....(naming purpose or purposes for which fund is to be accumulated and expended)."

Year to year.

The moneys in said fund may be allowed to accumulate from year to year until the legislative authority of the city or town shall determine to expend the moneys in the fund for the purpose or purposes specified: *Provided*, That any moneys in said fund shall never be expended for any other purpose or purposes than those specified, without an approving

Expenditures restricted to purposes specified.

vote by a majority of the electors of the city or town at a general or special election voting on a proposal submitted to the electors to allow other specified uses to be made of said fund.

SEC. 2. Section 35.21.080, RCW, as derived from section 2, chapter 60, Laws of 1941, is amended to read as follows: Amendment.

An item for said cumulative reserve fund may be included in the city or town's annual budget or estimate of amounts required to meet public expense for the ensuing year and a tax levy made within the limits and as authorized by law for said item; and said item and levy may be repeated from year to year until, in the judgment of the legislative body of the city or town, the amount required for the specified purpose or purposes has been raised or accumulated. Any moneys in said fund at the end of the fiscal year shall not lapse nor shall the same be a surplus available or which may be used for any other purpose or purposes than those specified, except as herein provided. Cumulative
reserve fund;
tax levy for.

Disposition
of moneys
in fund.

Passed the House January 26, 1953.

Passed the Senate February 19, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 39.

[H. B. 168.]

STATE PARKS—TELEVISION STATIONS.

AN ACT relating to parks and state lands, conferring additional authority on and validating certain acts of the state parks and recreation commission.

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

Lease of state park areas for television station use; authorized.

SECTION 1. The state parks and recreation commission is hereby authorized to lease the use of such areas in Mount Spokane state park, Steptoe Butte state park, Kamiak Butte state park or any other state park for television stations as the commission may decide are suitable for that purpose: *Provided*, That this authority shall not extend to school lands or lands held by the state of Washington for educational purposes.

Exception.

Prior lease confirmed.

SEC. 2. Any lease authorizing the use of any portion of Mount Spokane state park for a television station which the state parks and recreation commission has already made is hereby validated and confirmed, and the parties thereto are bound by the terms thereof.

Powers and authority not restricted.

SEC. 3. The authority conferred by this act is in addition to the powers and authority now conferred upon the state parks and recreation commission, and this act shall not be construed to repeal or limit, by implication or otherwise, any authority or power now conferred by law upon the state parks and recreation commission.

Passed the House February 13, 1953.

Passed the Senate February 18, 1953.

Approved by the Governor February 24, 1953.

CHAPTER 40.

[H. B. 88.]

AUTHORIZED EMERGENCY VEHICLE DEFINED.

AN ACT relating to the definition of an authorized emergency vehicle, and amending section 46.04.040, RCW.

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

SECTION 1. Section 46.04.040, RCW, as derived Amendment. from section 1, chapter 188, Laws of 1937, and section 1, chapter 189, Laws of 1937, as last amended by section 1, chapter 153, Laws of 1943, is amended to read as follows:

“Authorized emergency vehicle” means any vehicle of any fire department, police department, sheriff’s office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state commission on equipment, or any other vehicle authorized in writing by the state commission on equipment. “Authorized emergency vehicle.”

Passed the House February 5, 1953.

Passed the Senate February 21, 1953.

Approved by the Governor February 25, 1953.

CHAPTER 41.

[H. B. 209.]

CEMETERY DISTRICTS.

AN ACT relating to cemetery districts and amending section 68.16.010, RCW.

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

Amendment.

SECTION 1. Section 68.16.010, RCW, as derived from section 1, chapter 6, Laws of 1947, as last amended by section 1, chapter 27, Laws of 1947, is amended to read as follows:

Establishment authorized.

Cemetery districts may be established in counties of the second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as in this chapter provided.

Passed the House February 13, 1953.

Passed the Senate February 20, 1953.

Approved by the Governor February 25, 1953.

CHAPTER 42.

[H. B. 253.]

STATE HIGHWAY COMMISSION—SALE OF PERSONALTY.
AN ACT providing for the sale of personal property severed from highway department lands.

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

Property attached to land acquired by highway department.

SECTION 1. Whenever the state highway department shall have acquired any lands, except state granted lands, upon which are located any structures, timber or other thing of value attached to the land, which the state highway commission shall deem it best to sever from the land and sell as personal property, the same may be sold by the department of highways at public auction after due notice thereof shall have been given in accordance with

May be severed and sold at auction.

general regulations prescribed by the state highway commission. The state highway commission may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the commission, it shall be lawful for the commission to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

Minimum prices, terms, conditions.

Private sales, when.

Proceeds.

Passed the House February 9, 1953.

Passed the Senate February 19, 1953.

Approved by the Governor February 25, 1953.

CHAPTER 43.

[H. B. 307.]

APPLE ADVERTISING COMMISSION—ASSESSMENTS.

AN ACT relating to apples; providing the method of increasing the assessments on apples payable to the Washington State Apple Advertising Commission; and amending section 15.24.090, RCW.

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

SECTION 1. Section 15.24.090, RCW, as derived from section 13, chapter 195, Laws of 1937, is amended to read as follows:

Amendment.

If it appears from the investigation that the revenue from the assessment levied hereunder is inadequate to accomplish the purposes of this chapter the commission shall file with the director a report showing the necessities of the industry, extent and probable cost of the required research, market pro-

Assessment inadequate; report to director.

motion and advertising, extent of public convenience,
 interest and necessity, and probable revenue from
 the assessment levied. It shall thereupon increase
 the assessment to a sum not to exceed twelve cents
 per one hundred pounds of apples, gross billing
 weight, shipped in bulk, container or any style of
 package; but no increase shall be made prior to filing
 of said report and findings. An increase shall be-
 come effective sixty days after such report is filed:
Provided, That no increase in such assessment shall
 become effective unless the same shall be first re-
 ferred by the commission to a referendum mail
 ballot by the apple growers of this state and be
 approved by a majority of such growers voting
 thereon: *Provided further*, That after such mail
 ballot, if the same be favorable to such increase, the
 commission shall nevertheless exercise its indepen-
 dent judgment and discretion as to whether or not
 to approve such increase: *And provided further*,
 That in any event such increase shall not amount to
 more than two cents per one hundred pounds of
 apples, gross billing weight, in any one year.

Assessment
increase.Same;
effective
date.Same;
referendum.

Limitation.

Passed the House February 10, 1953.

Passed the Senate February 20, 1953.

Approved by the Governor February 25, 1953.

CHAPTER 44.

[H. B. 33.]

FOREST PRACTICES.

AN ACT relating to forest practices and amending sections 76-.08.010, 76.08.060, 76.08.080 and 76.08.090, RCW, as derived from chapter 193, Laws of 1945, as amended.

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

SECTION 1. Section 76.08.010, RCW, as derived from chapter 193, Laws of 1945, as amended, is amended to read as follows: Amendment.

As used in this chapter:

Definitions.

The term "supervisor" means the supervisor of forestry; "Supervisor."

The term "department" means the department of conservation and development; "Department."

The term "owner" means the owner of any forest land; "Owner."

The term "adequate restocking" means a stand of not less than three hundred established live seedlings per acre of which at least one hundred shall be well distributed, or not less than three hundred surviving trees per acre which were established by artificial means; "Adequate restocking."

The term "merchantable stand of timber" means any stand of timber consisting of not less than three thousand board feet per acre of currently merchantable live timber as measured by the Scribner Decimal C log rule, or three hundred cubic feet as measured by the Sorenson log rule, or four standard cords; "Merchantable stand of timber."

The term "operator" means any person who engages in logging of timber for commercial purposes from any land within the state. "Operator."

SEC. 2. Section 76.08.060, RCW, as derived from chapter 193, Laws of 1945, as amended, is amended to read as follows: Amendment

Compliance
requirements
west of the
Cascade
mountains.

The provisions of this chapter shall be deemed to have been complied with in the area west of the summit of the Cascade mountains, if at time of issuance of a certificate of clearance by the supervisor there have been reserved and left uncut not less than five percent of each quarter section, or lesser subdivision, well stocked with commercial coniferous trees not less than sixteen inches in diameter breast high outside the bark until such time as the area is adequately stocked by natural means. On areas that support stands where the average tree is less than sixteen inches in diameter the designated seed area left uncut shall be not less than five percent of each quarter section or lesser subdivision and shall be left untouched unless the entire subdivision is being cut on the basis of thinning for stand improvement. The foregoing may be accomplished by leaving marginal long corners of timber between logged areas, or strips of timber across valleys, or along ridges and natural fire breaks, or by leaving staggered settings and uncut settings.

Amendment.

SEC. 3. Section 76.08.080, RCW, as derived from chapter 193, Laws of 1945, as amended, is amended to read as follows:

Enforcement.

The supervisor may employ a sufficient number of technically trained foresters as inspectors to enable him to maintain an inspection service deemed adequate to secure compliance with the provisions of this chapter. In the event that an owner or operator fails, refuses or neglects to comply with the provisions of this chapter, the supervisor may order the particular operation in which the violation occurs discontinued until the owner or operator gives satisfactory assurance that he will resume operations in compliance with the provisions of this chapter and furnishes cash deposit or bond in lieu thereof as fixed by the supervisor, on the basis of not to exceed sixteen dollars per acre for that portion of the area

Same; dis-
continuance
of operations.

Same;
cash deposit
or bond.

which through his failure to carry out the provisions of this chapter does not have sufficient source of seed to adequately restock the area. Such order may be enforced by injunction proceedings. The cash deposit or bond shall be furnished to insure that the owner or operator will artificially restock the area for which the money was collected, within five years. If at the end of the five years the owner or operator has not artificially restocked the area, or the area has not become adequately restocked, the cash deposit shall be forfeited, or if the owner or operator has posted bond in lieu of making cash deposit he shall within thirty days after notification in writing by the supervisor furnish the amount of money for which he posted bond. The supervisor shall place this money in a special deposit fund of the state treasury to be used for artificially restocking the land on which the deposit was made. The supervisor shall artificially restock the area within two years after the deposit was forfeited, using the money in the special deposit fund collected from the owner for that purpose. In the event that the full amount of money forfeited for any specified area is not required by the supervisor to restock the area, the unexpended balance shall be returned to the depositor. Until compliance is so assured, the supervisor shall also have power to prevent any new operation or operations in this state by the delinquent operator. Any person violating the provisions of this chapter by operating without a permit shall be guilty of a misdemeanor, and each day of operation shall constitute a separate offense.

Same; injunction.

Non-compliance; cash deposit forfeited.

Same; bond payment.

Special deposit fund.

Restocking.

Delinquent operators; new operations prevented.

Penalty.

SEC. 4. Section 76.08.090, RCW, as derived from chapter 193, Laws of 1945, as amended, is amended to read as follows:

Amendment.

The provisions of this chapter shall not be applicable where, upon application to the supervisor, he has issued a permit for the removal of trees from

Operations exempted by permit.

Purposes
permits
issued for.

lands best suited for purposes other than the growing of forest crops. Such permits shall be issued where removal is sought for any of the following purposes:

(1) To benefit the general health and increase the annual growth of residual stands of timber or for the purpose of removing dying or diseased trees.

(2) To clear the land upon which the trees are situated for bona fide mining, business, or residential purposes.

(3) To clear rights-of-way, landings, camp sites, or fire breaks.

(4) To clear lands when classified as best suited for agricultural purposes on the basis of the best soils and land use information available.

Appeals.

(a) In the event of refusal by the supervisor of a request for an agricultural permit the owner or operator may appeal to the State Forest Board for a review of the request.

(b) If an agricultural permit is granted on forest land by the State Forest Board, the supervisor may cause an inspection to be made at the end of five years after cutting. If no attempt has been made to place the area in agricultural use and it has not restocked with commercial coniferous species it shall be replanted by the Division of Forestry or owner.

Inspection.

Replanting.

Lien.

If planted by the Division of Forestry, the costs of planting shall not exceed the amount specified in RCW 76.08.080 and shall constitute a lien in favor of the state of Washington upon the land therefor which lien shall be perfected and enforced in the same manner and with the same effect as a mechanics lien.

Passed the House February 14, 1953.

Passed the Senate February 23, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 45.

[S. B. 84.]

EMPLOYEE BENEFIT PLANS.

AN ACT relating to payments made pursuant to employee benefit plans and discharging the payor from adverse claims there-to in certain cases.

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

SECTION 1. Notwithstanding the provisions of section 26.16.030, RCW, whenever payment or refund is made to an employee, former employee, or his beneficiary or estate pursuant to and in full compliance with a written retirement, death or other employee benefit plan or savings plan, such payment or refund shall fully discharge the employer and any trustee or insurance company making such payment or refund from all adverse claims thereto unless, before such payment or refund is made, the employer or former employer, where the payment is made by the employer or former employer, has received at its principal place of business within this state, written notice by or on behalf of some other person that such other person claims to be entitled to such payment or refund or some part thereof, or where a trustee or insurance company is making the payment, such notice has been received by the trustee or insurance company at its home office or its principal place of business within this state, and if none, such notice may be made on the secretary of state: *Provided, however,* That nothing contained in this section shall affect any claim or right to any such payment or refund or part thereof as between all persons other than employer and the trustee or insurance company making such payment or refund.

Employee benefit plans; payment or refund as discharge.

Exception; notice of claim.

Other claims not affected.

Passed the Senate February 25, 1953.

Passed the House February 21, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 46.

[S. B. 100.]

SURETYSHIP—DEPOSITS—JOINT CONTROL.

AN ACT relating to sureties; and providing for joint control.

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

Lawful for principal and surety to place money or assets on deposit under joint control.

SECTION 1. It shall be lawful for any party of whom a bond, undertaking or other obligation is required, to agree with his surety or sureties for the deposit of any or all moneys and assets for which he and his surety or sureties are or may be held responsible, with a bank, savings bank, savings and loan associations, safe-deposit or trust company, authorized by law to do business as such, or with other depository approved by the court or a judge thereof, if such deposit is otherwise proper, for the safekeeping thereof, and in such manner as to prevent the withdrawal of such money or assets or any part thereof, without the written consent of such surety or sureties, or an order of court, or a judge thereof made on such notice to such surety or sureties as such court or judge may direct: *Provided, however,* That such agreement shall not in any manner release from or change the liability of the principal or sureties as established by the terms of said bond.

Passed the Senate February 9, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 47.

[S. B. 105.]

INTERSTATE OIL COMPACT COMMISSION.

AN ACT relating to the Interstate Oil Compact Commission.

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

SECTION 1. The governor is authorized, on behalf of the state of Washington, to join the Interstate Oil Compact Commission as an associate member and to become an active member thereof if and when oil and gas are produced in Washington in commercial quantities and to attend meetings and participate in the activities carried on by said commission either in person or by a duly authorized representative.

Governor authorized to join.
When.

Passed the Senate February 13, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 48.

[S. B. 137.]

CREDIT UNIONS.

AN ACT relating to credit unions; prescribing powers and duties of certain officers and committees, classes of loans and limitations therefor; and amending sections 31.12.130, 31.12.160, 31.12.180, 31.12.190, 31.12.200, 31.12.270, 31.12.280, 31.12.290, 31.12.330 and 31.12.360, RCW.

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

SECTION 1. Section 31.12.130, RCW, as derived from section 1, chapter 213, Laws of 1947, is amended to read as follows:

Amendment.

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 bylaws prescribe. A shareholder may purchase shares in a credit union

Capital shares.
Shareholders.

and may also make deposits therein to an amount in the aggregate not exceeding five hundred dollars or twenty percent of the total shares and deposits of the credit union, whichever is greater. 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 the notices may be extended beyond such time limits with the written consent of the supervisor.

Notice of intention to withdraw.

Amendment.

SEC. 2. Section 31.12.160, RCW, as derived from section 10, chapter 131, Laws of 1943, is amended to read as follows:

Annual meetings.

Special meetings.

Notice of meetings.

Voting rights.

The annual meeting of the corporation shall be held at such time and place as the bylaws 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 voting members. Notice of all meetings of the corporation and of all meetings of the directors and of committees shall be given as provided in the bylaws. No member may vote by proxy or have more than one vote, and after a credit union has been incorporated for one year, no member may 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 its authorized agent.

Amendment.

SEC. 3. Section 31.12.180, RCW, as derived from section 2, chapter 65, Laws of 1939, is amended to read as follows:

Election of officers.

The directors at their first meeting after the annual meeting shall elect from their own number a president, one or more vice-presidents, a secretary, a treasurer, and such other officers as may be necessary

for the transaction of the business of the credit union, who shall be the officers of the corporation and who shall hold office until their successors are elected and qualified unless sooner removed as hereinafter provided. The board shall select a credit committee composed of three or more members of the credit union, who need not be board members. The offices of secretary and treasurer may be held by the same person. No director shall be a member of both the credit and auditing committee. Each officer and employee handling funds of the credit union shall give bond to the directors in such amount and with such surety and conditions as the supervisor may prescribe, which bond shall be filed with the supervisor.

SEC. 4. Section 31.12.190, RCW, as derived from section 12, chapter 131, Laws of 1943, is amended to read as follows:

The board shall have the general direction of the affairs of the corporation and shall meet as often as may be necessary, but not less than once in each month. It shall act upon all applications for membership and upon the expulsion of members, determine the rate of interest on loans subject to the limitations herein, determine the rate of interest to be paid on deposits, which shall not exceed four percent per year, and fill vacancies in the board and in such committees for which provision as to filling of vacancies is not made herein, until the next election. It shall make recommendations to the members relative to the need of amendments to the bylaws and other matters upon which it deems the members should act at any regular or special meeting. The board from time to time shall set the amount of shares and deposits which any one member may hold in the credit union, and set the amount which may be loaned, secured or unsecured, to any one member, all subject to the limitations contained in this chapter. At each

Credit committee.

Bond required.

Amendment.

Directors' meetings.

Powers and duties. Members applications.

Interest rates.

Vacancies.

Recommendations.

Fix amount of holdings.

annual or semiannual period the board may declare a dividend from net earnings, which shall be paid on all shares outstanding at the time of declaration. Shares which become paid up during the year shall be entitled to a proportional part of the dividend calculated from the first day of the month following such payment in full: *Provided*, That the board may compute such full shares if purchased on or before the tenth day of any month, as of the first day of the month. The board may borrow money in behalf of the credit union, for the purpose of making loans, and the payment of debts or withdrawals. The aggregate amount of such loans shall not exceed thirty-three and one-third percent of the credit union's paid-in and unimpaired capital and surplus except with the approval of the supervisor. It may, by a two-thirds vote, remove from office any officer or any member of a committee for cause except members of the auditing committee. The board shall make a written report to the members at each annual meeting.

Amendment. SEC. 5. Section 31.12.200, RCW, as derived from section 13, chapter 131, Laws of 1943, is amended to read as follows:

Auditing committee; composition. An auditing committee shall be elected at the annual meeting of the credit union and shall hold office for not less than one year nor more than three years, as the bylaws shall provide, unless sooner removed as herein provided, or until their successors commence the performance of their duties. If the term is for more than one year, the auditing committee shall be divided into classes so that an equal number as nearly as may be shall be elected each year. If a member of the auditing committee ceases to be a member of the credit union, his office shall thereupon become vacant.

Duties. The auditing committee shall keep fully informed at all times as to the financial condition of the credit

union; examine carefully the cash and accounts monthly; certify the monthly statements submitted by the treasurer; make a thorough audit of the books, including income and expense, semiannually; report to the board its findings, together with its recommendations; under regulations prescribed by the supervisor, cause to be verified the passbooks of the credit union, according to such regulations; hold meetings at least once a month and keep records thereof; and make an annual report at the annual meeting.

Audit.

Report.

Verify
passbooks.Monthly
meetings.

By a unanimous vote the auditing committee may suspend an officer of the corporation or a member of the credit committee or of the board until the next members' meeting, which meeting shall be held within fifteen days of the suspension, and at which meeting the suspension shall be acted upon by the members. By a majority vote of the auditing committee it may call a special meeting of the members to consider any violation of this chapter or of the bylaws, or any practice of the credit union deemed by the committee to be unsafe or unauthorized. The auditing committee shall fill vacancies in its own membership until successors are elected. It shall also call a special meeting of the membership upon the request of the supervisor.

Suspension
power.

Meetings.

Vacancies.

SEC. 6. Section 31.12.270, RCW, as derived from section 4, chapter 213, Laws of 1947, is amended to read as follows:

Amendment.

A credit union may make (1) personal loans to its members secured by the note of the borrower; (2) loans to its members secured by first mortgages of real estate or by the purchase of real estate contracts in which members are buyers, if such mortgage or contract relates to real estate which is situated within the state; such real estate must be within fifty miles of the principal office of the credit union unless with prior approval of the supervisor; and (3) loans

Authorized
loans.

Limitation. to other credit unions upon a two-thirds majority vote of the board: *Provided*, That the total amount of such loans does not exceed twenty-five percent of the paid-in and unimpaired capital and surplus of the lending credit union.

Personal loans given preference. Personal loans shall be given preference, and in the event there are not sufficient funds available to satisfy all loan applicants approved by the credit committee, further preference shall be given to the smaller loan. Each personal loan shall be payable within two years from the date thereof: *Provided*,

Terms. That loans with satisfactory collateral security may be made payable within four years from the date thereof. Each endorser 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 he is a member of the credit union, and if he leaves the state, a new resident endorser shall be immediately provided or the loan shall be at once collectible.

Endorsers. SEC. 7. Section 31.12.280, RCW, as derived from section 23, chapter 173, Laws of 1933, is amended to read as follows:

Amendment. Loans to any one member shall not exceed three thousand five hundred dollars without the permission of the supervisor and shall be limited as follows:

Loan limitations. (1) To an amount not exceeding five hundred dollars, if secured by the unindorsed or unsecured note of the borrower;

(2) Loans in excess of five hundred dollars to a family community must be secured by collateral satisfactory to the credit committee.

Collateral pledged to secure a loan must have a market value at least ninety percent of the amount of the loan.

For the purposes of this section a valid assignment of wages may be accepted as satisfactory collateral for a loan but not in excess of two months salary of the borrower.

Cosigners may be accepted in lieu of collateral on any loan not exceeding one thousand dollars, provided that in the judgment of the credit committee each such cosigner is able to pay the loan.

SEC. 8. Section 31.12.290, RCW, as derived from section 4, chapter 213, Laws of 1947, is amended to read as follows: Amendment.

The total amount which a credit union may lend on the security of mortgages on, or contracts relating to, real estate shall not exceed the following limits: Limitations on loans secured by real estate mortgages or contracts.

(a) Ten percent of its total assets if its assets are under one hundred thousand dollars.

(b) Twenty percent of its total assets if its assets are over one hundred thousand dollars but under one million dollars.

(c) Thirty percent of its total assets if its assets are in excess of one million dollars.

All loans secured by mortgages or contracts on real estate shall be subject to the following restrictions: Restrictions on real estate secured loans.

(1) Loans secured by first mortgages shall be only on real estate improved by a home, a combination home and business building, or a two unit residential building in which the owner-borrower is the occupant of one unit; loans may be made for the construction of any such improvements. First mortgages.

(2) Any loans made on a real estate contract must be through warranty deed and assignment of the seller's interest, and the principal amount of the purchase price must have been reduced by twenty-five percent; the monthly payments must not be delinquent at time of the loan and the real estate must be such as would qualify for a mortgage loan under paragraph (1) hereof. Contracts.

(3) The total amount which may be loaned on any one property or to any one family community borrower shall not exceed two and a half percent of the assets of the credit union, or seventy-five hundred Limitation on amount.

dollars, whichever is greater, except with the prior approval of the supervisor. Such loan shall not exceed: (a) seventy-five percent of the appraised value of the real estate if there is located thereon a home only which is not over thirty months old and incidental out buildings, or if the loan is made for the construction or completion of such improvements, and (b) sixty percent of the appraised value of the real estate if there is located thereon other habitable buildings of a nature permitted under paragraph (1) hereof.

Taxes and assessments.

All taxes and assessments must be paid currently, and all such loans must be amortized by weekly, semimonthly or monthly payments, which payments shall be at the rate of not less than ten percent per year of the original principal.

Appraisals.

The real estate covered by any such mortgage or contract must be inspected and appraised by two appraisers each of whom has had two or more years experience in appraising real estate for loan purposes within the area in which the property is located. The credit union must have a policy of title insurance issued concurrently by an insurance company licensed to do business in the state of Washington, insuring the interest of the credit union in the real estate in the full amount of the loan, or must have an abstract brought up to date of the loan and certified by a practicing attorney; also with fire insurance covering at least the interest of the credit union.

Title insurance.

Amendment.

SEC. 9. Section 31.12.330, RCW, as derived from section 27, chapter 173, Laws of 1933, is amended to read as follows:

Expenses.

The expenses of a credit union shall be paid from its earnings. No credit union shall pay or become liable to pay in any calendar year as salaries, fees, wages, or other compensations to officers, directors, agents, attorneys, clerks, and employees and for rent, advertising, and all other operating expenses, sums

of money, the aggregate of which exceeds five percent of the average amount of the assets of the union during such year: *Provided*, That a credit union shall not thereby be limited in its expenditures to a sum less than five hundred dollars in any calendar year. No credit union shall pay any fee, commission, or other compensation, directly or indirectly, to a person for soliciting the purchase of or selling its shares of stock or for soliciting loans or deposits.

Limitation.

SEC. 10. Section 31.12.360, RCW, as derived from section 23, chapter 131, Laws of 1943, is amended to read as follows:

Amendment.

If an officer of a credit union is, in the opinion of the supervisor, dishonest, inefficient, incapable of doing his work, or wilfully disobeying orders of the supervisor, or is in any way violating this chapter or the bylaws of the credit union, he may be suspended by the supervisor. The supervisor shall give the board of the credit union prompt notice of such suspension and promptly upon receipt thereof the board shall call a meeting of its members to consider the matter forthwith and give the supervisor at least seven days' notice of the time and place of such meeting. If the board shall find the supervisor's objection to be well founded, it shall remove such director, officer or employee immediately. The supervisor shall be charged with the administration and enforcement of this chapter, shall require each credit union to conduct its business in compliance therewith, and shall have power to commence and prosecute actions and proceedings to enforce the provisions of this chapter, to enjoin violations thereof, and to collect sums due the state of Washington from any credit union.

Suspensions and removal.

Supervisor to administer and enforce.

Passed the Senate February 16, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 49.

[S. B. 144.]

SCHOOL DISTRICTS—EXTENSION OF CITY LIMITS.

AN ACT relating to the establishment and alteration of the boundaries of school districts affected by extension of the limits of a city or town; and amending section 28.57.150, RCW.

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

Amendment.

SECTION 1. Section 28.57.150, RCW, as derived from section 5, chapter 266, Laws of 1947, is amended to read as follows:

Cities or towns in one school district.

Except as otherwise provided for herein in certain cases involving school districts affected by extensions of the limits of a city or town, each incorporated city or town in the state shall be comprised in one school district: *Provided*, That nothing in this section shall be construed: (1) To prevent the extension of the boundaries of a school district beyond the limits of the city or town contained therein, or (2) to prevent the inclusion of two or more incorporated cities or towns in a single school district, or (3) to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except in case of the extension of the limits of a city or town beyond the boundaries of the school district in which it is situated, or the incorporation of a city or town containing territory lying in two or more school districts organized prior to the incorporation of such city or town, or the uniting of two or more cities or towns not located in the same school district.

In case all or any part of a school district that operates a school or schools on one site only or operates elementary schools only on two or more sites and is not a component district within a union high school district, is included in an incorporated city or

town through the extension of the limits of such city or town in the manner provided by law, the county superintendent shall: (1) Declare the territory so included to be a part of the school district containing the city or town, and (2) whenever a part of a district so included contains a school building of the district, present to the county committee a proposal for the disposition of any part or all of the remaining territory of the district.

Effect of inclusion of another district in city or town by extension of city or town boundaries.

In case of the extension of the limits of a city or town to include (1) territory lying in a school district that operates on more than one site one or more elementary schools and one or more junior high schools or high schools, or (2) territory lying in a non-high school district that is a component district within a union high school district and operates two or more elementary schools on separate sites, the county committee shall, in its discretion, prepare a proposal or proposals for annexation to the school district in which the city or town is located any part or all of the territory aforesaid which has been included in the city or town and for annexation to the school district in which the city or town is located or to some other school district or districts any part or all of the remaining territory of the school district affected by extension of the limits of the city or town: *Provided*, That territory approved for annexation to a city or town by vote of the electors residing therein prior to January 12, 1953, shall not be subject to the provisions herein respecting annexation to a school district or school districts: *Provided further*, That the provisions and procedural requirements of chapter 28.57, RCW not in conflict with or inconsistent with the provisions hereinabove stated shall apply in the case of any proposal or proposals (1) for the alteration of the boundaries of school districts through and by means of annexation of territory as aforesaid, and (2) for the adjustment of the

Annexation to district in which city or town located.

assets and liabilities of the school districts involved or affected thereby.

Incorporation; consolidation: Duty of supervisor.

In case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, the county superintendent shall: (1) Order and declare to be established in each such case a single school district comprising all of the school districts involved, and (2) designate each such district by name and by a number different from that of any component thereof or of any other district in existence in the county.

Effective date.

The county superintendent may, if he deems such action advisable, fix as the effective date of any declaration or order required under this section the first day of July next succeeding the date of the issuance of such declaration or order.

Passed the Senate February 11, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 50.

[S. B. 156.]

WATER DISTRICTS—SALE OF PROPERTY.

AN ACT relating to water districts; and providing for the sale of unneeded property.

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

Authority to sell.

SECTION 1. The board of commissioners of a water district may sell, at public or private sale, property belonging to the district if the board determines by unanimous vote of the elected members of the board that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided.

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Notice of sale.

SEC. 2. No real property of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof: *Provided*, That there shall be no private sale of real property where the appraised value exceeds the sum of five hundred dollars.

Real property; minimum sale price.

Same; appraisal.

Same; notice of sale, contents.

Same; private sale restriction.

Passed the Senate February 13, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 51.

[S. B. 157.]

SEWER DISTRICTS—SALE OF PROPERTY.

AN ACT relating to sewer districts; and providing for the sale of unneeded property.

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

Authority to sell.

SECTION 1. The board of commissioners of a sewer district may sell, at public or private sale, property belonging to the district if the board determines by unanimous vote of the elected members of the board that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided.

Notice of sale.

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Real property; minimum sale price.

SEC. 2. No real property of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not more than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof:

Same; appraisal.

Same; notice of sale, contents.

Provided, That there shall be no private sale of real property where the appraised value exceeds the sum of five hundred dollars.

Same;
private sale
restriction.

Passed the Senate February 13, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 52.

[S. B. 153.]

SEWER DISTRICT PROCEEDINGS VALIDATED

AN ACT validating, ratifying, approving and confirming proceedings taken in the matter of annexing certain areas to existing sewer districts of the state; validating, ratifying, approving and confirming proceedings forming utility local improvement districts therein; and proceedings authorizing the issuance of general obligation and revenue bonds of such sewer districts; and declaring an emergency.

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

SECTION 1. All proceedings which have been taken prior to the time this act takes effect relative to the giving and publishing of the notice of hearing on any petition for the annexation of certain areas to existing sewer districts of the state are hereby validated, ratified, approved and confirmed, and all such annexations are hereby declared to be valid and binding in all respects.

Annexation
proceedings.

Validated.

All proceedings, which have been taken prior to the time this act takes effect, including the formation of utility local improvement districts in said annexed areas and including elections authorizing the issuance of any general obligation or revenue bonds of any existing sewer district of the state where a portion of the qualified electors voting on the propositions authorizing the issuance of such bonds resided at the time of such elections in areas annexed to such districts under annexation proceedings of doubtful va-

Utility LID's;
formation;
bond
elections.

lidity because the notice of hearing on the petitions for the annexation of such areas to such districts may have been improperly given or published, are hereby validated, ratified and confirmed. Any or all of such bonds, if, as, and when issued, shall be valid, legal, and binding obligations of any such sewer districts.

Validated.

Bonds.

Emergency.

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 10, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 53.

[S. B. 196.]

HIGHWAY CONTRACTS.

AN ACT extending the time for the execution of highway contracts by successful bidders; and amending section 47.28.100, RCW.

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

Amendment.

SECTION 1. Section 47.28.100, RCW, derived from section 38, chapter 53, Laws of 1937, is hereby amended to read as follows:

Highway
contractors;
execution of
contract;
bond.

If the successful bidder fails to enter into the contract and furnish satisfactory bond as by law provided within twenty days from the award, exclusive of the day of the award, his deposit shall be forfeited to the state and be deposited by the state treasurer to the credit of the motor vehicle fund, and the director may award the contract to the second lowest responsible bidder. If the second lowest responsible bidder fails to enter into the contract and furnish bond within twenty days after award to him, forfeiture of his

deposit shall also be made and the contract may be awarded to the third lowest responsible bidder, and in like manner until the contract and bond are executed by a responsible bidder to whom award is made, or further bid proposals are rejected, or the number of bid proposals exhausted: *Provided*, That if the contract is not executed or no contractor's bond provided within the time required, and there appear circumstances which are deemed to warrant an extension of time, the director may extend the time for execution of the contract or furnishing bond for not to exceed twenty additional days. After awarding the contract the deposits of unsuccessful bidders shall be returned: *Provided*, That the director may retain the deposit of the next lowest responsible bidder or bidders as he desires until such time as the contract is entered into and satisfactory bond provided by the bidder to whom award was ultimately made.

Extension of
time for
execution of
contract.

Return of
bid proposal
deposits.

If in the opinion of the director the acceptance of the bid of the lowest responsible bidder or bidders, or on prior failure of the lowest responsible bidder or bidders, the acceptance of the bid of the remaining lowest responsible bidder or bidders will not be for the best interest of the state, he may reject all bids or all remaining bids and republish call for bids in the same manner as for an original publication thereof.

Rejection of
all bid
proposals.

Passed the Senate February 14, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 54.

[S. B. 198.]

HIGHWAY PURPOSES—STATE LANDS RESERVED—
LIMITED ACCESS.

AN ACT providing for setting aside of property rights in state land for limited access highway facilities; and amending section 47.12.020, RCW.

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

Amendment.

SECTION 1. Section 47.12.020, RCW, derived from section 25, chapter 53, Laws of 1937, is hereby amended to read as follows:

Public lands subject to highway purposes.

If it is necessary that public lands of the state, including tide or shore lands and oyster reserve lands, or rights thereon, or road materials therefrom, be taken for state highway purposes, including lands or property rights needed in connection with limited access facilities established pursuant to chapter 47.52, RCW, the director shall file in the office of the commissioner of public lands a map showing the location of the highway with reference to the property and property rights needed, according to the United States government survey. Thereupon the state shall reserve the easements and rights on such lands as shown on the map, and such lands shall be sold, leased, or otherwise disposed of subject to the easements and subject to the right to acquire and use any additional land for such highway purposes, and subject to the right of the state to enter and remove road materials needed for such highway purposes.

Limited access facilities.

Director to file map.

Disposition of lands; reservation of easements and rights.

Passed the Senate February 12, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 55.

[S. B. 200.]

HIGHWAYS—EMINENT DOMAIN—ACQUISITION AND EXCHANGE OF LANDS.

AN ACT authorizing the state highway commission to acquire by condemnation or otherwise real property to exchange with a governmental agency or a utility for highway right-of-way.

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

SECTION 1. Whenever the state highway department shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right-of-way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right-of-way or facility, the state highway commission is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right-of-way or facility so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The governor, at the request of the state highway commission, shall execute all conveyances necessary to accomplish such exchange.

Land of U.S. government, state political subdivisions or public utility right-of-way.

Governor shall execute conveyances.

Passed the Senate February 14, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 56.

[S. B. 201.]

MOTOR VEHICLE FUND INCOME—EXEMPTION.

AN ACT exempting income from motor vehicle funds invested in short term government securities from payments into the reserve fund,

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

Investment in short term U.S. securities; income exempt from reserve fund.

SECTION 1. Whenever monies of the motor vehicle fund shall be invested in bonds, notes, bills or certificates of the United States treasury payable at par upon demand, or within a term not greater than one year, it shall not be necessary to place any portion of the income therefrom in the reserve fund provided for in section 43.84.090, RCW.

Passed the Senate February 14, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 57.

[S. B. 202.]

HIGHWAYS—ABANDONMENT—TRANSFER TO COUNTIES, CITIES AND TOWNS.

AN ACT providing the return to cities of unused portions of state highways lying within their corporate limits; and amending section 36.75.090, RCW.

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

Amendment.

SECTION 1. Section 36.75.090, RCW, derived from section 10, chapter 187, Laws of 1937, as last amended by section 1, chapter 25 [125], Laws of 1945, is hereby amended to read as follows:

Abandonment of state highways; outside of incorporated cities and towns.

All public highways in this state which have been a part of the route of a state highway and have been or may hereafter be no longer necessary as such, if

situated outside of the limits of incorporated cities or towns, shall, upon certification thereof by the state highway commission to the board of the county in which any portion of such highway is located, be and become a county road of such county, and if situated within the corporate limits of any city or town shall upon certification thereof by the state highway commission to the mayor of the city or town in which any portion of such highway is located be and become a street of such city or town, and upon such certification the state highway commission may certify to the governor the abandonment of such highways, giving a description thereof and the governor may execute and the secretary of state shall attest and deliver to the county or city as the case may be a deed of conveyance on behalf of the state to such abandoned highways or portions thereof.

Same; within cities and towns.

Same; certification to governor.

Same; deed of conveyance.

Passed the Senate February 17, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 58.

[S. B. 205.]

HIGHWAY LANDS—LOCAL ASSESSMENTS AGAINST.

AN ACT relating to assessments against lands held by the state department of highways.

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

SECTION 1. Lands held by the state department of highways shall be subject to all of the provisions of chapter 79.44, RCW, except that as to such lands, all notices and certifications which by said chapter are required to be given to the commissioner of public lands or the director of public institutions with respect to other lands shall be given to the state direc-

Notices and certifications.

Consents and determinations.

tor of highways and all consents and determinations which, under said chapter, shall be given or made by the commissioner of public lands or director of public institutions with respect to other state lands shall be given or made by the state highway commission and all duties which, under said chapter, are to be performed by the state land commissioner or the director of public institutions with respect to other lands shall, with respect to lands of the state department of highways, be performed by the state highway commission or its authorized representatives.

Duties of state highway commission.

Payment from motor vehicle fund.

SEC. 2. Whenever the state highway commission shall find that any assessments against land held by the state department of highways are payable the commission may order the same paid from the motor vehicle fund out of any appropriation available for the maintenance of the highway or facility to which the assessed lands pertain.

Passed the Senate February 14, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 59.

[S. B. 282.]

SECONDARY STATE HIGHWAY NO. 11A.

AN ACT relating to public highways; providing for the relocation and reconstruction of secondary state highway No. 11A; providing for the expenditure of certain funds therefor; providing for suitable facilities crossing the Columbia river; and adding a new section to chapter 47.20, RCW.

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

New section.

SECTION 1. There is added to chapter 47.20, RCW, a new section to read as follows:

Reconstruction and relocation route.

The director shall relocate and reconstruct secondary state highway No. 11A from a point in the

vicinity of Cold creek, thence northerly to Vernita, thence crossing the Columbia river, thence easterly, by the most feasible route north of the Columbia river, to a point intersecting secondary state highway No. 11A, in the vicinity of Connell: *Provided*, That nothing in this act shall prohibit such relocation and reconstruction through the control zone of the Hanford Atomic Energy Project as the Atomic Energy Commission and the director of highways may agree.

Same;
Hanford
Atomic
Energy
Project area.

When compensation is received from the federal government for the condemnation by it of the portion of secondary state highway No. 11A taken for the Hanford Atomic Energy Project, the director is authorized and instructed to use the funds so received, or so much thereof as may be necessary, for the purpose of completing all or any portion of the relocation and reconstruction of said secondary state highway No. 11A, as provided for in this act.

Funds from
condemna-
tion of
present
highway.

When said relocation and reconstruction has been completed, the director is authorized and instructed to provide suitable facilities for vehicle and pedestrian crossing of the Columbia river at the point at or near Vernita where the relocation of secondary state highway No. 11A crosses the river. Such crossing shall thereafter be maintained at the expense of the state, and without charge to the traveling public.

Vehicle and
pedestrian
crossings of
Columbia
river.

Passed the Senate February 16, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 60.

[H. B. 7.]

POLICE JUDGE PRO TEMPORE—FIRST AND
SECOND CLASS CITIES.

AN ACT relating to police judge pro tempore in cities of the first class and of the second class, and amending sections 35.22-.520 and 35.23.650, RCW.

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

Amendment. SECTION 1. Section 35.22.520, RCW, as derived from section 11, chapter 85, Laws of 1899, is amended to read as follows:

Police judge pro tempore; 1st class cities. Appointment. Oath. Powers. Term of appointment. Compensation. 35.22.520. In case of the temporary absence or inability of the police judge to act, the mayor shall appoint, from among the practicing attorneys qualified electors of the city, a police judge pro tempore, who, before entering upon the duties as such, shall take and subscribe an oath as other judicial officers and while so acting he shall have all the powers of the police judge: *Provided*, That such appointment shall not continue for a longer period than the absence or disability of the police judge. Such police judge pro tempore to receive such compensation as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

Amendment. SEC. 2. Section 35.23.650, RCW, as derived from section 7, chapter 103, Laws of 1913, is amended to read as follows:

Police judge pro tempore; 2nd class cities. Appointment. Oath. Powers. Term of appointment. 35.23.650. In the event of the police judge's inability to act, or during any temporary absence, or if he should be disqualified, the mayor shall appoint from among the practicing attorneys and qualified electors of the city, a police judge pro tempore, who, before entering upon the duties of such office, shall take and subscribe an oath as other judicial officers, and while so acting, he shall have all the power of the police judge: *Provided*, That such appointment

shall not continue for a longer period than the absence or inability of the police judge. Such police judge pro tempore shall receive such compensation for such services as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

Compensation.

Passed the House January 26, 1953.

Passed the Senate February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 61.

[H. B. 82.]

REGISTRATION OF STALLIONS AND JACKS.

AN ACT relating to stallions and jacks, and repealing chapter 16.32, RCW.

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

SECTION 1. Chapter 16.32, RCW, as derived from chapter 99, Laws of 1911, as last amended by chapter 112, Laws of 1917, is repealed.

Repealing clause.

Passed the House January 30, 1953.

Passed the Senate February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 62.

[H. B. 83.]

FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES.

AN ACT relating to federal social security for public employees and amending section 41.48.020, RCW, as derived from chapter 184, Laws of 1951.

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

Amendment. SECTION 1. Section 41.48.020, RCW, as derived from chapter 184, Laws of 1951, is amended to read as follows:

"Wages." For the purposes of this chapter: (1) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the federal insurance contributions act, would not constitute "wages" within the meaning of that act;

"Employment." (2) "Employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, for such employer, except (a) service which in the absence of an agreement entered into under this chapter would constitute "employment" as defined in the social security act; or (b) service which under the social security act may not be included in an agreement between the state and the federal security administrator entered into under this chapter;

"Employee." (3) "Employee" includes all officers and employees of the state or its political subdivisions except officials compensated on a fee basis;

"Federal security administrator." (4) "Federal security administrator" includes any individual to whom the federal security administrator has delegated any of his functions under the social security act with respect to coverage under

such act of employees of states and their political subdivisions;

(5) The term "political subdivision" includes an instrumentality of the state, of one or more of its political subdivisions, or of the state and one or more of its political subdivisions. Such term also includes a proprietary enterprise acquired, purchased or originated by the state or any of its political subdivisions subsequent to December, 1950. Such a subdivision may elect to accept federal OASI coverage under this chapter, and if so, is exempted from the application of the state employees retirement act, chapter 41.40.

"Political subdivisions."

Same; OASI coverage election.

Passed the House February 10, 1953.

Passed the Senate February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 63.

[H. B. 109.]

CITIES AND TOWNS—SURPLUS WAR HOUSING.

AN ACT relating to the acceptance, acquisition, and/or purchase from the federal government and/or from a city or county housing authority of surplus war housing and its operation, maintenance, and administration by cities and towns for a period of ten years without creating a housing authority.

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

SECTION 1. Any incorporated city or town is authorized to accept, acquire, and/or purchase from the federal government, the United States housing authority, or any other agency or instrumentality, corporate or otherwise, of the United States, and/or from a city or county housing authority, and to operate, maintain, and administer surplus war housing and facilities used in conjunction therewith and made a part thereof, for a period of ten years from the

Acquisition and administration of surplus war housing without creating a housing authority.

effective date of this act without creating a housing authority as provided in chapter 74.24 and chapter 74.28, RCW.

Passed the House February 6, 1953.

Passed the Senate February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 64.

[H. B. 138.]

STATE PARK LANDS—DISPOSAL.

AN ACT authorizing the state parks and recreation commission with the approval of the State Land Board to dispose of lands not needed for park purposes and amending section 43.51.210, RCW.

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

- Amendment.** SECTION 1. Section 43.51.210, RCW, as derived from section 1, chapter 261, Laws of 1947, is amended to read as follows:
- Disposal authorized.** Whenever the state parks and recreation commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land. If such lands are school lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission with the approval of the State Land Board, and all conveyance documents shall be executed by the governor. Sealed bids on all sales shall be solicited at least twenty days in advance of
- Other lands.**
- Bids.**

the sale date by an advertisement appearing at least in three consecutive issues of a newspaper of general circulation in the county in which the land to be sold is located. All proceeds derived from the sale of such park property shall be paid into the parks and parkway fund. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by appraisals to the satisfaction of the State Land Board: *Provided*, That no sale or exchange of state park lands shall be made without the unanimous consent of the commission.

Publication.

Proceeds of sale.

Exchange of lands; valuation.

Unanimous consent.

Passed the House February 5, 1953.

Passed the Senate February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 65.

[H. B. 185.]

GAME AND GAME FISH—ACQUISITION OF PROPERTY—REIMBURSEMENT TO COUNTIES AND STATE.

AN ACT relating to the game code of the state of Washington and amending section 77.12.200, RCW.

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

SECTION 1. Section 77.12.200, RCW, as derived from section 29, chapter 275, Laws of 1947, is amended to read as follows:

Amendment.

The director, with the approval of the commission, may acquire by gift, purchase, lease or condemnation, lands, buildings, waters, or other necessary property for hatchery sites, eyeing stations, rearing ponds, brood ponds, trap sites, game animal, fur-bearing animal, game bird, nongame bird and game fish farms, habitats and sanctuaries and public hunting and fishing areas together with rights of way

Acquisition of property by director of game.

Condemnation power restricted.

for access to any and all such lands, buildings, or waters so acquired, in the manner provided by law for acquiring property for public use: *Provided, however,* That excepting for purposes of clearing title and acquiring access rights of way the power of condemnation may be exercised by the director hereunder only when an appropriation has been specifically made by the legislature for that purpose.

Payments to counties in lieu of taxes.

The director shall, on or before the tenth day of January of each year, prepare and transmit a voucher to the auditor of each county wherein the department owns any such lands, which voucher shall describe the lands situate within the county and state the number of acres in each parcel thereof and shall authorize the drawing of a warrant to the county in a sum equal to three cents for each acre shown on the voucher. Each county auditor receiving such a voucher shall execute the same and return it to the director who shall approve it and transmit it to the state auditor. The state auditor shall draw a warrant in the amount shown on each voucher, payable to each county, and shall transmit said warrant to the county treasurer thereof. Such warrants shall be payable out of any funds appropriated to the department: *Provided,* That no voucher shall include and no payment shall be made to any county wherein the department owns less than one hundred acres, and no voucher shall include and no payment shall be made to any county for any tidelands or any lands owned by the department for game bird farm or fish hatchery purposes.

Certain lands excluded.

Payments to permanent school fund.

On or before the tenth day of January of each year, the director shall also prepare and transmit a voucher to the superintendent of public instruction, which voucher shall indicate the total number of acres of land owned by the department within the state, but need not describe the land and shall authorize the drawing of a warrant in favor of the permanent school fund in an amount equal to two

cents for each acre shown on the voucher. The superintendent of public instruction shall execute such voucher and return it to the director, who shall approve it and transmit it to the state auditor. The state auditor shall issue a warrant to the permanent school fund in the amount shown on the voucher and shall transmit such warrant to the state treasurer for credit to the permanent school fund. Such warrant shall be payable out of any funds appropriated to the department: *Provided*, That no voucher shall include, and no payment shall be made to the permanent school fund for any tidelands or any lands owned by the department for game bird farm or fish hatchery purposes.

Certain lands
excluded.

Passed the House February 19, 1953.

Passed the Senate February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 66.

[H. B. 288.]

GAME AND GAME FISH—ALLOCATION OF RECEIPTS
FROM RESIDENT LICENSES.

AN ACT relating to the game code of the state of Washington,
and amending section 77.32.120, RCW.

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

Amendment.

SECTION 1. Section 77.32.120, RCW, as derived
from section 3, chapter 128, Laws of 1947, is amended
to read as follows:

Allocation.

Twenty percent of all moneys received from the
sale of resident state and county hunting and fishing
licenses may be used to acquire lands for public
hunting and fishing areas, small game habitat areas
and rights of way thereto and for the development
and maintenance of such areas for recreational and
game purposes.

Passed the House February 19, 1953.

Passed the Senate February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 67.

[H. B. 32.]

CITIES AND TOWNS—EQUIPMENT RENTAL FUNDS.

AN ACT relating to cities and towns; authorizing the establishment of special revolving funds by ordinance and specifying their uses.

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

SECTION 1. Any city or town may create, by ordinance, an "equipment rental fund," hereinafter referred to as "the fund," in any department of the city or town to be used as a revolving fund to be expended for salaries, wages, and operations required for the repair, replacement, purchase, and operation of equipment, and for the purchase of equipment, materials, and supplies to be used in the administration and operation of the fund.

Money may be placed in the fund from time to time by the legislative authority of the city or town. Cities and towns may purchase and sell equipment, materials and supplies by use of such fund, subject to any laws governing the purchase and sale of property. Such equipment, materials and supplies may be rented for the use of various offices and departments of any city or town or may be rented by any such city or town to governmental agencies. The proceeds received by any city or town from the sale or rental of such property shall be placed in the fund, and the purchase price of any such property or rental payments made by a city or town shall be made from moneys available in the fund. The ordinance creating the fund shall designate the official or body that is to administer the fund and the terms and charges for the rental for the use of any such property which has not been purchased for its own use out of its own funds and may from time to time amend such ordinance.

Authorized.

Purposes.

Deposits to.

Purchase and sale through fund authorized.

Rental of purchases authorized.

Disposition of proceeds.

Ordinance requisites.

Rental of purchases by other department.

There shall be paid monthly into the fund out of the moneys available to the department using any equipment, materials, and/or supplies, which have not been purchased by that department for its own use and out of its own funds, reasonable rental charges fixed by the legislative authority of the city or town, and moneys in the fund shall be retained there from year to year so long as the legislative authority of the city or town desires to do so. Any moneys in the fund not needed therein may, from time to time, be transferred by action of the legislative authority of a city or town to the general fund of a city or town.

Transfer to general fund.

Passed the House February 4, 1953.

Passed the Senate February 25, 1953.

Approved by the Governor March 3, 1953.

CHAPTER 68.

[S. B. 23.]

PORT OF ILWACO—KEYSTONE PACKING COMPANY.

AN ACT granting to Keystone Packing Company, a corporation, its successors and assigns, a renewal of the right and privilege to maintain and use certain wharves and buildings upon a portion of Holman waterway in front of the town of Ilwaco; and declaring an emergency.

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

Renewal of right to maintain certain wharves and buildings.

SECTION 1. There is hereby granted to Keystone Packing Company, a corporation, its successors and assigns, a renewal for the right and privilege, the amount of consideration for renewal of such right and privilege shall be determined by the port commission of Ilwaco, for a period of ten years from and after the fourteenth day of March, 1953, to maintain certain wharves and buildings, constructed under the provisions of chapter 106 of the Laws of 1903,

upon a strip or portion of the east half of the Holman waterway, eighty feet wide and four hundred feet long, beginning at a point on the east half of the said waterway fourteen hundred feet southerly from the point of intersection of the United States government meander line and the east line of said waterway and extending towards the inner harbor line, according to the official plat of the tide lands and inner harbor line in front of the town of Ilwaco, on file in the county of Pacific, state of Washington, and to conduct on the said described premises all the operations necessary for the catching, canning, packing and preserving of salmon and other fish and food products.

Renewal of right to catch, can, pack and preserve fish and food products.

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

Emergency.

Passed the Senate February 26, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 4, 1953.

CHAPTER 69.

[S. B. 159.]

METROPOLITAN BUILDING TRACT.

AN ACT relating to the board of regents of the university and the powers of said board relative to the metropolitan building tract; and amending section 28.77.340, RCW.

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

SECTION 1. Section 28.77.340, RCW, being section 1, chapter 97, Laws of 1951, is amended to read as follows:

Amendment.

The board of regents of the university shall not sell, renew the present lease, lease for a term in excess of sixty years, or make any other disposition for a period in excess of sixty years of that certain tract of land in the city of Seattle, commonly known

"Old university grounds"; powers of university regents limited.

as the "old university grounds," or any part thereof, until authorized and empowered to do so by statute of the legislature, and any contract of sale, renewal of the present lease, lease for a term in excess of sixty years, or any other disposition for a period in excess of sixty years, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved, ratified and confirmed by legislative act.

Regents may lease for term under 60 years.

The board of regents shall have power to lease or demise the property or any part thereof without authorization or confirmation by the legislature when the interest so created is for a term not exceeding sixty years: *Provided*, That the board of regents shall make a full detailed report of all leases and transactions pertaining to the metropolitan building tract to each session of the legislature.

Regents to report to legislature.

Passed the Senate February 26, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 4, 1953.

CHAPTER 70.

[S. B. 81.]

SPANISH-AMERICAN WAR VOLUNTEERS—CAMP ROGERS FUNDS.

AN ACT relating to state government; providing for the deposit of certain trust funds in the general fund of the state treasury; and declaring an emergency.

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

Services at Camp Rogers Fund and Rejected Soldiers' Services at Camp Rogers Fund transferred to general fund.

SECTION 1. The sum of one thousand four hundred seventy-six (\$1,476) dollars in the Services at Camp Rogers Fund and the sum of seven hundred eighty-nine (\$789) dollars in the Rejected Soldiers' Services at Camp Rogers Fund, which amounts represent the balances remaining unexpended of the moneys ap-

propriated by Congress under the Acts of July 8, 1898, and March 3, 1899, to the governor of the state of Washington, as custodian and trustee, for the payment of claims of Spanish-American War Volunteers for services pending their rejection or muster into the federal service, are hereby directed to be transferred to and deposited in the state treasury to the credit of the general fund, and the said Services at Camp Rogers Fund and Rejected Soldiers' Services at Camp Rogers Fund are hereby abolished.

SEC. 2. In the event that a claim or claims should be presented against either of said funds after the effective date of this act, the same shall be submitted to the adjutant general of the state for audit and consideration, and if approved by the adjutant general they shall be transmitted to the governor for payment from the appropriation for investigation and emergency purposes.

Payment
of claims
against
former
funds.

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

Emergency.

Passed the Senate February 26, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 4, 1953.

CHAPTER 71.

[S. B. 125.]

SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to the organization, management and supervision of savings and loan associations; defining their powers; regulating savings dividends; requiring certain liquidity; limiting their investments; prescribing certain procedures; and amending sections 33.08.070, 33.12.060, 33.12.090, 33.12.100, 33.20.150, 33.24.010, 33.24.080, 33.24.090, 33.24.140, 33.40.070 and 33.40.110, RCW; and repealing section 33.20.160, RCW.

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

Amendment.

SECTION 1. Section 33.08.070, RCW, as derived from section 8, chapter 235, Laws of 1945, is amended to read as follows:

Approval or rejection of articles of incorporation and bylaws.

The supervisor, not later than six months after receipt of the proposed articles and bylaws shall endorse upon each copy thereof the word "approved" or "refused" and the date thereof. In case of refusal, he shall forthwith return one copy of the articles and bylaws to the incorporators, and the refusal shall be final unless the incorporators, or a majority of them, within thirty days after the refusal, appeal to the superior court of Thurston county. The appeal may be accomplished by the incorporators preparing a notice of appeal, serving a copy of it upon the supervisor, and filing the notice with the clerk of the court, whereupon the clerk, under the direction of the judge, shall give notice to the appellants and to the supervisor of a date for the hearing of the appeal. The appeal shall be tried *de novo* by the court. At the hearing a record shall be kept of the evidence adduced, and the decision of the court shall be final unless an appeal therefrom is taken to the supreme court as in other cases.

Amendment.

SEC. 2. Section 33.12.060, RCW, as derived from section 35, chapter 235, Laws of 1945, is amended to read as follows:

An association shall make no loan to or sell to or purchase any real property or securities from any director, officer, agent or employee of an association or to or from any public officer or public employee whose duties have to do with the supervision, regulation, or insurance of the association or its savings accounts or mortgages.

Loans to directors, officers or agents; prohibited.

The foregoing provisions shall not apply to loans secured by the pledge or assignment of the savings account of the borrowing member, nor to loans made to directors, officers, agents or employees of the association upon their property which is occupied principally by such director, officer, agent or employee as a home, the amount of such loan to be based upon the appraised value of said property as established by two independent appraisers who are not officers, agents, directors, employees, or appraisers of the association.

Same; exception.

A loan to or a purchase or sale to or from a partnership or corporation of which such a director, officer, agent or employee is an owner or stockholder to the amount of fifteen percent of the total ownership or stock, or in which he and other directors of the association hold an ownership or stock to the amount of twenty-five percent of the total ownership or stock, shall be deemed a loan to or a purchase or sale to or from such director within the meaning of this section except when the transaction occurred without the knowledge or against the protest of such director, officer, agent or employee of the association.

Same; defined.

SEC. 3. Section 33.12.090, RCW, as derived from section 49, chapter 235, Laws of 1945, is amended to read as follows:

Amendment.

An association shall not:

(1) Declare, credit, or pay a dividend except as authorized by a vote of the majority of the board entered upon its minutes; or

Dividends; board action required.

(2) Declare, credit, or pay dividends on any

Same; acts prohibited.

amount to the credit of a savings member for a longer period than it has been credited: *Provided*, That savings paid in not later than the tenth day of any month (unless the tenth day is not a business day, in which case it may be the next succeeding business day) or withdrawn during the last business day of June or December may have dividends declared upon them for the whole of the month or period in which they were paid in.

Amendment.

SEC. 4. Section 33.12.100, RCW, as derived from section 3, chapter 20, Laws of 1949, is amended to read as follows:

Contingent and reserve fund deposits.

As of the last business day of June and December of each year the net earnings of the association shall be determined and there shall be transferred to the contingent fund the amount required, and to other reserve accounts such additional amounts as the directors may deem expedient for the security of the members. The board of directors may declare dividends payable on the last business day of June and December of each year from the amount of net earnings remaining for the period and from amounts remaining in the undivided profits or unallocated reserve accounts.

Dividends; declaration and source.

An association may not be required to pay dividends on balances of less than five dollars.

Same; balances less than five dollars.

Amendment.

SEC. 5. Section 33.20.150, RCW, as derived from section 54, chapter 235, Laws of 1945, is amended to read as follows:

Withdrawals.

The savings paid into an association, together with dividends credited thereon, shall be repaid to the savings members thereof respectively, or to their legal representatives, upon request.

Every request for withdrawal shall be in writing. If, in the judgment of the board, circumstances warrant deferment of the payment of withdrawals to a later date, thereafter withdrawals shall be paid proportionately, on a percentage basis, to all members

requesting withdrawal until full withdrawal requests are paid to all members.

The board shall, however, have the right in its discretion, where need is shown, to pay not exceeding one hundred dollars to any account holder in one month. Every member shall participate in the dividends of the association until his withdrawal is paid.

If, upon examination the supervisor finds that further postponement of withdrawals is unwarranted, he may order the association to resume full payment of withdrawals and cancel all written withdrawal requests. Such order shall be in writing.

The association's failure, during a period of postponement, to pay withdrawal requests shall not authorize the supervisor to take charge of or liquidate the association.

SEC. 6. Section 33.24.010, RCW, as derived from section 5, chapter 257, Laws of 1947, is amended to read as follows: Amendments.

An association may invest its funds only as provided in this chapter. Investments.

It shall not invest more than two and a half percent of its assets or ten thousand dollars, whichever is the greater, in a loan or loans, or in the purchase of contracts on the security of any one property. Maximums.
One property.

It shall not loan to or purchase contracts payable by any one person, or community consisting of husband and wife, in an amount in excess of two and a half percent of its assets, or ten thousand dollars, whichever is the greater, except with written approval of the supervisor. As to any such loan or contract purchase in excess of two and a half percent of its assets, or ten thousand dollars, whichever is the greater, the association shall set up a special loss reserve from current earnings equal to five percent of such loan or contract purchase price. Such special reserve may be withdrawn when such loan or con- One person.
Special loss reserve.

tract balance is reduced to an amount not exceeding two and a half percent of the assets of the association, or ten thousand dollars, whichever is the greater.

Amendment. SEC. 7. Section 33.24.080, RCW, as derived from section 65, chapter 235, Laws of 1945, is amended to read as follows:

Investments.
Local
improvement
bonds.

An association may invest its funds in the bonds of any local improvement district of any city of this state (except bonds issued for an improvement consisting of grading only), the ultimate payment of which is guaranteed by the municipality under the provisions of guaranty laws of this state: *Provided*, That one-half of the lots in the district are improved with revenue producing houses or other improvements and that local improvement district bonds falling within the twenty-five percent, in amount of any issue, last callable for payment shall neither be acquired nor taken as security. The aggregate of the investments of an association in any issue of such bonds shall at no time exceed three percent of the amount of its savings accounts, and it may not have invested, at any one time, more than one hundred thousand dollars in the bonds of any such district.

Amendment. SEC. 8. Section 33.24.090, RCW, as derived from section 66, chapter 235, Laws of 1945, is amended to read as follows:

Investments:
Obligations
of federal
or state
authorized
agencies.

An association may invest its funds in stock or notes, bonds, debentures, or other such obligations of any federal home loan bank, the Home Owners' Loan Corporation, any federal land bank, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, or any state or federal agency organized under the laws of the United States or of the state of Washington authorized to loan to or act as a fiscal agency for, or insurer of, a savings and loan association.

Other
savings and
loan
associations.

An association may become a member of and invest its funds in other savings and loan associations

organized under either federal or state law, which are doing business in this state: *Provided*, That the investment in any such other savings and loan association shall not exceed the amount which is insured by the Federal Savings and Loan Insurance Corporation.

SEC. 9. Section 33.24.140, RCW, as derived from section 71, chapter 235, Laws of 1945, is amended to read as follows: Amendment.

An association may invest its funds in the purchase of or loan upon real estate contracts under the following conditions only: Investment of association funds in real estate contracts.

(1) That it shall acquire the title in fee to the property covered by such contracts;

(2) That the type of property be such as would be eligible for a mortgage loan under this chapter; and

(3) That not less than twenty percent of the principal of the purchase price under the contract has been paid or that the amount due under the contract shall not exceed seventy-five percent of the appraised value of the property, whichever is the lower, and that the purchaser shall not be in default in performance of any of the terms of the contract. An association, subject to the provisions of RCW 33.24-.010, may purchase any real estate contract which a federal association doing business in this state is permitted to purchase.

Before making any such purchase, or loan, the property shall be appraised and the purchase approved as in the case of mortgage loans.

SEC. 10. Section 33.40.070, RCW, as derived from section 108, chapter 235, Laws of 1945, is amended to read as follows: Amendment.

The liquidator, upon the approval of the court, may sell, discount, or compromise debts of the association and claims against its debtors. The liquidator, with the approval of the court, may lease, operate, Power of liquidator.

repair, exchange, or sell, either for cash or upon terms, the real and personal property of the association.

The liquidator, with the approval of the court, when funds are available, may pay savings members whose balances amount to not more than five dollars, the full amount of the balances.

Checks
issued or
payments
held by
liquidator.

Checks issued or payments held by the liquidator which remain undelivered for six months following the final liquidation dividend, shall be deposited with the supervisor, after which the liquidator shall be discharged by the court. During ten years thereafter, the supervisor shall deliver the checks or payments, or his own checks in lieu thereof, to the payee, or his legal representative, upon receipt of satisfactory evidence of his right thereto. After said ten years, the supervisor shall cancel all such checks or payments remaining in his possession and issue his check against the account for the amount thereof, payable to the state treasurer, and deliver it to him. Such payment shall escheat to the state, without further legal proceedings.

Amendment.

SEC. 11. Section 33.40.110, RCW, as derived from section 112, chapter 235, Laws of 1945, is amended to read as follows:

Voluntary
liquidation;
unclaimed
dividends
and records.

In a voluntary liquidation of an association, checks issued in the liquidation or funds representing liquidating dividends or otherwise which remain undelivered for six months following the final liquidating dividend, shall be deposited with the supervisor, together with any files, records, documents, books of account, or other papers of the association. The supervisor, at any time after one year, may destroy any of such files, records, documents, books of account, or other papers which appear to him to be obsolete or unnecessary for future reference. During ten years thereafter, the supervisor shall deliver such checks, or his own checks in lieu thereof, or

portions of such funds to the payee, or his legal representative, upon receipt of satisfactory evidence of his right thereto. After the ten years, the supervisor shall cancel all such checks remaining in his possession and issue his check payable to the state treasurer for the amount thereof together with any other liquidating funds, and deliver them to him. Such payment shall escheat to the state without further legal proceedings.

SEC. 12. Section 33.20.160, RCW, being section 98, chapter 235, Laws of 1945, is hereby repealed. Repealing
clause.

Passed the Senate February 26, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 4, 1953.

CHAPTER 72.

[S. B. 194.]

MOTOR VEHICLES—MAXIMUM GROSS WEIGHTS.

AN ACT relating to the maximum gross weight of vehicles operating upon the public highways; and amending section 46.44.044, RCW.

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

SECTION 1. Section 46.44.044, RCW, derived from section 28, chapter 269, Laws of 1951, is hereby amended to read as follows: Amendment.

Subject to the maximum axle and gross weights specified in subsection (1) of RCW 46.44.040, it is unlawful to operate any motor vehicle or combination of vehicles unless the same comply with both subdivisions (a) and (b) of this section.

(a) The total gross weight, including load, on any group of axles of a vehicle or combination of vehicles, where the distance between the first and last axles of any group of axles is eighteen feet or Maximum
total gross
load.

under, shall not exceed that set forth in the following table:

<i>Wheelbase of any group of axles of a vehicle or combination of vehicles (feet)</i>	<i>Allowed load in pounds on group of axles</i>
3 feet 6 inches.....	32,000
4	32,000
5	32,000
6	32,000
7	32,000
8	32,610
9	33,580
10	34,550
11	35,550
12	36,830
13	38,350
14	39,870
15	41,400
16	42,930
17	44,459
18	46,000

(b) Where the wheelbase of any vehicle or combination of vehicles is eighteen feet or more, the gross weight including load of the vehicle or combination of vehicles must not exceed that given for the respective distances in the following table:

<i>Wheelbase of vehicle or combination of vehicles in feet</i>	<i>Allowed load in pounds</i>
18	46,000
19	47,000
20	48,000
21	49,000
22	50,000
23	51,340
24	52,670
25	54,000
26	55,100
27	56,200
28	57,400
29	58,500
30	59,500
31	60,300
32	61,140
33	61,710
34	62,280

<i>Wheelbase of vehicle or combination of vehicles in feet</i>	<i>Allowed load in pounds</i>
35	62,860
36	63,430
37	64,000
38	64,500
39	65,000
40	65,500
41	66,000
42	66,500
43	67,000
44	67,500
45	68,000
46	68,500
47	69,000
48	69,500
49	70,000
50	70,500
51	71,000
52	71,500
53 or over.....	72,000

When inches are involved: Under six inches take lower; six inches or over take higher.

Passed the Senate February 26, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 4, 1953.

CHAPTER 73.

[S. B. 9.]

SURVIVAL OF ACTIONS—DEATH OF TORT FEASOR— EVIDENCE.

AN ACT relating to survival of actions for bodily injuries, property damage or wrongful death upon death of the tortfeasor.

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

SECTION 1. No claim for damages for bodily injuries, property damage, or wrongful death shall abate by reason of the death of the tortfeasor or of any other person liable for damages for such bodily injury, property damage or wrongful death: *Provided, however,* That the plaintiff shall not re-

Survival of action on death of tortfeasor.

Testimony of injured person alone insufficient.

Presumption of due care.

cover judgment except upon competent evidence other than the testimony of said injured person or persons and the testimony of the injured person or persons, by itself, shall not be sufficient to overcome the presumption of due care on the part of the deceased tort feisor.

Passed the Senate February 26, 1953.

Passed the House February 25, 1953.

Approved by the Governor March 5, 1953.

CHAPTER 74.

[S. B. 31.]

FOREST REHABILITATION—YACOLT BURN.

AN ACT relating to the rehabilitation of the Yacolt burn in Clark and Skamania counties; and making an appropriation.

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

Yacolt burn area designated high hazard forest area.

SECTION 1. The Yacolt burn situated in Clark, Skamania, and Cowlitz counties in townships 2, 3, 4, 5, 6 and 7 north, ranges 3, 4, 5, 6, 7, 7½ and 8 east is hereby designated a high hazard forest area requiring rehabilitation by the establishment of extensive protection facilities and by the restocking of denuded areas artificially to restore the productivity of the land.

Definitions. "Supervisor."

SEC. 2. As used in this chapter:

The term "supervisor" means the supervisor of forestry;

"Board."

The term "board" means the state forest board;

"Owner."

The term "owner" means and includes individuals, partnerships, corporations, associations, federal land managing agencies, state of Washington, counties, municipalities, and other forest land owners;

“Forest land” means any lands considered best adapted for the growing of trees. “Forest land.”

SEC. 3. This chapter shall be administered by the division of forestry under the guidance and approval of the state forest board. Administration of chapter.

SEC. 4. The supervisor shall use funds placed at his disposal to map, survey, fell snags, build firebreaks and access roads, increase forest protection activities, and do other work deemed necessary to protect forest lands from fire in the rehabilitation zone. Use of funds.

SEC. 5. The supervisor is authorized to cooperate with owners of land located in this area in establishing firebreaks in their most logical position regardless of land ownership. Full costs will be borne by each land owner but the filing of certified cost accounts with the supervisor may make the owner eligible for reimbursement or benefits if and when participating monies or benefits become available and legislation is passed establishing the responsibilities of the state and the owners concerned. Firebreaks; location and costs.

SEC. 6. For the biennium ending March 31, 1955, there is hereby appropriated from the general fund to the division of forestry of the department of conservation and development, to carry out the provisions of this act, the sum of fifty-five thousand dollars, or so much thereof as may be necessary. Appropriation.

Passed the Senate February 7, 1953.

Passed the House February 28, 1953.

Approved by the Governor March 5, 1953.

CHAPTER 75.

[H. B. 114.]

GAME AND GAME FISH—LICENSES.

AN ACT relating to hunting and fishing licenses; prescribing fees, privileges and qualifications; repealing and amending certain sections of title 77, RCW; providing penalties; and declaring an emergency.

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

Amendment. SECTION 1. Section 77.32.020, RCW, as derived from section 94, chapter 275, Laws of 1947, is amended to read as follows:

Supple-
mental
deer seal.

It shall be unlawful for any person to hunt or kill deer without first having procured from the director a metal tag to be known as a supplemental deer seal, which metal tag shall be procured, in addition to any other license, to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be one dollar and shall be paid in addition to all other license fees prescribed by law. It shall be unlawful for any person to hunt or kill elk without first having procured from the director a metal tag to be known as a supplemental elk seal, which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tags shall be five dollars and fifty cents and shall be paid in addition to all other license fees prescribed by law.

Supple-
mental
goat seal.

It shall be unlawful for any person to hunt or kill mountain goat without first having procured from the director a metal tag to be known as a supplemental goat seal, which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be five dollars and fifty cents and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any non-resident or alien to hunt or kill elk without first having procured from the director a metal tag to be known as a supplemental non-resident elk seal which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be twenty-five dollars and shall be paid in addition to all other license fees provided by law.

Supple-
mental non-
resident
elk seal.

It shall be unlawful for any non-resident or alien to hunt or kill mountain goat without first having procured from the director a metal tag to be known as a supplemental non-resident goat seal which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be twenty-five dollars and shall be paid in addition to all other license fees prescribed by law.

Supple-
mental non-
resident
goat seal.

Such metal tags shall be in the possession of all persons while engaged in hunting deer, elk or mountain goat. Such metal tags shall be prepared by and under the supervision of the director and shall bear the name "department of game of the state of Washington" and the year for which it is issued, and any other distinguishing marks deemed necessary by the director, and shall be void on the first day of April next following the date of issuance. Any person who kills any deer, elk or mountain goat shall immediately attach his own metal tag to the carcass of any such animal and properly seal the same. All monies received from the issuance or sale of metal tags as provided herein shall be paid into the state game fund. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars or by imprisonment in the county jail for not less than ten days and not more

Possession
of tags.

Markings
on tags.

Tagging
game.

Disposition
of
tag fees.

Penalty.

than thirty days or by both such fine and imprisonment.

Amendment.

SEC. 2. Section 77.32.050, RCW, as derived from section 97, chapter 275, Laws of 1947, is amended to read as follows:

Fee of deputy issuing licenses.

Any person deputized by the director to issue combination state hunting and fishing licenses and trapping, taxidermy, or fur dealer licenses, as authorized by this chapter, shall charge the sum of twenty-five cents in addition to collecting the fees prescribed by law for issuing each such license, which sum shall be retained by him for his services.

Amendment.

SEC. 3. Section 77.32.060, RCW, as derived from section 98, chapter 275, Laws of 1947, is amended to read as follows:

Fee of deputy issuing licenses.

Any person deputized by the director to issue combination county hunting and fishing licenses, state resident fishing licenses, state resident hunting licenses, non-resident state fishing licenses, non-resident state hunting licenses, non-resident state transient licenses and non-resident state game bird licenses shall charge the sum of fifteen cents in addition to collecting the fee prescribed by law, for issuing each such license, which sum shall be retained by him for his services.

Amendment.

SEC. 4. Section 77.32.100, RCW, as derived from section 2, chapter 128, Laws of 1947, is amended to read as follows:

State resident hunting and fishing license combined.

Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application, may by paying the sum of seven dollars obtain a state hunting and fishing license, which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt or fish therein.

SEC. 5. Chapter 77.32, RCW, is amended by adding thereto a new section to read as follows: New section.

Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application may by paying the sum of four dollars obtain a state hunting license which shall entitle the holder thereof to hunt in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt therein. State resident hunting license.

SEC. 6. Chapter 77.32, RCW, is amended by adding thereto a new section to read as follows: New section.

Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application may by paying the sum of four dollars obtain a state fishing license which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to fish therein. State resident fishing license.

SEC. 7. Section 77.32.110, RCW, as derived from section 1, chapter 128, Laws of 1947, is amended to read as follows: Amendment.

Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application, may by paying the sum of three dollars and fifty cents obtain a hunting and fishing license, which shall entitle the holder thereof to hunt and fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to hunt or fish therein. County resident hunting and fishing license combined.

New section.

SEC. 8. Chapter 77.32, RCW, is amended by adding thereto a new section to read as follows:

County non-resident fishing license.

Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application may by paying the sum of two dollars and fifty cents obtain a fishing license which shall entitle the holder thereof to fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to fish therein.

Amendment.

SEC. 9. Section 77.32.130, RCW, as derived from section 102, chapter 275, Laws of 1947, is amended to read as follows:

State non-resident hunting and fishing license combined.

Any citizen of the United States, or alien who is a non-resident of the state, or who has been a resident of the state for less than six months, may by paying the sum of twenty-five dollars obtain a hunting and fishing license, which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next following the date of issuance, when it is lawful to hunt or fish therein: *Provided*, That an applicant for such license who is a resident of a state bordering on this state may, by rule or regulation of the state game commission, secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

Amendment.

SEC. 10. Section 77.32.140, RCW, as derived from section 103, chapter 275, Laws of 1947, is amended to read as follows:

State non-resident hunting license.

Any citizen of the United States or alien, who is a non-resident of the state, or who has been a resident of the state for less than six months, may by paying the sum of fifteen dollars obtain a state hunting license, which shall entitle the holder thereof to hunt game birds in any county of the state until the first

day of January next following the date of issuance, when it is lawful to hunt therein: *Provided*, That an applicant for such a license who is a resident of a state bordering on this state may by rule or regulation of the state game commission secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

SEC. 11. Section 77.32.150, RCW, as derived from section 104, chapter 275, Laws of 1947, as amended by section 4, chapter 205, Laws of 1949, is amended to read as follows: Amendment.

Any citizen of the United States, or alien who is a non-resident, or who has been a resident of the state for less than six months, may by paying the sum of ten dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of issuance, when it is lawful to fish therein: *Provided*, That an applicant for such a license who is a resident of a state bordering on this state may by rule or regulation of the state game commission secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident. State non-resident fishing license.

SEC. 12. Section 77.32.160, RCW, as derived from section 105, chapter 275, Laws of 1947, is amended to read as follows: Amendment.

Any non-resident of the state or alien who is temporarily sojourning in the state may by paying the sum of three dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state for a period of seven days following the date of its issuance, when it is lawful to fish therein: *Provided*, That an applicant for such a license who is a resident of a state bordering on this state may by rule or regulation of the state game State non-resident temporary fishing license.

commission secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

Repealing clause.

SEC. 13. Sections 77.32.030, RCW, as derived from section 95, chapter 275, Laws of 1947, 77.32.040, RCW, as derived from section 96, chapter 275, Laws of 1947, 77.32.170, RCW, as derived from section 106, chapter 275, Laws of 1947, 77.32.180, RCW, as derived from section 107, chapter 275, Laws of 1947, are repealed.

Effective date.

SEC. 14. Sections 2, 3, 4, 5, 6, 7, 8 and 11, above, shall be effective January 1, 1954.

Emergency.

SEC. 15. Sections 1, 9, 10 and 12 of the above act are 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 18, 1953.

Passed the Senate February 26, 1953.

Approved by the Governor March 6, 1953.

CHAPTER 76.

[H. B. 235.]

COMMISSIONER OF PUBLIC LANDS—TIDELANDS IN ISLAND COUNTY.

AN ACT authorizing and directing the commissioner of public lands permanently to withhold from sale or lease certain tidelands of the second class and amending section 1, chapter 12, Laws of 1931, (uncodified).

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

Amendment.

SECTION 1. Section 1, chapter 12, Laws of 1931 (uncodified) is amended to read as follows:

Reserved from lease, sale, exchange or private use.

That the commissioner of public lands of the state of Washington be and he is hereby authorized

and directed permanently to withdraw and withhold from sale, lease, exchange or private use all tidelands of the second class situated in front of, adjacent to or abutting upon lot three, section twenty-three and lots one, two and three, section twenty-six, township twenty-nine north, range two east Willamette meridian; lot four, section seven, and the J. Condry donation claim in sections twenty-two and twenty-seven, township thirty-two north, range one east, Willamette meridian, except the west four chains of said claim as measured along the government meander line, lot one, section thirty-two, township thirty-three north, range one east Willamette meridian; and lot one, section thirteen, township thirty-two north, range one west Willamette meridian; all as shown on the official maps of tidelands for Island county, now on file in the office of the commissioner of public lands at Olympia, Washington: *Provided*, That the commissioner of public lands may give permission to the board of county commissioners, or other public officials, to improve said tidelands by dredging or other methods of improving said tidelands which the commissioner of public lands deems to be for the best interests of the public and the state of Washington.

Description.

Improvements.

Passed the House February 21, 1953.

Passed the Senate March 3, 1953.

Approved by the Governor March 6, 1953.

CHAPTER 77.

[H. B. 298.]

HIGHWAY COMMISSION—McCHORD AIR BASE—
RELOCATION, P.S.H. NO. 1.

AN ACT authorizing the state highway commission to acquire land and deed the same to the United States in lieu of lands of McChord air force base needed for the relocation and realignment of primary state highway No. 1.

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

Acquisition of land by state highway commission.

SECTION 1. The state highway commission is hereby authorized to acquire by gift, purchase or condemnation such lands in the vicinity of McChord air force base as shall be agreed upon with the United States government to replace lands of McChord air force base required by the state highway department for relocating and realigning primary state highway No. 1. The governor is authorized to execute a deed to the United States government conveying such lands pursuant to such agreement as shall be made by the state highway commission with the United States government.

Conveyance of acquired land.

Passed the House February 17, 1953.

Passed the Senate March 3, 1953.

Approved by the Governor March 6, 1953.

CHAPTER 78.

[H. B. 386.]

BRIDGING OF PUGET SOUND INCLUDING
HOOD CANAL.

AN ACT relating to the Washington toll bridge authority, making appropriation for the study and bridging of Puget Sound, including Hood Canal, and declaring an emergency.

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

SECTION 1. For the biennium ending March 31, 1955, there is appropriated to the Washington toll bridge authority from the motor vehicle fund the sum of seven hundred thousand dollars or so much thereof as thereafter may be necessary for the following purposes:

(a) Two hundred fifty thousand dollars of the appropriation shall be available for further study, including traffic surveys acceptable to prospective bond purchasers or investment firms, securing necessary permits for the bridging of Puget Sound, including Hood Canal, as more specifically set forth in the printed report of the Washington toll bridge authority to the governor and the legislature dated December 1, 1952, and entitled "Bridging Puget Sound": *Provided*, That any such study shall be directed to the bridging of Puget Sound and as well the bridging of Hood Canal or to the bridging of both and shall not be applied to either of the said subjects to the exclusion of the other: *Provided further*, That four hundred fifty thousand dollars from the appropriation, or such additional funds which have not been expended, shall lapse and revert to the motor vehicle fund in the event that the authority determines that neither of the projects is feasible.

(b) If a project is deemed feasible by the authority as an integral part of the state highway system and has been approved by the highway commission, the authority shall enter into final design plans, and

Revenue bonds.

construction thereof, issue revenue bonds to pay all costs of the project and let contracts in connection with the proposed project. Such revenue bonds shall be issued in accordance with the applicable provisions of RCW 47.56.080, and in addition to the purposes above stated may be issued to provide funds for paying all costs of issuance and sale of such bonds, to pay interest on said bonds during construction and for six months thereafter, and to pay and redeem all outstanding ferry bonds of the authority theretofore issued for operation of ferries upon Puget Sound.

Costs of operation and maintenance.

SEC. 2. All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority, together with the sum of two hundred twenty-five thousand dollars heretofore appropriated by section 19, chapter 259, Laws of 1951, shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds of any project.

Appropriation deemed loan.

Emergency.

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

Passed the House February 23, 1953.

Passed the Senate March 3, 1953.

Approved by the Governor March 6, 1953.

CHAPTER 79.

[H. B. 387.]

WASHINGTON TOLL BRIDGE AUTHORITY—ISSUANCE
OF BONDS.

AN ACT relating to state government; prescribing procedure for the issuance of bonds by the state toll bridge authority; amending section 47.56.140, RCW, and declaring an emergency.

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

SECTION 1. Section 47.56.140, RCW, as derived from section 8, chapter 173, Laws of 1937, is amended to read as follows: Amendment.

The revenue bonds may be issued and sold by the authority from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof. Authority to issue.

The authority shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon, which shall not exceed six percent per year. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds shall be payable at such place as determined by the authority, and may contain provisions for registration as to principal or interest, or both. They shall be in coupon form with interest payable at such times as determined by the authority, and shall mature at such times and in such amounts as the authority prescribes. The authority may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance Form and contents.

Interest.

Coupons.

Retirement.

Signatures.

of the bonds. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed

Successive issues.

or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law

Sale; sealed bids.

merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell the bonds at private

Private sale.

sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Transactions with United States.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery.

Temporary bonds, certificates or receipts.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery.

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

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 16, 1953.

CHAPTER 80.

[H. B. 226.]

WASHINGTON COMMERCIAL FEED LAW OF 1953.

AN ACT relating to commercial feed, repealing certain provisions of chapter 15.52, RCW; providing penalties; designating the "Washington Commercial Feed Law of 1953"; and declaring an emergency.

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

SECTION 1. When used in this act:

The term "director" means the director of agriculture of the state, or his authorized agents or representatives. Definitions.
"Director."

The term "distribute" means to offer for sale, sell, barter, or otherwise supply commercial feeds. "Distribute."

The term "sell" or "sale" includes exchange. "Sell" or
"sale."

The term "commercial feed" means all materials which are distributed for use as feed for animals other than man except: "Commercial
feed."

1. Unmixed whole seeds and meals made directly from the entire seeds with no part of the whole removed.

2. Unground hay.

3. Whole or ground straw, stover, silage, cobs, and hulls when not mixed with other materials.

4. Wheat flours or other flour.

The term "brand" means the terms, design, or trademark and other specific designation under which an individual commercial feed is distributed "Brand."

in this state, and commercial feed shall be considered as a distinct brand when differing either in guaranteed analysis, ingredients, trademark name, or any other characteristic method of marking.

"Label."

The term "label" means a display of written, printed, or graphic matter upon or attached to the container in which a commercial feed is distributed.

"Ton."

The term "ton" means a net weight of two thousand pounds, avoirdupois.

"Per cent" or "percentage."

The term "per cent" or "percentage" means percentage by weight.

"Official sample."

The term "official sample" means any sample of commercial feed taken by the director.

"Retail"

The term "retail" as used in this act means the selling or offering for sale of any commercial feed, directly to the consumer.

"Official state lab."

An "official state lab." shall be a laboratory under the supervision of the chairman of the department of agricultural chemistry of the State College of Washington or the dean of the college of pharmacy of the University of Washington or the director.

"Special mix"

The term "special mix" means a commercial feed prepared in accordance with a formula provided and signed by the purchaser for consumption or processing by such purchaser.

"Run of the mill"

The term "run of the mill" when used in reference to grain screenings is well established in the industry and means the restoration of the total quantity of such naturally present screenings, when finely ground, to the processed grain in which it was received, or to the total wheat mixed feed produced in the manufacture of wheat flour from the grain in which it was received.

Registration of brands.

SEC. 2. Each brand of commercial feed shall be registered before being offered for sale, sold or otherwise distributed in this state, except for brands of commercial feeds which are offered for sale, sold or otherwise distributed by a registrant who has a

brand of feed registered having the same formula but which differs only in the physical form in which it is sold. The application for registration shall be submitted to the director on forms furnished by the director, and shall be accompanied by a fee of ten dollars per brand, and shall be also accompanied by a label or other printed matter describing the product. Upon approval by the director a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year.

SEC. 3. The applications hereinabove shall include the following information:

Same;
application
contents.

1. The name and principal address of the person guaranteeing the commercial feed.

2. The name or brand under which the commercial feed is to be sold.

3. The guaranteed analysis, listing the minimum percentage of crude protein, minimum percentage of crude fat, maximum percentage of crude fibre, maximum percentage of crude ash and maximum percentage of moisture. For mineral feeds or other feeds containing more than a total of five per cent of one or more added mineral ingredients the list shall include the following if added: minimum and maximum percentage of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum and maximum percentage of salt (NaCl), and maximum percentage of fluorine. Other nutritional substances or elements, determinable by laboratory methods, may be guaranteed by permission of the director by and with the advice of the State College of Washington. When any such other items are guaranteed, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the director. Products sold solely as mineral and/or vitamin supplements and guaranteed as speci-

fied in this section need not show guarantees for protein, fat, and fibre.

4. The name of each ingredient used in the manufacture of the commercial feed according to the definitions of ingredient names provided in the regulations issued pursuant to the terms of this act.

Same; previously registered brands.

SEC. 4. A distributor shall not be required to register any brand of commercial feed which is already registered under this act by another person.

Same; changes in guarantee.

SEC. 5. Changes in the guarantee of either chemical or ingredient composition of a feed may be permitted provided satisfactory evidence is submitted showing that:

1. Such changes would not result in a lowering of the feeding value of the product for the purpose for which designed; or

2. The requested changes are unavoidable because of the unavailability of guaranteed ingredients.

Same; crude fiber content limitation.

SEC. 6. No commercial feed may be registered which has a guaranteed crude fibre content of: (1) More than ten per cent for hog and poultry feeds, (2) More than twelve per cent for dairy, beef, sheep, goat and horse feeds, or (3) More than twenty-two per cent for rabbit feeds: *Provided*, That the fibre limitations stated herein do not apply to commercial feeds which state on their labels the percentages of the various ingredients according to the definitions of ingredients stated in this act or regulations issued pursuant to the terms of this act.

Same; refusal and cancellation.

SEC. 7. The director may refuse registration of any application not in compliance with all provisions of this act and may cancel any registration when it is subsequently found to be in violation of any provision of the act or when he has satisfactory evidence that the registrant has used fraudulent or deceptive practices in attempted evasion of the pro-

visions of the act or regulations thereunder; [Provided,] however, that no registration shall be refused or cancelled until the registrant shall have been given an opportunity to be heard before the director.

SEC. 8. The director shall have ninety days after the receipt of the application for registration of a commercial feed not previously registered, in which to investigate the claims made by the applicant as to the efficacy of the product and to conduct experiments in order to determine whether the said product is harmful, deleterious, or is of the claimed value for the purpose intended, when used as directed. At the end of ninety days, if the director during such period has not notified the applicant that a hearing will be held or has not registered the product, then the product shall be registered, and a certificate of registration issued by the director: *Provided*, That during the ninety-day period provided herein, if the product has not been registered, the applicant shall not sell the product in the state.

Same; investigation by director.

SEC. 9. No person shall sell, offer to sell, or distribute within this state any commercial feed at retail without having first obtained a retail feed license for each establishment or vehicle used by such person in selling commercial feed at retail: *Provided*, That the above license shall not be required of any vehicle used by a licensed dealer merely in delivering commercial feed, nor to any dealer as to his sales of foods for domestic pets such as, dogs, cats and birds. Applications for such licenses shall be made in writing and under oath to the director on such forms as he shall prescribe.

Retail feed license.

SEC. 10. There shall be paid to the director with each application for a retail feed license an annual license fee of ten dollars. The money derived therefrom shall be paid by the director into the state treasury for deposit in the commercial feed fund.

Fee.

Expiration
date.

Nontrans-
ferable.

Distribution
in bags,
barrels or
other con-
tainers; label
requirements.

Distribution
in bulk;
statement
of contents.

Special
mixes.

SEC. 11. Each retail feed license shall expire on the thirty-first day of December following its date of issuance. Such license shall not be transferable to any person or be applicable to any location or vehicle other than that for which originally issued.

SEC. 12. Any brand of commercial feed offered for sale or sold or otherwise distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container in stenciled or imprinted form the net weight and the information required by items 1, 2, 3, and 4 of section 3.

SEC. 13. If a brand of commercial feed is distributed in bulk, a written or printed statement of the net weight and the information required by items 1, 2, 3, and 4 of section 3, shall accompany delivery and be furnished to the purchaser, and a copy of the statement shall be kept on file in the office of the vendor which shall be available for inspection by the director for a period of not less than six months from the date of the transaction.

SEC. 14. Any person who manufactures, processes, or mixes any commercial feed for another in accordance with a formula provided and signed by the purchaser for consumption or processing by such purchaser (a "special mix") shall furnish to the person for whom such commercial feed is manufactured, processed or mixed, a numbered invoice which shall have written or printed thereon the date of sale and the name and the number of pounds of each ingredient according to the definitions of ingredient names provided in the regulations issued pursuant to the terms of this act. Copies of all such invoices shall remain on file in the place of business of the vendor for six months, during which time they are subject to inspection by the director. No two invoices issued in one calendar year shall bear the same number. When packaged, each package of

such commercial feed (special mix) shall have attached thereto, in lieu of the information referred to in section 3, a written or printed tag upon which shall be stated: that the product in the container or package is a special mix which is not registered with the director; the name of the mixer, processor or manufacturer; the net weight of the contents; and the invoice of a packaged special mix shall state the numbers of the tags on the packages sold.

SEC. 15. No person shall distribute an adulterated commercial feed. A commercial feed shall be deemed to be adulterated:

Adulterated
commercial
feeds.

(1) If any poisonous, deleterious, or non-nutritive ingredient has been added in sufficient amount to render it injurious to animal health, or if any dirt, soil, damaged or decayed feed, mill, elevator, or other sweeping or dust is included in commercial feed.

(2) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(3) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(4) If it contains added hulls, screenings, straw, cobs, or other such high fibre material unless the name and percentage of each such material is clearly and prominently stated and underscored on the label.

(5) If it contains viable primary noxious weed seeds in excess of one per pound, or if it contains viable secondary noxious weed seeds in excess of twenty-five per pound. The primary and secondary noxious weed seeds shall be those as named pursuant to the terms of the Washington Seed Act and Regulations issued pursuant thereto.

Misbranded
commercial
feeds.

SEC. 16. No person shall distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular.

(2) If it is distributed under the name of another feed.

(3) If its container is not labeled as required in this act, and in regulations prescribed under this act.

(4) If it purports to be, or is represented as, a commercial feed for which a definition of identity and standard of quality has been prescribed by regulation unless it conforms to such definition and standard.

(5) If any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(6) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the director determines to be, and by regulations prescribes as, necessary in order to fully inform the purchaser as to its value for such uses.

Inspection
by director;
powers and
duties.

SEC. 17. It shall be the duty of the director, who may act through his authorized agents, to sample, inspect, make chemical and microscopic analysis of, and cause to be tested at an official state laboratory commercial feeds distributed within this state at such time and place and to such an extent as he may deem necessary to determine whether such commercial feeds are in compliance with the provisions

of this act. The director, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial feeds subject to the provisions of this act and the rules and regulations pertaining thereto.

The methods of sampling and analysis shall be those accepted by the director from recognized sources such as the association of official agricultural chemists, or the American association of feed control officials. Methods.

The director, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided solely by the official sample as above defined and as obtained and as analyzed as provided for above. Official sample is sole guide.

SEC. 18. The chairman of the department of agriculture chemistry of the State College of Washington, and the Dean of the college of pharmacy of the University of Washington shall when requested by the director act as chemists and microscopists for the department of agriculture, and it shall be the duty of such chemists or either of them, without compensation other than their expenses necessarily incurred in the performance of such work to make chemical and microscopic analyses of any and all substances that the director may send to them, and report to the director, without unnecessary delay, the results of any analysis so made, and when called upon by said director, any such chemist, or any of the additional chemists as hereafter provided, shall assist, as an expert or otherwise, in prosecutions for the violation of this act. Chemists and microscopists; named.

SEC. 19. The director may appoint one or more competent graduate chemists to perform any or all of the duties required of the chemists of the department of agriculture authorized in this act. Other chemists authorized.

Report of
chemist
prima facie
evidence.

SEC. 20. The reports of analysis and tests made by the state chemists to the director both as to chemical and microscopic analysis are admissible in evidence as prima facie evidence of the facts therein set forth in any proceeding of either a civil or criminal nature brought pursuant to the terms of this act.

Director's
powers and
duties.

SEC. 21. The director is charged with the enforcement of this act, and after publication and public hearing may promulgate and adopt such reasonable rules and regulations as may be necessary to carry into effect the full intent and meaning of this act. The director is hereby empowered to adopt regulations establishing definitions and standards for commercial feeds and ingredients, and such other regulations as may be necessary for the enforcement of any provisions of this act.

"Withdrawal
from sale"
order.

SEC. 22. When the director has reasonable cause to believe a commercial feed is being distributed in violation of any of the provisions of this act or of any of the prescribed regulations under this act, he may issue and enforce a written or printed "withdrawal from sale" order warning the distributor not to dispose of the feed in any manner until written permission is given by the director or the superior court. The director shall release the commercial feed so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal have been paid. If compliance is not obtained within thirty days, the director shall begin proceedings for condemnation.

Seizure on
complaint.

SEC. 23. Any lot of commercial feed not in compliance with the provisions of this act shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of this act and orders the condemnation of said

commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state: *Provided*, That in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or re-label said commercial feed to bring it into compliance with this act.

SEC. 24. It is unlawful for any person:

Specific unlawful acts.

(1) Without authority to remove or dispose of by sale or otherwise, any commercial feed in respect to which there is in effect a "withdrawal from sale" order,

(2) To alter, mutilate, destroy, obliterate, or remove without proper authority, any mark, stamp, tag, label, seal, sticker, or other identification device used by the director, in carrying out the provision of this act,

(3) To forge, counterfeit, simulate, or falsely represent, or without proper authority use any mark, stamp, tag, label, seal, sticker, or other identification device used by the director in carrying out the provisions of this act.

SEC. 25. In all prosecutions under this act involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the chemist or microscopist who made the analysis shall be accepted as prima facie evidence of the composition.

Certified copy of official analysis is prima facie evidence.

SEC. 26. Nothing in this act shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the act when he believes that the public interests will be best served by a suitable notice of warning in writing.

Warnings.

Prosecution.

SEC. 27. It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the director reports a violation for such prosecution, an opportunity shall be given the distributor to present his views to the director.

Injunctions.

SEC. 28. The director is hereby authorized to apply for, and a court is authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rule or regulation promulgated under the act notwithstanding the existence of other remedies at law.

Report of director.

SEC. 29. The director shall publish at least annually, in such forms as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label: *Provided*, That the information concerning production and use of commercial feeds shall not disclose the operations of any person.

Severability clause.

SEC. 30. If any clause, sentence, paragraph, or part of this act is for any reason judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Commercial feed fund.

SEC. 31. There is hereby created in the state treasury a special fund to be known as the commercial feed fund in which shall be deposited all moneys

hereafter or heretofore collected as fees for feed licenses, and for the registration of commercial feed.

SEC. 32. Chapter 211, Laws of 1939, as last amended by chapter 167, Laws of 1949, in so far as it relates to commercial feeds, is repealed. Repealing clause.

SEC. 33. Any person convicted of violating any of the provisions of this act or the rules and regulations issued thereunder, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director or his duly authorized agent in performance of his duty in connection with the provisions of this act, shall be adjudged guilty of a gross misdemeanor and shall be fined not less than fifty dollars, or more than one hundred dollars, for the first violation, and not less than two hundred fifty dollars, nor more than five hundred dollars, for subsequent violations. Penalty.

SEC. 34. This act shall be known as the "Washington Commercial Feed Law of 1953." Title of act.

SEC. 35. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House February 17, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 16, 1953.

CHAPTER 81.

[H. B. 131.]

MILITIA—DISMISSAL—DISHONORABLE DISCHARGE.

AN ACT relating to the militia; providing for the approval of sentences of dismissal imposed by military courts, and amending section 38.32.150, RCW.

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

Amendment.

SECTION 1. Section 38.32.150, RCW, as derived from section 62, chapter 130, Laws of 1943, is amended to read as follows:

Approval of sentence by governor.

No sentence of dismissal, or dishonorable discharge from the service imposed by any military court shall be executed until approved by the governor.

Passed the House February 19, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 82.

[H. B. 249.]

RELOCATED PRIMARY STATE HIGHWAY—SECONDARY HIGHWAYS.

AN ACT relating to secondary state highways affected by the relocation of primary highways.

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

Designation of secondary highway routes intersecting relocated primary highways.

SECTION 1. In any case where a primary state highway is relocated in such manner that one of its branch secondary state highways shall cease to intersect it, the state highway commission is hereby authorized to designate one or more routes from such secondary state highway to an intersection with such relocated primary state highway as a portion of the route of such secondary state highway. The

State Highway Commission shall submit to the legislature next convening, the changes made in the designation of secondary state highways, as described by law, so that such laws designating secondary state highways will be kept current by successive legislatures.

Report to the legislature.

Passed the House February 14, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 83.

[H. B. 258.]

DRUGLESS THERAPEUTICS—LICENSE RENEWAL—FEES AND PENALTIES.

AN ACT relating to the practice of drugless therapeutics and amending chapter 18.36, RCW, by adding a new section.

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

SECTION 1. Chapter 18.36, RCW, as derived from chapter 36, Laws of 1919, as amended, is amended by adding a new section reading as follows:

New section.

Every person heretofore or hereafter granted a license under this chapter shall pay to the director an annual license renewal fee of five dollars on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual license renewal fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees.

License renewal; fee.

Penalty.

Reinstatement.

Passed the House February 19, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 84.

[H. B. 80.]

DIKING DISTRICTS—DRAINAGE DISTRICTS—ELECTIONS AND TERMS OF COMMISSIONERS.

AN ACT relating to diking and drainage districts; and amending section 85.04.035, RCW.

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

Amendment. SECTION 1. Section 85.04.035, RCW, as derived from section 6, chapter 115, Laws of 1895, as last amended by section 1, chapter 104, Laws of 1949, and section 6, chapter 117, Laws of 1895, as last amended by section 1, chapter 103, Laws of 1949, is amended to read as follows:

Terms of office. The term of office of a district commissioner shall be six years and until his successor is elected and qualified, except those chosen at the first election, which shall be: The one receiving the highest number of votes shall serve six years, the second highest, four years, and the third highest, two years. The next election shall be held on the fourth Tuesday of November in the even numbered years, and biennially thereafter. The term of office shall begin on the first Monday of January next.

The term of the commissioner elected to office in November, 1954, shall be for six years. There shall be no general district election held in the year 1955 and the commissioner whose term would have expired in 1955, but for the provisions of this act, shall continue in office until his successor is elected for a two year term at the general election to be held on the fourth Tuesday of November, 1956. The commissioner whose term expires in 1956 shall be elected for a six year term.

Election: conducted by board of county commissioners. Expenses. The election shall be conducted by the board of commissioners of such district, who shall prepare the ballot therefor. The expenses of the election shall be defrayed by the district, and the judges,

clerks, and inspectors of the election shall each receive two dollars per day for services so rendered.

At least thirty days before the election the district commissioners shall post notice thereof in four public places in the district, and publish notice of the election at least once in a legal newspaper published in the district, or if none is published therein, then in a legal newspaper in the county in which the district is situated. Such notice shall contain the names of the two judges and one inspector of the election, who shall be electors of the district appointed by the commissioners. The commissioners may declare the entire district as one precinct and shall designate in such notice the place of voting. If the district is large, the commissioners may designate in the notice of election the number and places of voting.

Notice.

Designation
of polls.

The commissioners shall meet on the day following the election and canvass the votes, declare the results, and issue certificates of election.

Canvass, etc.

Passed the House February 23, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 85.

[H. B. 84.]

WASHINGTON FERTILIZER ACT.

AN ACT relating to fertilizers, agricultural minerals and lime, repealing certain antecedent laws relating to fertilizers, agricultural minerals and lime, repealing chapter 211, Laws of 1939, and providing penalties.

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

- Title of act. SECTION 1. This act shall be known and may be cited as the "Washington Fertilizer Act."
- Definitions. SEC. 2. The following definitions apply to words and phrases used in this act:
- "Fertilizer material." (1) "Fertilizer material" means any substance other than unmanipulated animal or vegetable manures containing not less than five per cent of nitrogen, phosphoric acid, or potash, singly or chemically combined, and may contain other plant food elements or compounds.
- "Mixed fertilizer." (2) "Mixed fertilizer" means any physical combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.
- "Commercial fertilizer." (3) "Commercial fertilizer" means and includes mixed fertilizers, fertilizer materials and specialty fertilizers.
- "Complete fertilizer." (4) "Complete fertilizer" means commercial fertilizer which contains nitrogen, phosphoric acid and potash.
- "Specialty fertilizer." (5) The term "specialty fertilizer" means any fertilizer distributed primarily for use on non-commercial crops such as gardens, lawns, shrubs, and flowers; and may include fertilizers used for research or experimental purposes.
- "Agricultural minerals." (6) "Agricultural minerals" means mineral substances, and mixtures of mineral and organic substances containing less than five per cent in available form of nitrogen, phosphoric acid, or potash, collec-

tively, or in combination designed for use principally as a source of plant food; provided that animal manures, limes, sand and soil shall not be considered as minerals.

(7) "Lime" means a substance or mixture of substances, the principal constituent of which is calcium and/or hydroxide, magnesium carbonate, or oxide, singly or combined. "Lime."

(8) "Brand" means a term, design or trademark used in connection with the distribution and sale of one or more grades of commercial fertilizers, agricultural minerals or lime. "Brand."

(9) "Grade" means the minimum percentage of total nitrogen, available phosphoric acid and soluble potash stated in the order given. "Grade."

(10) "Ton" means a net weight of two thousand pounds avoirdupois. "Ton."

(11) "Per cent" or "percentage" means the percentage by weight. It shall always be expressed in whole numbers. "Per cent" or "Percentage."

(12) "Ultimate dealer" means a person who sells commercial fertilizer, agricultural mineral or lime direct to the user. "Ultimate dealer."

(13) "Department" means the state department of agriculture of the state of Washington. "Department."

SEC. 3. Each brand of commercial fertilizer, agricultural mineral or lime shall be registered with the department before being sold or offered for sale in this state. The application for registration of a brand shall be made to the department and it shall be accompanied by a registration fee of twenty-five dollars for each brand. The application shall be made on forms provided by the department. Registration of brands of commercial fertilizer.

SEC. 4. The application for registration of a brand of commercial fertilizer shall include the following information: Same; application contents.

- (1) The name and address of the registrant.
- (2) The name and address of the manufacturer.

(3) Brand name.

(4) Declaration of grades intended to be sold.

Registration of grades of commercial fertilizer.

SEC. 5. Each grade of commercial fertilizer shall be registered with the department before being sold. No grade of commercial fertilizer can be offered for sale without a registered brand name.

Same: application contents.

SEC. 6. The application for registration of a grade of commercial fertilizer intended to be sold shall include the following information:

- (1) The name and address of the registrant.
- (2) The name and address of the manufacturer.
- (3) The brand name.

(4) The guaranteed analysis of total nitrogen, available phosphoric acid and soluble potash in terms of the minimum percentage of such materials in the particular grade. The minimum percentage shall be expressed in the following form:

Total nitrogen, N.per cent
Available phosphoric acid, P ₂ O ₅per cent
Soluble Potash, K ₂ Oper cent

(5) The source from which the nitrogen, phosphoric acid and potash are derived.

(6) In the case of bonemeal, tankage or other natural organic phosphatic materials sold as such, the guaranteed analysis of phosphatic materials may be in terms of total phosphoric acid.

Registration of agricultural mineral.

SEC. 7. The application for registration of an agricultural mineral shall include the following information:

- (1) The name and address of the registrant.
- (2) The name and address of the manufacturer.
- (3) The brand name.

(4) If an agricultural mineral is derived as a by-product of the manufacture of sugar or acetylene, or from the by-products of some other manufacturing process, the principal constituent of which by-product is a compound of calcium, the minimum

percentage of calcium in terms of calcium carbonate, calcium hydroxide or calcium oxide shall be given.

(5) In an agricultural mineral the principal ingredient of which is sulphur, the minimum percentage of sulphur shall be given.

(6) In an agricultural mineral the principal constituent of which is calcium sulphate, the percentage of calcium sulphate ($\text{CaSO}_4 \cdot 2 \text{H}_2\text{O}$) shall be given, and the per cent of total sulphur.

(7) In an agricultural mineral the principal constituent of which is calcium phosphate, such as rock phosphate, the guaranteed analysis of calcium phosphate shall be given in terms of the minimum percentage of available phosphoric acid, and total phosphoric acid.

(8) In the case of an agricultural mineral not specifically or generally mentioned in this section, the minimum percentage of all constituents claimed to be therein in terms of equivalents to be prescribed by the department, shall be given.

(9) In case of any physical mixture of two or more agricultural minerals, the minimum percentage of each of the principal constituents shall be given.

SEC. 8. The application for registration of lime shall include the following information:

Registration
of lime.

(1) The name and address of the manufacturer or producer.

(2) The name and address of the registrant.

(3) The brand name and the grade.

(4) The name of the particular form of dolomitic or calcic lime (ground limestone, burnt lime, lime hydrate, shells, marl).

(5) The guaranteed minimum percentage of calcium and/or magnesium expressed as their carbonates; the minimum total neutralizing power expressed in terms of calcium carbonate; the percent-

age of material that will pass respectively a one hundred mesh, sixty mesh, and ten mesh sieve.

Examination
of appli-
cations.

Certificate of
registration.

Registration
expiration
date.

Testing of
guaranteed
food plant
elements.

Sales by bag,
barrel or
container;
label re-
quirements.

SEC. 9. The department shall examine the application for conformance with the requirements of this act. If the application is in proper form and contains the required information the particular brand and grade of commercial fertilizer, agricultural mineral or lime shall be registered by the department and a certificate of registration shall be issued to the applicant. The registration shall expire on the 31st day of December next following the registration or each annual renewal thereof.

SEC. 10. If plant food elements other than those mentioned in sections 6, 7, and 8 of this act are guaranteed to be present in a commercial fertilizer, agricultural mineral or lime, they shall be subject to sampling, inspection, and analysis in accordance with regulations promulgated by the department.

SEC. 11. All the information required by sections 6, 7 and 8 of this act to be submitted with the application for registration of each brand and grade shall be placed on each bag, barrel or container of commercial fertilizer, agricultural mineral or lime; however, if the registrant of the brand is not the manufacturer, the manufacturer's name and address need not be stated on the container. The information shall be placed on the bag, barrel, or container, with such prominence by reason of size and coloring of lettering as will reasonably assure its being seen by the purchaser under the conditions of retail sale by which it is sold, offered for sale or exposed for sale. No other form of label nor any other chemical term referring to nitrogen (N), phosphoric acid (P_2O_5), potash (K_2O), calcium hydroxide, calcium magnesium carbonate, calcium oxide, calcium carbonate, sulphur, calcium sulphate, calcium phosphate, dolomitic lime, calcic lime, ground

limestone, burnt lime, lime hydrate, shells, marl, magnesium carbonate shall be used than those specified in this act.

If a commercial fertilizer, agricultural mineral or lime is distributed or sold in bulk, the distributor or seller shall deliver to the purchaser a written or printed statement containing the information required to be on bags, barrels, or containers of such materials.

Sales in bulk; statement of contents.

SEC. 12. Each person who sells or offers for sale a commercial fertilizer or agricultural mineral in the state of Washington shall pay to the department an inspection fee of ten cents for each ton of commercial fertilizer or agricultural mineral sold by such person during the year beginning January 1, and ending December 31st. Each person who sells lime in the state of Washington shall pay to the department an inspection fee of two cents for each ton of lime sold during the year.

Inspection fee.

In computing the tonnage on which the inspection fee must be paid as required by this section, sales of commercial fertilizers, agricultural minerals or lime to fertilizer manufacturers, sales of commercial fertilizers, agricultural minerals and lime in packages weighing five pounds net or less, and sales of commercial fertilizers, agricultural minerals and lime for shipment to points outside this state, may be excluded.

Exempt transactions.

It is the intent of this act that only one person shall be responsible for payment of the inspection fee and when more than one person doing business in this state is involved in the commercial distribution of such materials, then the person who sells to the ultimate dealer is responsible for reporting the tonnage and paying the inspection fees; however, a manufacturer, jobber, broker or wholesaler who sells commercial fertilizer, agricultural mineral or

Persons liable.

lime directly to the user of such material must also pay the inspection fee on such materials.

Reports.

SEC. 13. (1) Each person made responsible by this act for the payment of inspection fees for commercial fertilizers, agricultural minerals or lime sold in this state shall file a report with the department on October 1st, January 1st, April 1st, and July 1st of each year of the number of tons of such materials sold during the three calendar months immediately preceding the date the report is due. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day period of grace immediately following the day the report and payment are due to file the report and pay the fee, and the department may, in its discretion, permit a further reasonable extension of time.

(2) The report required by this section shall be made under oath certifying to the correctness of the report.

(3) The report required by this section shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report; except that nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person in any action, suit or proceeding instituted under the authority of this act including any civil action for collection of unpaid inspection fees, which action hereby is authorized and which shall be as an action at law in the name of the director of the department.

Inspection;
powers and
duties of
director.

SEC. 14. (1) It shall be the duty of the department to sample, inspect and analyze commercial fertilizers, agricultural minerals and lime sold or offered for sale within this state to determine compliance with the provisions of this act. The depart-

ment may enter upon any private business premises during the regular business hours in order to have access to any substance subject to the provisions of this act.

(2) The methods of sampling, inspection and analysis shall be designated by the department, such as but not limited to, those of the association of official agricultural chemists. Methods.

(3) Whenever the department takes an official sample of commercial fertilizer, agricultural mineral or lime for analysis, the owner or person in charge of the substance shall be notified, prior to taking the sample. Upon the request of the owner or person in charge of the sampled material, the department shall furnish such person one half of the official sample. The chemist making the analysis shall return to the director two certified copies of his findings, one of which shall be forwarded to the party in interest. Such findings shall be admissible in any proceeding involving this chapter as prima facie evidence of the facts therein set forth. Notice.
Sample available to owner.
Findings; copies.
Same; prima facie evidence.

SEC. 15. No superphosphate containing less than eighteen per cent of available phosphoric acid, nor any mixed fertilizer in which the sum of the percentage guarantees for the nitrogen, available phosphoric acid and soluble potash in the mixture is less than twenty per cent, shall be sold or offered for sale in this state; except for complete fertilizers containing twenty-five per cent or more of their nitrogen in water insoluble form of plant or animal origin, in which case the total percentage of nitrogen, available phosphoric acid and soluble potash shall not be less than eighteen per cent, and except for specialty fertilizers. Superphosphate and mixed fertilizer; restrictions on sale.

SEC. 16. For the purposes of this act, a commercial fertilizer, agricultural mineral or lime shall be deemed misbranded if it carries any false or misleading statement upon or attached to the container of Misbranded defined.

such substances, or on the purchaser's statement for materials sold in bulk. The term "false and misleading statements" shall include, but not be limited to statements relating to the agricultural value of the particular substance.

Specific unlawful acts.

SEC. 17. (1) It shall be unlawful for a person to sell or offer for sale a misbranded commercial fertilizer, agricultural mineral, or lime.

(2) It shall be unlawful for a person to fail, refuse or neglect to place upon or attach to each bag, barrel or container of commercial fertilizer, agricultural mineral or lime offered for sale, sold, or mixed or manipulated as a service all of the information required by this act to be so placed or attached.

(3) It shall be unlawful for a person to fail, refuse or neglect to deliver to a purchaser of commercial fertilizer, agricultural mineral or lime in bulk a statement containing the information required by this act.

(4) It shall be unlawful for a person to sell or offer for sale within this state a commercial fertilizer, agricultural mineral, or lime which has not been registered with the department.

Department reports.

SEC. 18. The department shall publish at least once annually information concerning the production, sales and volume of commercial fertilizer, agricultural mineral and lime. The department shall also publish a report of the results of the official analysis of commercial fertilizer, agricultural minerals and lime as compared with the guaranteed analysis of the particular brand and grade of such fertilizer, mineral or lime; however, the information concerning production and use of commercial fertilizers, agricultural minerals and lime shall be shown separately for the periods of July 1 to December 31 and from January 1 to June 30 of each year, and no disclosure shall be made of the business operations of any person.

SEC. 19. The administration of this act is vested in the department. All rules and regulations for the administration and enforcement of this act shall only be promulgated by the department after public hearing. Notice of such hearing shall be given by publication of notice in a newspaper of general circulation at least ten days prior to the date of the hearing. The notice shall state the date, time and place of the hearing, and a brief summary of the regulations the department intends to promulgate.

Administra-
tion of act.

SEC. 20. Whenever the director finds, or has probable cause to believe, that an article subject to this chapter is in intrastate commerce, which was introduced into such commerce in violation of this act, or which is so adulterated or misbranded as to label, that its embargo under this section is required to protect the consuming or purchasing public from substantial injury, he is authorized to affix to such article a notice of its embargo and against its sale in intrastate commerce, without permission given under this chapter. But if, after such article has been so embargoed, the director finds that such article does not involve a violation of this chapter, such embargo shall be forthwith removed.

Embargo;
authorized.

SEC. 21. When the director has embargoed an article, he shall forthwith and without delay in no event later than ten days after the affixing of notice of its embargo, petition the superior court for an order affirming such embargo. Such court shall then have jurisdiction, for cause shown and after prompt hearing to any claimant of such article, to issue an order which directs the removal of such embargo or the destruction or the correction and release of such article. An order for destruction or correction and release shall contain such provision for the payment of pertinent court costs and fees and administrative expenses, as is equitable and which the court deems appropriate in the circumstances. An

Same; court
proceedings.

order for correction and release may contain such provision for bond, as the court deems proper in the circumstances.

Same; consolidation of petitions.

SEC. 22. Two or more petitions under section 21, which are pending at the same time and which present the same issue and claimant hereunder, shall be consolidated for simultaneous determination by one court of jurisdiction, upon application to any court of jurisdiction by the director or by the claimant.

Probable cause.

SEC. 23. No state court shall allow the recovery of damages from administrative action or for embargo under section 20, if the court finds that there was probable cause for such action.

Refusal or cancellation of registration.

SEC. 24. The department shall refuse registration, or cancel the registration, of any brand or grade of commercial fertilizer, agricultural mineral or lime, the sale or offering for sale of which would be in violation of any provisions of this act.

Penalty.

SEC. 25. (1) A person who violates any provision of this act shall be guilty of a misdemeanor, and the fines collected shall be disposed of as provided under section 26.

Warnings.

(2) Nothing in this act shall be considered as requiring the department to report for prosecution, or to cancel the registration of a brand or grade, or to embargo goods for violations of this act, of a minor character, when the department believes that the public interest will be served and protected by a suitable notice of the violation in writing.

Duty of prosecuting attorneys.

(3) It shall be the duty of each prosecuting attorney to whom any violation is reported to institute and prosecute without delay.

Courts have concurrent jurisdiction.

(4) Justice courts and superior courts shall have concurrent jurisdiction for the enforcement of this act.

SEC. 26. There is created in the state treasury a special fund to be known as the fertilizer, agricultural mineral and lime fund in which shall be deposited all money hereafter collected under the provisions of this act.

Fertilizer, agricultural mineral and lime fund.

SEC. 27. Chapter 211, Laws of 1939, as last amended by chapter 167, Laws of 1949, insofar as it relates to fertilizers, agricultural minerals and limes, is repealed.

Repealing clause.

SEC. 28. This act shall take effect the first day of January, 1954.

Effective date.

Passed the House February 7, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor, March 17, 1953.

CHAPTER 86.

[H. B. 122.]

CITIES — PARK COMMISSIONERS — APPOINTMENT AND POWERS.

AN ACT relating to the appointment and powers of park commissioners in cities of the second, third and fourth class, and amending section 35.23.170, RCW.

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

SECTION 1. Section 35.23.170, RCW, as derived from section 2, chapter 228, Laws of 1907, as last amended by section 1, chapter 121, Laws of 1925, extraordinary session, is amended to read as follows:

Amendment.

City councils of cities of the second, third and fourth class may provide by ordinance, for a board of park commissioners, not to exceed three in number, to be appointed by the mayor, with the consent of the city council, from citizens of recognized fitness for such position. No person shall be ineligible as a commissioner by reason of sex and no commissioner

Cities of 2nd, 3rd and 4th class; appointment of board of park commissioners authorized.

Eligibility and compensation.

Terms of office.

shall receive any compensation. The first commissioners shall determine by lot whose term of office shall expire each year, and a new commissioner shall be appointed annually to serve for a term of years corresponding in number to the number of commissioners in order that one term shall expire each year. Such board of park commissioners shall have only such powers and authority with respect to the management, supervision, and control of parks and recreational facilities and programs as are granted to it by the legislative body of cities of the second, third, and fourth class.

Powers of board.

Passed the House February 5, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 87.

[H. B. 128.]

CIVIL RIGHTS—PUBLIC ACCOMMODATIONS.

AN ACT relating to civil rights; defining terms; and amending section 9.91.010, RCW.

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

Amendment.

SECTION 1. Section 9.91.010, RCW, as derived from section 434, chapter 249, Laws of 1909, is amended to read as follows:

Definitions.

Terms used in this section shall have the following definitions:

"Every person."

1. (a) "Every person" shall be construed to include any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, receivers, of this state and its political subdivisions, boards and commissions, engaged in or exercising

control over the operation of any place of public resort, accommodation, assemblage or amusement.

(b) "Deny" is hereby defined to include any act "Deny." which directly or indirectly, or by subterfuge, by a person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of race, creed or color.

(c) "Full enjoyment of" shall be construed to include the right to purchase any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular race, creed or color, to be treated as not welcome, accepted, desired or solicited. "Full enjoyment of."

(d) "Any place of public resort, accommodation, assemblage or amusement" is hereby defined to include, but not to be limited to, any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in "Any place of public resort, accommodation, assemblage or amusement."

the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private provided that where public use is permitted that use shall be covered by this act; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent in *loco parentis* to direct the education and upbringing of a child under his control is hereby affirmed.

Denial of
civil rights is
misde-
meanor.

2. Every person who denies to any other person because of race, creed, or color, the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement, shall be guilty of a misdemeanor.

Passed the House February 17, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 88.

[Sub. H. B. 135.]

NARCOTIC DRUGS.

AN ACT relating to narcotic drugs, providing certain penalties, and amending sections 69.32.080, 69.33.010, 69.33.080, and 69.33.190, RCW.

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

SECTION 1. Section 69.32.080, RCW, as derived from section 4, chapter 47, Laws of 1923, is amended to read as follows: Amendment.

It shall be unlawful for any person to use, administer by hypodermic or otherwise any narcotic drug as defined in the Uniform Narcotics Drug Act, RCW 69.33.010, except as prescribed and under the direction of a physician authorized by law to practice medicine in this state, and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment. The unlawful possession of narcotic drugs as defined herein shall be prima facie evidence of an intent to illegally use such drugs. An habitual user of narcotic drugs shall be any person addicted to the use of narcotics as defined in this chapter and obtaining such narcotics unlawfully. Any person convicted of being an habitual user of narcotics or of violating any provision of this act shall be guilty of a gross misdemeanor. Unlawful use or administering.
Unlawful possession.
Habitual user defined.
Penalty.

SEC. 2. Section 69.33.010, RCW, as derived from section 1, chapter 22, Laws of 1951, second extraordinary session, is amended to read as follows: Amendment.

The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires: Definitions.

(1) "Person" includes any corporation, association, copartnership, or one or more individuals. "Person."

"Physician."

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

"Dentist."

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

"Veterinarian."

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

"Manufacturer."

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

"Wholesaler."

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

"Apothecary."

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

"Hospital."

(8) "Hospital" means an institution for the care and treatment of the sick and injured, found by the state board of pharmacy to have a custodian of narcotics proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

"Laboratory."

(9) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of narcotic drugs and

the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee. "Sale."

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made. "Coca leaves."

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts. "Opium."

(13) "Cannabis" includes all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. "Cannabis."

(14) "Narcotic drugs" means coca leaves, opium, cannabis and every other substance neither chemically nor physically distinguishable from them; any other drugs to which the federal laws relating to narcotic drugs may now apply; and any drug found by the board of pharmacy, after reasonable notice and opportunity for hearing, to have addiction-forming or addiction-sustaining liability similar to mor- "Narcotic drugs."

phine or cocaine, from the date of publication of such finding by the state board of pharmacy.

"Federal narcotic laws."

(15) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

"Official written order."

(16) "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the state board of pharmacy.

"Dispense."

(17) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

"Registry number."

(18) "Registry number" means the number assigned to each person registered under the federal narcotic laws.

Amendment.

SEC. 3. Section 69.33.190, RCW, as derived from section 20, chapter 22, Laws of 1951, second extraordinary session, is amended to read as follows:

Penalty.

Whoever violates any provision of this chapter shall, upon conviction, be fined not more than two thousand dollars and be imprisoned not less than two years: *Provided*, That for the first offense the court may in its discretion impose a fine of not to exceed one thousand dollars or a sentence not to exceed one year in the county jail, or both such fine and imprisonment. For a second offense, or if, in the case of a first conviction of violation of any provision of this act, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be fined not more than ten thousand dollars and be imprisoned not less than five years. For a third or subsequent offense, or if the offender shall previously have been convicted two or more

First offense.

Second offense.

Third offense.

times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be fined not more than twenty-five thousand dollars and be imprisoned not less than ten years. For any offense under the provisions of this chapter involving a sale to or other transaction with a minor the offender shall be fined not more than fifty thousand dollars and imprisoned not less than twenty years except that on first offense involving a minor the court may in its discretion impose a lesser penalty.

Transactions with minors.

SEC. 4. Section 69.33.080, RCW, as derived from section 8, chapter 22, Laws of 1951, second extraordinary session, is amended to read as follows:

Amendment.

Except as otherwise in this chapter specifically provided, this chapter shall not apply to the following cases:

Exceptions from chapter; codeine and dihydrocodeinone.

Administering, dispensing, or selling at retail any medicinal preparation that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce, not more than one grain of codeine or of any of its salts, or not more than one-sixth grain of dihydrocodeinone or of any of its salts.

The exemption authorized by this section shall be subject to the following conditions: (1) That the medicinal preparation administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone; and (2) that such preparation shall be administered, dispensed, and sold in good faith as a medicine and not for the purpose of evading the provisions of this chapter.

Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal,

when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this chapter.

Passed the House March 4, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 89.

[Sub. H. B. 136.]

WEED EXTERMINATION AREAS.

AN ACT relating to noxious weeds; amending sections 17.08.010, 17.08.110 and 17.08.120, RCW; and adding three new sections to chapter 17.08, RCW.

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

Amendment. SECTION 1. Section 17.08.010, RCW, as derived from section 1, chapter 194, Laws of 1937, is amended to read as follows:

Definitions. As used in this chapter:

"Director." "Director" means the director of agriculture;

"Weed district." "Weed district" means a weed district organized pursuant to chapter 17.04;

"Weed extermination area." "Weed extermination area" means an area set up by the board of county commissioners and the director of agriculture covering any type of land and in which they are responsible for rules, regulations, and enforcement and wherein extermination and prevention are emphasized;

"Crop land." "Crop land" means land ordinarily devoted to the usual cultivated crops in the area or livestock and including orchards, small fruits, hay meadows, and rotation pastures, and including lanes, fence rows, irrigation and drainage ditches, farmsteads, and timber lots included therein.

“Wild land” means open range land, open logged-off land, and unfenced land devoted to the growing and cutting of timber. “Wild land.”

SEC. 2. Section 17.08.110, RCW, as derived from section 4, chapter 194, Laws of 1937, is amended to read as follows: Amendment.

The cost of eradication work performed in any weed extermination area shall be paid in the following manner: One-fourth thereof shall be paid from the weed control fund of the county in which the land is located and the remaining three-fourths by the owner of the land upon which the eradication work is performed: *Provided*, That on crop land the share of the cost to be paid by the owner of the land shall be increased by the board to the full cost of the eradication work, and when prevention of seed production only is required on crop land the board, after due notice of its intention so to do in the manner set out in section 17.08.120, RCW, shall assess the full cost thereof. Costs of eradication.

SEC. 3. Section 17.08.120, RCW, as derived from section 5, chapter 194, Laws of 1937, is amended to read as follows: Amendment.

If the board and the director find that noxious or poison weeds are in danger of going to seed on crop land contrary to the adopted methods, rules and regulations, it being conclusively presumed that such noxious or poison weeds remaining standing on such date as the board and the director shall determine are in danger of going to seed, they shall give notice and follow the procedure set forth for weed districts for the eradication and control of such weeds: *Provided*, That at the conclusion of the hearing to assess costs and after evidence thereon, the board shall find whether such failure by the owner to cut or otherwise destroy such noxious or poison weeds was willful and, if it shall so find, it shall further Noxious or poison weeds going to seed on crop lands.

assess a charge in an amount not to exceed the cost of such cutting or destruction as determined at the hearing: *Provided further*, That upon willful failure to comply a second time, a penalty shall be assessed in an amount not to exceed twice the cost of such cutting or destruction as determined at the hearing.

New section.

SEC. 4. There is added to chapter 17.08, RCW, as derived from chapter 194, Laws of 1937, as last amended by chapter 213, Laws of 1951, a new section to read as follows:

Cities and towns surrounded by weed extermination area.

Any city or town surrounded by a weed extermination area shall provide for the prevention, control or extermination of all weeds which are within the city or town in the same manner and to the same extent as is provided for in the surrounding weed extermination area. Those in charge of open areas subject to the spread of noxious weeds, other than crop land or wild land, including, but not limited to school grounds, play grounds, cemeteries, parks or any land of a public or quasi-public nature and transmission line rights-of-way within any weed extermination area shall see that all weeds specified by the board are prevented, controlled, or exterminated in accordance with the rules and requirements of the weed exterminating area.

Open areas subject to spread of noxious weeds.

New section.

SEC. 5. There is added to chapter 17.08, RCW, as derived from chapter 194, Laws of 1937, as last amended by chapter 213, Laws of 1951, a new section to read as follows:

Private land within an Indian reservation.

Any private land wholly or partly within an Indian reservation may be included within a weed extermination area and shall be subject to the same rules, regulations and taxes as other lands within the weed extermination area. The director and the board may arrange with the agent in charge of any United States lands within or contiguous to the weed extermination area for the prevention, control or extermination of weeds on such government lands.

U. S. lands within or contiguous to weed extermination areas.

SEC. 6. There is added to chapter 17.08, RCW, as derived from chapter 194, Laws of 1937, as last amended by chapter 213, Laws of 1951, a new section to read as follows:

Whenever the board and the director determine that the extent of noxious weeds on any wild land within the weed extermination area constitutes a danger to adjacent lands, and that the cost of control and prevention of seed production on such wild lands should be shared by such adjacent land as would be benefited thereby, the board may by ordinance establish a weed extermination sub-district and may include within such sub-district the wild land on which the control and prevention of seed production work is to be performed and all adjacent lands which will be benefited thereby: *Provided*, That no more wild land in any weed extermination area shall be included in any weed extermination sub-district than is determined by the board to be necessary to protect the adjacent crop lands, and in any event, not more than twenty-five percent of the total acreage of the sub-district.

Such ordinance shall be adopted only after public hearing pursuant to notice by one publication in the official county newspaper at least ten days prior to the date of such hearing, which notice shall include a copy of the proposed ordinance of establishment.

Upon the establishment of the sub-district the board and the director shall determine the amount of money necessary to carry on the work of control and prevention of seed production of noxious weeds on such lands to prevent spreading and shall classify the property within such sub-district in proportion to the benefits to be derived and, in accordance with such classification, shall prorate the cost so determined and shall levy assessments to be collected with the general taxes of the county: *Provided*, That the wild land upon which the work of control and

prevention of seed production is to be performed shall be assessed on the same basis as the average benefit per acre but in no event shall wild land bear more than twenty-five percent of the total cost of such control and prevention of seed production: *Provided further*, That if any weed extermination sub-district includes any state lands, the state shall be responsible for and perform all necessary seed prevention and control work on such state lands.

"Land" defined.

Payments to county weed fund.

The term "land" shall include all rights-of-way which shall pay the same percentage of cost as that charged against the contiguous lands. Any portion of the owner's share of the expense paid out of the county weed fund, together with any penalty assessed by the board, shall be included on the tax rolls against the land for the current year and collected as other taxes, and it shall be paid into the county weed control fund.

Passed the House February 21, 1953.

Paseed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 90.

[H. B. 137.]

VITAL STATISTICS.

AN ACT relating to vital statistics, and amending sections 43.20.090, 70.58.110, 70.58.120 and 70.58.130, RCW.

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

Amendment.

SECTION 1. Section 43.20.090, RCW, as derived from chapter 83, section 20, Laws of 1907, as last amended by section 3, chapter 106, Laws of 1951, is amended to read as follows:

Certified copies of records; state registrar to furnish.

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, or stillbirth, registered under the

provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of one dollar to be paid by the applicant: *Provided*, That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney that the illegitimate child is to be adopted: *Provided further*, That no fees shall be demanded or required for furnishing certified copy, or copies, of birth, death, or stillbirth for use in connection with a claim for compensation or pension pending before the Veterans' Administration.

Fee.

Illegitimacy not to be disclosed.

Fee exemption.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of one dollar for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

Search of files; fee.

The state registrar and all local registrars shall furnish upon application certificates of the age of children to be used in attending the public schools or in obtaining employment permits without fee or compensation.

Certificate of age of minors.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on the first day of January, April, July and October.

Accounting of fees.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death and stillbirth, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: *Provided*, That

Health officers in cities of first class.

Health officers of counties or districts.

Certified copy forms of health officers.

health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death and stillbirth, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied by the state registrar and no other forms shall be used.

Amendment.

SEC. 2. Section 70.58.110, RCW, as derived from section 1, chapter 167, Laws of 1941, as last amended by section 1, chapter 176, Laws of 1943, is amended to read as follows:

Delayed registration of birth; authorized.

Whenever a birth which occurred in this state on or after July 1, 1907, is not on record in the office of the state registrar or in the office of the auditor of the county in which the birth occurred if the birth was prior to July 1, 1907, application for the registration of the birth may be made by the interested person to the state registrar: *Provided*, That if the person whose birth is to be recorded be a child under four years of age the attending physician, if available, shall make the registration.

Who may apply.

Amendment.

SEC. 3. Section 70.58.120, RCW, as derived from section 2, chapter 167, Laws of 1941, as last amended by section 2, chapter 176, Laws of 1943, is amended to read as follows:

The delayed registration of birth form shall be provided by the state registrar and shall be signed by the registrant if of legal age, or by the attendant at birth, parent, or guardian if the registrant is not of legal age. In instances of delayed registration of birth where the person whose birth is to be recorded is four years of age or over but under twelve years of age and in instances where the person whose birth is to be recorded is less than four years of age and the attending physician is not available to make the registration, the facts concerning date of birth, place of birth, and parentage shall be established by at least one piece of documentary evidence. In instances of delayed registration of birth where the person whose birth is to be recorded is twelve years of age or over, the facts concerning date of birth and place of birth shall be established by at least three documents of which only one may be an affidavit. The facts concerning parentage shall be established by at least one document. Documents, other than affidavits, shall be at least five years old or shall have been made from records established at least five years prior to the date of application. A fee of one dollar shall be paid to the registrar at the time the application is made.

Delayed registration of birth: form.

Proof.

Fee.

SEC. 4. Section 70.58.130, RCW, as derived from section 4, chapter 167, Laws of 1941, as last amended by section 2, chapter 106, Laws of 1951, is amended to read as follows:

Amendment.

The birth shall be registered in the records of the state registrar. A certified copy of the record shall be prima facie evidence of the facts stated therein. Certified copies shall be furnished at a fee of one dollar each.

Delayed registration of birth: registration. Certified copies; prima facie evidence. Fee.

Passed the House February 24, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 91.

[H. B. 182.]

EXCISE TAXES.

AN ACT relating to revenue and taxation; adding to and amending title 82, RCW, and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 82.04, RCW, as derived from title II, chapter 180, Laws of 1935, a new section to read as follows:

Business and occupation tax; surtax.

From and after the first day of May, 1953, until the thirtieth day of April, 1955, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by this chapter and as a temporary increase thereof, an additional tax in the amount of twenty percent of the tax payable under this chapter. To facilitate collection of this additional tax, the tax commission is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the exact amount of the additional tax hereby imposed.

New section.

SEC. 2. There is added to chapter 82.16, RCW, as derived from title V, chapter 180, Laws of 1935, a new section to read as follows:

Public utility tax; surtax.

From and after the first day of May, 1953, until the thirtieth day of April, 1955, there is levied and shall be collected from every person for the act or privilege of engaging within this state in one or more of the businesses named in section 82.16.020, RCW, as a part of the tax imposed by this chapter and as a temporary increase thereof, an additional tax in the amount of ten percent of the tax payable under this chapter. To facilitate collection of this additional tax, the tax commission is authorized to adjust the basic rates of persons to which this section applies in such

manner as to reflect the exact amount of the additional tax hereby imposed.

SEC. 3. Section 82.04.050, RCW, as derived from chapter 180, Laws of 1935, as last amended by section 3, chapter 28, Laws of 1951, second extraordinary session, is amended to read as follows: Amendment.

“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 term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subdivision (2), and 82.04.290. Business and occupation tax; “sale at retail” and “retail sale” defined.

The term “sale at retail” or “retail sale” shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (1) the installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (2) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for

the clearing of land and the moving of earth to the extent necessary for such constructing or improving, unless the charge therefor is stated separately from other charges made in connection with the work performed, under such rules as the tax commission may prescribe; (3) between November 1, 1951, and May 1, 1955, for the furnishing of lodging and related services to transients in or by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property, for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

Not included. The 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.

Amendment. SEC. 4. Section 82.04.260, RCW, as derived from section 4 (d), chapter 180, Laws of 1935, as last amended by section 4, chapter 28, Laws of 1951, second extraordinary session, is amended to read as follows:

**Business and
occupation
tax; grain
wholesalers.**

(1) Upon every person engaging within this state in the business of buying wheat, oats, corn and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds

derived from such sales multiplied by the rate of one one-hundredth of one per cent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent.

Wheat flour
manufac-
turers.

SEC. 5. Section 82.08.150, RCW, as derived from section 5, chapter 28, Laws of 1951, second extraordinary session, is amended to read as follows: Amendment.

There is levied and shall be collected from and after the first day of November, 1951, until the thirtieth day of April, 1955, a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, RCW, any sale not for resale in such original package. The tax imposed in this section shall apply to the sale of spirits, wine, or strong beer by the Washington state liquor stores, including sales to Class H licensees. The tax imposed in RCW 82.08-.020 shall not apply to sales subject to the tax imposed by this section.

Retail sales
tax; spirits,
wine or
strong beer
in original
package.

As used in this section, the terms "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04, RCW. Definitions.

SEC. 6. If any title, section, subdivision of a section, paragraph, sentence, clause or word of this act for any reason shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of this act. Severability clause.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety, Effective date.

the support of the state government and its existing public institutions, and shall take effect May 1, 1953.

Passed the House February 9, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 92.

[H. B. 200.]

CONVEYANCE OF TIDELANDS TO PORT OF OLYMPIA.

AN ACT authorizing conveyance of certain tidelands in Thurston county from the state to the port of Olympia.

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

Authoriza-
tion.

SECTION 1. The commissioner of public lands is hereby authorized and directed to certify to the governor, in the manner now provided by law, for deed to the port of Olympia, the following described tidelands: South 50.5 feet of block 357, Olympia tidelands, and block 420, third supplemental map of Olympia tidelands.

Description.

Deed.

SEC. 2. The governor is hereby authorized and directed to execute, and the secretary of state to attest, a deed to the port of Olympia conveying all of said tidelands.

Passed the House March 1, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 93.

[H. B. 207.]

DENTISTRY.

AN ACT relating to the practice of dentistry; providing procedure for the preparation and alteration of dentures; increasing the membership and the terms of members of the state board of dental examiners; increasing the compensation of the state board of dental examiners; providing for applications to take the dental examination and the time thereof; authorizing the director of licenses to make rules and regulations in the enforcement of the dental code; prescribing penalties; amending sections 18.32.030, 43.68.010, 18.32.050, 18.32.100, 18.32.120, 18.32.260, and 18.32.350, RCW; and amending chapter 18.32, RCW, by adding thereto a new section.

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

SECTION 1. Section 18.32.030, RCW, as derived from sections 6 and 25, chapter 112, Laws of 1935, as last amended by section 1, chapter 130, Laws of 1951, is amended to read as follows: Amendment.

The following practices, acts and operations are excepted from the operation of the provisions of this chapter: Exceptions from chapter.

(1) The rendering of dental relief in emergency cases in the practice of his profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless he undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or replace in the human mouth lost or missing teeth; Emergency cases.

(2) The practice of dentistry in the discharge of official duties by dentists in the United States army, navy, public health service, veterans bureau, or bureau of Indian affairs; U. S. army, etc.

(3) Dental schools or colleges approved by the board, and the practice of dentistry by students in dental schools or colleges approved by the board, when acting under the direction and supervision of registered and licensed dentists acting as instructors; Dental schools and students.

Dentists
licensed in
other states.

(4) The practice of dentistry by licensed dentists of other states or counties while appearing as clinicians at meetings of the Washington State Dental Association, or component parts thereof, or at meetings sanctioned by them;

Use of rays.

(5) The use of roentgen and other rays for making radiograms or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

Correction of
diseases, etc.

(6) The making, repairing, altering or supplying of artificial restorations, substitutes, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models or impressions furnished by said dentist, and said prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director of licenses or his authorized representatives;

Cleaning and
prescrip-
tions.

(7) The removal of calcareous deposits, accretions and stains from the exposed surfaces of the teeth and prescription or application of ordinary mouth washes of soothing character when performed or prescribed by a dental hygienist licensed under the laws of this state;

Physicians
and
surgeons.

(8) A qualified and licensed physician and surgeon extracting teeth or performing oral surgery;

Clinical dem-
onstrations.

(9) A legal practitioner of another state making a clinical demonstration before a medical or dental society, or at a convention approved by the Washington State Medical or Dental Association or Washington Progressive Dental Society;

(10) Students practicing or performing dental operations, under the supervision of competent instructors, in any reputable dental college.

Students.

SEC. 2. Section 43.68.010, RCW, as derived from section 1, chapter 92, Laws of 1941, is amended to read as follows:

Amendment.

There shall be a board of dental examiners consisting of five practicing dentists, to be known as the Washington State board of dental examiners.

Board of examiners created.

The members shall be appointed by the governor in the manner hereinafter set forth and at the time of their appointment upon said board must be actual residents of the state in active practice of dentistry or dental surgery as hereinafter defined and must have been for a period of five years or more legally licensed to practice dentistry or dental surgery in this state: *Provided, however,* That no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning. The term for which the members of said board shall hold office shall be three years: *And provided further,* That the members who shall first be appointed to said board shall hold office for one, two, three, four and five years respectively and their term of office shall be designated by the governor in his appointment: *And provided further,* That the first appointments to said board shall be made by the governor as soon as practicable after the expiration of one hundred days from the date this act becomes effective.

Appointment and qualifications.

Terms of office.

First appointments.

In case of a vacancy occurring on said board, such vacancy shall be filled by the governor as herein provided.

Vacancies.

SEC. 3. Section 18.32.050, RCW, as derived from section 11, chapter 112, Laws of 1935, is amended to read as follows:

Amendment.

The members of the board shall each receive as

Board of examiners; compensation.

compensation the sum of fifteen dollars for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred in attending the meetings of the board.

Amendment.

SEC. 4. Section 18.32.100, RCW, as derived from section 4, chapter 112, Laws of 1935, as last amended by section 2, chapter 130, Laws of 1951, is amended to read as follows:

Application for license; contents.

The applicant for a dentistry license shall file an application on a form furnished by the director, and therein state his name, age, place of residence, citizenship, the name of the school or schools attended by him, the period of such attendance, the date of his graduation, whether he has ever been suspended or disbarred from the practice of dentistry, and shall include a statement of all of his dental activities for the previous five years.

Signed and sworn to.

The application shall be signed by the applicant and sworn to by him before some person authorized to administer oaths, and shall be accompanied by testimonials of his moral character, and proof of his school attendance and graduation.

Testimonials.

Citizenship requirements.

Said applicant at the time of making application must, in addition to other requisites, be a citizen of the United States or have first papers for naturalization.

Amendment.

SEC. 5. Section 18.32.120, RCW, as derived from section 4, chapter 112, Laws of 1935, as last amended by section 2, chapter 92, Laws of 1941, is amended to read as follows:

Examination; notice to appear.

When the application and the accompanying proof are found satisfactory, the director shall notify the applicant to appear before the board at a time and place to be fixed by the director, which time shall be not less than sixty days after the receipt of such application by the director.

Type of examination.

Examination shall be made in writing in all theoretic subjects. Both theoretic and practical ex-

aminations shall be of a character to give a fair test of the qualifications of the applicant to practice dentistry or dental surgery.

The examination papers, and all grading thereon, and the grading of the practical work, shall be deemed public documents, and preserved for a period of not less than three years after the board has made and published its decisions thereon. All examinations shall be conducted by the board under fair and wholly impartial methods.

Papers and grading public documents.

Any applicant who fails to make the required grade in his first examination is entitled to take as many subsequent examinations as he desires upon the prepayment of a fee of twenty-five dollars for each subsequent examination. At least two examinations shall be given in each calendar year.

Reexamination.

SEC. 6. Section 18.32.260, RCW, as derived from section 9, chapter 112, Laws of 1935, is amended to read as follows:

Amendment.

The committee appointed for that purpose shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in the director's office, together with a transcript of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

Refusal, revocation and suspension of licenses; hearing, findings, conclusions, and transcript of evidence.

SEC. 7. Section 18.32.350, RCW, as derived from section 18, chapter 112, Laws of 1935, is amended to read as follows:

Amendment.

No manager, proprietor, partnership, or association owning, operating, or controlling any room, office, or dental parlors, where dental work is done, provided, or contracted for, shall employ or retain any unlicensed person or dentist as an operator; nor shall fail, within ten days after demand made by the director or board in writing sent by registered mail, addressed to any such manager, proprietor, partnership, or association at said room, office, or dental parlör, to furnish the director or board with the

Employment of unlicensed dentists prohibited.

List of employed dentists.

names and addresses of all persons practicing or assisting in the practice of dentistry in his place of business or under his control, together with a sworn statement showing by what license or authority said persons are practicing dentistry.

Sworn statement.

The sworn statement shall not be used as evidence in any subsequent court proceedings, except in a prosecution for perjury connected with its execution.

Penalty.

Any violation of the provisions of this section shall constitute improper, unprofessional, and dishonorable conduct; it shall also constitute grounds for injunction proceedings as provided by this chapter and in addition shall constitute a gross misdemeanor, except that the failure to furnish the information as may be requested in accordance with this section shall constitute a misdemeanor.

New section.

SEC. 8. Chapter 18.32, RCW, as derived from chapter 112, Laws of 1935, as last amended by chapter 130, Laws of 1951, is amended by adding thereto a new section to read as follows:

The director of licenses shall have the power and it shall be his duty to:

Laboratory referral instructions; copies required.

(1) Require licensed dentists to keep and maintain a copy of each laboratory referral instruction, describing detailed services rendered, for a period to be determined by the director but not more than three (3) years, and to require the production of all such records for examination by the director of licenses or his authorized representatives; and

Other records may be required.

(2) Promulgate reasonable rules and regulations requiring licensed dentists to make, maintain and produce for examination by the director of licenses or his authorized representatives such other records as may be reasonable and proper in the performance of his duties and enforcing the provisions of this chapter.

Severability clause.

SEC. 9. If any provision of this act or the application thereof to any person or circumstance shall be

held invalid, such invalidity shall not affect the provisions or applications of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Passed the House March 2, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 94.

[H. B. 218.]

EXCISE TAX ON REAL ESTATE SALES.

AN ACT relating to revenue and taxation and amending sections 28.45.010 and 28.45.050, RCW.

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

SECTION 1. Section 28.45.010, RCW, as derived from section 7, chapter 11, Laws of 1951, first extraordinary session, as amended by section 1, chapter 19, Laws of 1951, second extraordinary session, is amended to read as follows: Amendment.

As used in this chapter, the term "sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person by his direction, which title is retained by the vendor as security for the payment of the purchase price. "Sale" defined.

Transactions
not included.

The term shall not include a transfer by gift, devise, or inheritance, a transfer of any leasehold interest other than of the type mentioned above, the assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved, transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation, a mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof, any transfer or conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage, a conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration, nor a transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed, nor the sale of any grave or lot in an established cemetery, nor a sale by or to the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

Amendment.

SEC. 2. Section 28.45.050, RCW, as derived from section 2, chapter 11, Laws of 1951, first extraordinary session, is amended to read as follows:

Levy
authorized.

The county commissioners of any county are authorized by ordinance to levy an excise tax upon sales of real estate not exceeding one percent of the selling price. The rate of the levy shall be determined annually by the commissioners. The proceeds of the tax provided for in this chapter shall be placed

Rate.

Disposition
of proceeds.

in the county school fund and shall be used exclusively for the support of the common schools: *Provided*, That one percent of the proceeds of the tax provided for herein may be placed in the current expense fund of the county.

Passed the House February 26, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 95.

[H. B. 224.]

PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies engaged in supplying utility services and commodities and transportation services to the public for compensation and subject to regulation as to rates, services, facilities and practices by the public service commission; amending section 22.20.060, RCW, chapters 22.20 and 22.24, RCW, by adding new sections thereto, sections 80.08.010, 80.08.030, 80.12.010, 80.16.010, 80.20.010, 81.08.010, 81.08.030, 81.08.070, 81.12.010, 81.16.010, 81.20.010, 81.52.300, 81.52.325, 81.80.070, 81.80.170, 81.80.310, RCW, chapter 81.80, RCW, by adding new sections thereto; and repealing chapter 81.76, RCW, and section 81.80.210, RCW.

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

SECTION 1. Chapter 22.20, RCW, is amended by adding thereto a new section to read as follows: New section.

A storage warehouseman subject to the provisions of this chapter is a "public service company" within the meaning of the provisions of title 81. Storage warehouseman is public service company.

SEC. 2. Section 22.20.060, RCW, as derived from section 1, chapter 128, Laws of 1949, is amended to read as follows: Amendment.

Upon receiving an original application for a storage warehouse license, the commission shall cause an inspection to be made of the premises the applicant. Storage warehouseman license; inspection of premises and facilities.

cant proposes to use for a storage warehouse, to determine if the premises and facilities are adequate, safe and suitable for use as a storage warehouse.

Financial responsibility.

The commission shall also make such investigation as it deems necessary to determine whether the applicant is financially able to act as a storage warehouseman and is familiar with the laws of the state of Washington and the rules and regulations of the commission pertaining to storage warehousemen and shall thereafter promptly enter its order accordingly, either granting or denying the license applied for.

Familiarity with laws and regulations.

Review.

The decisions of the commission made pursuant to this section shall be subject to review in the superior court for Thurston county.

New section.

SEC. 3. Chapter 22.24, RCW, is amended by adding thereto a new section to read as follows:

Wharfinger or warehouseman is public service company.

A wharfinger or warehouseman subject to the provisions of this chapter is a "public service company" within the meaning of the provisions of title 81.

Amendment.

SEC. 4. Section 80.08.010, RCW, as derived from section 1, chapter 151, Laws of 1933, is amended to read as follows:

Public utility securities; "public service company" defined.

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title.

Amendment.

SEC. 5. Section 80.08.030, RCW, as derived from section 3, chapter 151, Laws of 1933, as last amended by section 1, chapter 30, Laws of 1937, is amended to read as follows:

Public utility securities; issuance and authorized purposes.

A public service company may issue stock and stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness payable on demand or at periods of

more than twelve months after the date thereof, for the following purposes only: The acquisition of property, or the construction, completion, extension, or improvement of its facilities, or the improvement or maintenance of its service, or the issuance of stock dividends, or the discharge or refunding of its obligations, or the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the company not secured by or obtained from the issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness of the company for any of the aforesaid purposes except maintenance of service, in cases where the applicant keeps its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of money so expended and the purpose for which the expenditure was made.

SEC. 6. Section 80.12.010, RCW, as derived from section 1, chapter 159, Laws of 1941, is amended to read as follows: Amendment.

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title. Public utility transfers of property; "public service company" defined.

SEC. 7. Section 80.16.010, RCW, as derived from section 1, chapter 152, Laws of 1933, is amended to read as follows: Amendment.

As used in this chapter the term "public service company" shall include every corporation engaged in business as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title. Public utility affiliated interests; "public service company" defined.

As used in this chapter, the term "affiliated interest" means: "Affiliated interest" defined.

Every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of any public service company engaged in any intrastate business in this state;

Every corporation and person, other than those above specified, in any chain of successive ownership of five percent or more of voting securities, the chain beginning with the holder of the voting securities of such public service company;

Every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such public service company or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities;

Every corporation or person with which the public service company has a management or service contract; and

Every person who is an officer or director of such public service company or of any corporation in any chain of successive ownership of five percent or more of voting securities.

Amendment.

SEC. 8. Section 80.20.010, RCW, as derived from section 1, chapter 203, Laws of 1939, is amended to read as follows:

Public utility investigation; "public service company" defined.

As used in this chapter, the term "public service company" means any person, firm, association, or corporation, whether public or private, operating a utility or public service enterprise subject in any respect to regulation by the commission under the provisions of this title.

Amendment.

SEC. 9. Section 81.08.010, RCW, as derived from section 1, chapter 151, Laws of 1933, is amended to read as follows:

Transportation company securities; "public service company" defined.

The term "public service company," as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public

utility and subject to regulation as to rates and service by the public service commission under the provisions of this title or title 22: *Provided*, That it shall not include any such company the issuance of stocks and securities of which is subject to regulation by the Interstate Commerce Commission.

SEC. 10. Section 81.08.030, RCW, as derived from section 3, chapter 151, Laws of 1933, as last amended by section 1, chapter 30, Laws of 1937, is amended to read as follows: Amendment.

A public service company may issue stock and stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness payable on demand or at periods of more than twelve months after the date thereof, for the following purposes only: The acquisition of property, or the construction, completion, extension, or improvement of its facilities, or the improvement or maintenance of its service, or the issuance of stock dividends, or the discharge or refunding of its obligations, or the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the company not secured by or obtained from the issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness of the company for any of the aforesaid purposes except maintenance of service, in cases where the applicant keeps its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of money so expended and the purpose for which the expenditure was made. Transportation company securities; issuance and authorized purposes.

SEC. 11. Section 81.08.070, RCW, as derived from section 6, chapter 151, Laws of 1933, as last amended by section 2, chapter 30, Laws of 1937, is amended to read as follows: Amendment.

Each public service company making application to the commission for authority to issue stock and Transportation company securities; fees.

stock certificates or other evidence of interest or ownership and bonds, notes or other evidence of indebtedness, shall pay to the commission the following fees: For each order authorizing an issue of bonds, notes or other evidence of indebtedness, one dollar for each one thousand dollars of the principal amount of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars; for each order authorizing an issue of stock, stock certificates, or other evidence of interest or ownership, one dollar for each one thousand dollars of the par or stated value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars: *Provided*, That only twenty-five percent of the specified fees need be paid on any issue or on such portion thereof as may be used to guarantee, take over, refund, or discharge any stock issue or stock certificates, bonds, notes or other evidence of interest, ownership, or indebtedness on which a fee has theretofore been paid: *Provided further*, That if the commission modifies the amount of the issue requested and the applicant elects not to avail itself of the authorization, no fee need be paid. All fees collected under this section shall be paid at least once each month to the state treasurer and deposited in the public service revolving fund.

Amendment. SEC. 12. Section 81.12.010, RCW, as derived from section 1, chapter 159, Laws of 1941, is amended to read as follows:

The term "public service company," as used in

this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title or title 22: *Provided*, That it shall not include common carriers subject to regulation by the Interstate Commerce Commission: *Provided further*, That it shall not include motor freight carriers subject to the provisions of chapter 81.80.

Transportation company transfers of property; "public service company" defined.

SEC. 13. Section 81.16.010, RCW, as derived from section 1, chapter 152, Laws of 1933, is amended to read as follows:

Amendment:

As used in this chapter, the term "public service company" shall include every corporation engaged in business as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title or title 22.

Transportation company transfers of property; "public service company" defined.

As used in this chapter, the term "affiliated interest," means:

"Affiliated interest" defined.

Every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of any public service company engaged in any intrastate business in this state;

Every corporation and person, other than those above specified, in any chain of successive ownership of five percent or more of voting securities, the chain beginning with the holder of the voting securities of such public service company;

Every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such public service company or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities;

Every corporation or person with which the public service company has a management or service contract; and

Every person who is an officer or director of such

public service company or of any corporation in any chain of successive ownership of five percent or more of voting securities.

Amendment. SEC. 14. Section 81.20.010, RCW, as derived from section 1, chapter 203, Laws of 1939, is amended to read as follows:

Transportation company investigation; "public service company" defined.

As used in this chapter, the term "public service company" means any person, firm, association, or corporation, whether public or private, operating a utility or public service enterprise subject in any respect to regulation by the public service commission under the provisions of this title or title 22.

Amendment. SEC. 15. Section 81.52.300, RCW, as derived from section 21, chapter 30, Laws of 1913, as last amended by section 3, chapter 179, Laws of Ex. Ses. 1925, is amended to read as follows:

Railroad crossings; first class cities. Street railway lines.

RCW 81.52.080 to 81.52.300, inclusive, shall not be operative within the limits of first class cities, and shall not apply to street railway lines operating on or across any street, alley, or other public place within the limits of any city, except that no street car line outside of cities of the first class shall cross a railroad at grade without express authority from the commission. The commission may not change the location of a state highway without the approval of the director of highways, or the location of any crossing thereon adopted or approved by the highway commission, or grant a railroad authority to cross a state highway at grade unless the director of highways consents thereto.

State highways.

Amendment. SEC. 16. Section 81.52.325, RCW, as derived from section 2, chapter 111, Laws of 1951, is amended to read as follows:

Grade crossings; industrial crossings in first class cities.

RCW 81.52.310 and 81.52.320 shall not be operative within the limits of cities of the first class.

SEC. 17. Section 81.80.070, RCW, as derived from section 5, chapter 184, Laws of 1935, as last amended

by section 2, chapter 264, Laws of 1947, is amended Amendment.
to read as follows:

No "common carrier," "contract carrier," or "temporary carrier" shall operate for the transportation of property for compensation in this state without first obtaining from the commission a permit so to do. Motor freight carriers; permits. Permits heretofore issued or hereafter issued to any carrier, shall be exercised by said carrier to the fullest extent so as to render reasonable service to the public. Applications for common or contract carrier permits or extensions thereof shall be on file for a period of at least thirty days prior to the granting thereof unless the commission finds that special conditions require the earlier granting thereof.

No permit or extension thereof shall be granted if the commission finds that the applicant is not financially able, properly and adequately equipped, and capable of conducting the transportation service applied for in compliance with the law and rules and regulations of the commission, and the commission may deny an application if the applicant or any of its principal officers or stockholders fails, or has failed, to comply with the laws of the state.

Nothing contained in this chapter shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the state, but the commission may deny an application when it appears clearly, after public hearing, that the additional service would unreasonably congest the highways or tend to impair the stability and dependability of the service essential to the public needs.

The commission shall also consider the amount and type of service rendered in any area by any class of service and may deny an application for permit or extension, if it appears that the grant of such permit or extension would not be in the interest of the ship-

ping public or would tend to impair the stability or dependability of existing service essential to the public needs or requirements.

Amendment. SEC. 18. Section 81.80.170, RCW, as derived from section 14, chapter 184, Laws of 1935, is amended to read as follows:

Motor freight carriers; temporary permits.

The commission may issue temporary permits to temporary "common carriers" or "contract carriers" for a period not to exceed ninety days, but only after it finds that an emergency exists because existing transportation agencies cannot supply the necessary service. It may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter.

The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common carriers or contract carriers.

Amendment. SEC. 19. Section 81.80.310, RCW, as derived from section 27, chapter 184, Laws of 1935, as last amended by section 1, chapter 129, Laws of 1949, is amended to read as follows:

Motor freight carriers; identification plates.

It shall be unlawful for any "common carrier," or "contract carrier" to operate any motor vehicle within this state unless there shall be displayed and firmly fixed upon the front and rear of such vehicle an identification plate to be furnished by the commission. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the commission, and such other marks of identification as may be required, and, subject to the qualification hereinafter contained, shall be in addition to the regular license

plates required by law. Such plates shall be issued annually under the rules and regulations of the commission, and shall be attached to each motor vehicle operated subject to this chapter not later than January 1st of each year: *Provided*, That such plates may be issued for the ensuing calendar year on and after the first day of December preceding and may be used and displayed from the date of issue until December 31st of the succeeding calendar year for which the same are issued. In case an applicant received a permit after January 1st of any year such plates shall be obtained and attached to each motor vehicle subject to this chapter before operation of any such vehicle is commenced.

The commission shall collect from each such carrier a fee of three dollars for each pair of identification plates so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the public service revolving fund.

SEC. 20. Chapter 81.80, RCW, as derived from chapter 184, Laws of 1935, is amended by adding thereto a new section to read as follows:

No carrier shall interchange its trailers or semi-trailers with any other carrier without first filing an interchange agreement with and securing approval thereof by the commission. The interchange agreement providing for the transfer or interchange of trailers or semi-trailers pursuant thereto shall be authorized only on through movements between connecting regular route carriers.

The interchange of trailers and semi-trailers used in intrastate commerce shall be authorized only in respect to such vehicles which have secured and affixed upon them identification plates as prescribed in RCW 81.80.310.

Any carrier operating any truck, trailer or semi-trailer, owned by another person or party but not operated pursuant to an interchange agreement

shall secure identification plates in his own name for such vehicles as required by RCW 81.80.310.

New section.

SEC. 21. Chapter 81.80, RCW, as derived from chapter 184, Laws of 1935, is amended by adding thereto a new section to read as follows:

Interstate motor freight carriers; interchange; unassigned identification plates.

Carriers engaged in interstate commerce using trailers or semi-trailers pursuant to an interchange agreement, which vehicles do not have affixed upon them identification plates as prescribed in RCW 81.80.310, may use the highways of this state upon securing from the commission unassigned identification plates to be attached to such vehicles while operating over the highways of this state. The fee for each pair of such plates shall be the same as prescribed in RCW 81.80.310 and shall be deposited in the state treasury to the credit of the public service revolving fund.

Excise tax exemption.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for such plates.

New section.

SEC. 22. Chapter 81.80, RCW, as derived from chapter 184, Laws of 1935, is amended by adding thereto a new section to read as follows:

Motor freight carriers; penalty for wrongful advertising.

Any person not holding a permit authorizing him to operate as a common carrier, contract carrier, or temporary carrier for the transportation of property for compensation in this state, or an exempt carrier, who displays on any building, vehicle, billboard or in any manner, any advertisement of, or by circular, letter, newspaper, magazine, poster, card or telephone directory, the transportation of property for compensation shall be guilty of a misdemeanor and punishable as such.

New section.

SEC. 23. Chapter 81.80, RCW, as derived from chapter 184, Laws of 1935, is amended by adding thereto a new section to read as follows:

Same; hours of drivers.

The commission may adopt rules and regulations

relating to the hours of duty of motor carrier drivers and operators.

SEC. 24. Chapter 71.76, RCW, as derived from chapter 198, Laws of 1941, and section 81.80.210, RCW, as derived from section 18, chapter 184, Laws of 1935, are repealed. Repealing clause.

Passed the House March 5, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 96.

[H. B. 243.]

STATE LANDS—EXCHANGE FOR LANDS FOR STATE PARK PURPOSES.

An Act authorizing the exchange of certain state lands for other lands of equal value for state park purposes.

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

SECTION 1. For the purpose of securing and preserving certain lands for state park purposes, the commissioner of public lands shall, with the advice and approval of the board of state land commissioners, exchange any state lands of equal value for any lands, located in the following described tracts, which may be selected and requested by the state parks and recreation commission for state park purposes: Government lots 1, 2, 3, and 4 of section 20, all of section 21, government lot 1 of section 22, government lot 1 of section 29, the north half of the north half of section 28, and government lot 1 of section 27, all in township 13 north, range 11 west, W. M. in Pacific county; the northeast quarter of the southwest quarter and the south half of the southwest quarter of section 24, township 2 north, range 6 east, W. M., in Skamania county; and the southeast quarter of sec-

Authoriza-
tion.

Description.

tion 15, the south half of the northwest quarter and the southwest quarter of section 14, the southwest quarter of section 11, the west half of section 23, the southeast quarter, the west half and the northeast quarter of the northeast quarter of section 22, the northwest quarter of section 26, and the northeast quarter of section 27, all in township 28 north, range 45 east, W. M. in Spokane county; the southwest quarter and the west half of the southeast quarter of section 16, the east half of the east half of section 20, the northeast quarter of the northeast quarter of section 29, the northwest quarter, the west half of the southwest quarter and government lots 1, 2, 3, 4 and 5 of section 21, including tidelands and government lots 1 and 2 of section 28, including tidelands, all in township 25 north, range 2 west, W. M. in Jefferson county. The commissioner shall, with the advice and approval of the attorney general, execute such agreements, writings, or relinquishments and certify to the governor such deeds as are necessary or proper to effect such exchanges. When such exchanges have been effected, the lands so acquired in exchange shall be reserved by the commissioner of public lands for state park purposes in accordance with RCW 79.08.102, 79.08.104 and 79.08.106.

Agreements
and con-
veyance.

Status of
acquired
lands.

Passed the House February 21, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 97.

[H. B. 261.]

ACQUISITION OF P. U. D. PROPERTY BY CITIES AND TOWNS.

AN ACT authorizing cities and towns to acquire by purchase or condemnation from any public utility district or combination of public utility districts any electrical distribution property within the boundaries of such city or town; amending section 80.40.054, RCW, and declaring an emergency.

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

SECTION 1. Section 80.40.054, RCW, as derived from section 1, chapter 272, Laws of 1951, is amended to read as follows: Amendment.

Any city or town may acquire by purchase or condemnation from any public utility district or combination of public utility districts any electrical distribution property within the boundaries of such city or town: *Provided*, That such right of condemnation shall not apply to a city or town located within a public utility district that owns the electric distribution properties sought to be condemned. Authoriza-
tion.

Exception.

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

Passed the House March 3, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 98.

[Sub. H. B. 269.]

PRUNES AND APRICOTS.

AN ACT relating to Italian type prunes and apricots.

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

Shipment of Italian type as fresh fruit; inspection.

SECTION 1. No person shall ship or transport from the area of production as fresh fruit Italian type prunes or apricots unless they have been inspected by a state horticultural inspector and found to comply with the regulations applicable to maturity and insect infestation as promulgated by the director of agriculture pursuant to the terms of RCW 15.16.010, RCW 15.16.020, and RCW 15.16.030, and if they comply with the standards as set in the regulations and an inspection fee is paid as hereinafter provided, a permit to ship shall be granted.

Fee.

SEC. 2. The director of agriculture shall fix reasonable fees to cover the cost of the inspection herein provided which shall be collected at the time of inspection and placed in the horticultural district fund of the district in which the inspection was performed.

"Culls."

SEC. 3. No person shall ship or transport from the area of production as fresh fruit any Italian type prunes or apricots not coming within the grades adopted by the director of agriculture unless they are clearly marked with the word "Culls" in large letters at least two inches high on the container which must be of the closed type: *Provided*, That these labeling requirements are not applicable to apricots and Italian type prunes sold or being shipped to a by-products or processing plant.

Exceptions from act.

SEC. 4. This act does not apply to the transportation or shipment of Italian type prunes or apricots in quantities of two hundred pounds or less, or to the transportation or shipment of Italian type prunes

and apricots consigned to a processing or by-products plant.

SEC. 5. Any violation of this act shall be punishable as a misdemeanor. Penalty.

SEC. 6. This act shall not take effect until after a public hearing has been held by the director in regard to regulations which are to be promulgated by the director establishing standards on maturity and tolerance for insect infestation of apricots and Italian type prunes. Effective date.

Passed the House March 1, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 99.

[H. B. 277.]

SALE OF SCHOOL LAND IN SKAGIT COUNTY.

AN ACT relating to state lands authorizing the sale of certain school land in Skagit county.

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

SECTION 1. The commissioner of public lands is authorized to sell at public auction in the manner provided by law that portion of lot 4, section 16, township 35 north, range 8 east, W. M., included in a tract described by metes and bounds as follows: Authoriza-
tion.

Commencing at the east quarter section corner of said section 16 and running thence west 1766.57 feet and north 495.09 feet to the true point of beginning, and running thence north 28° 54' 50" west 305.82 feet, north 42° 31' 20" west 205.93 feet, north 27° 47' west 189.10 feet, and north 29° 27' 40" east to the northerly line of said lot 4, thence southeasterly along said northerly line to the westerly right of way line of the right of way for county road granted Description
by metes and
bounds.

by the state of Washington to Skagit county November 12, 1952 under application No. 1988, thence southwesterly and southeasterly along said westerly right of way line to a point which is south 34° 59' 40" east of the point of beginning and thence north 34° 59' 40" west to the point of beginning, with an area of 8 acres, more or less.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 100.

[H. B. 304.]

HIGHWAY DEPARTMENT—CONTRACTS WITH
PUBLIC UTILITIES.

AN ACT relating to certain contracts of the state highway department with public utilities.

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

SECTION 1. It shall be lawful for the state department of highways acting through the Washington state highway commission to contract without advertising or bid with any public utility, whether publicly or privately operated, for the performance of any work or the furnishing of any service of a type ordinarily performed or furnished by such utility whenever, in the opinion of said commission, the interest of the public will be best served.

Passed the House February 17, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

Contracts for work or services authorized.

CHAPTER 101.

[H. B. 356.]

STATE COLLEGE—POWERS AND DUTIES OF THE BOARD OF REGENTS.

AN ACT relating to education; prescribing the powers and duties of the board of regents of the State College of Washington; and amending section 28.80.130, RCW.

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

SECTION 1. Section 28.80.130, RCW, as derived from section 4, page 244, section 5, page 245, section 19, page 249, section 8, page 247, section 9, page 247, section 20, page 250, section 21, page 250, section 1, chapter 228, section 15, page 249, and section 3, page 244, Laws of 1909; section 1, chapter 115, Laws of 1949; section 1, chapter 125, Laws of 1915; section 1, chapter 101, Laws of 1917; section 2, chapter 101, Laws of 1917; section 1, chapter 107, Laws of 1899; section 1, chapter 82, Laws of 1899; section 1, chapter 259, Laws of 1945; and section 1, chapter 25, Laws of 1937, is amended to read as follows:

The regents of the state college shall:

(1) Enact laws for the government of the state college, adopt plans and specifications for necessary buildings and fix the salaries of all employees;

(2) Prescribe the courses of instruction including the English language, literature, mathematics, philosophy, civil and mechanical engineering, chemistry, animal and vegetable anatomy and physiology, the veterinary art, entomology, geology, political economy, rural and household economy, horticulture, moral philosophy, history, mechanics and training courses for teachers of physical science;

(3) Make regulations for projects to collect information as to the schemes of technical instruction adopted in other parts of the United States and foreign countries;

Amendment.

Powers and duties of regents.
Government of college.

Prescribe instruction.

Instruction survey.

Farmers'
institutes.

(4) Make regulations for holding farmers' institutes;

Laboratory
work.

(5) Provide that all instruction given in the college to the utmost practicable extent, shall be conveyed by means of practical work in the laboratory and provide in connection with the college the following laboratories: One physical laboratory or more, one chemical laboratory or more, and one biological laboratory or more, and suitably furnish and equip the same;

Military
tactics.

(6) Provide that all male students are trained in military tactics;

Elementary
science
instruction.

(7) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying;

Department
of agri-
culture.

(8) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein;

Agricultural
experiment
stations.

(9) Establish agricultural experiment stations in connection with the department of agriculture, at least one in the western portion of the state, and ap-

point the officers and prescribe regulations for their management;

(10) Establish other departments and provide courses of instruction therein; Other departments.

(11) Grant to every student upon graduation, a suitable diploma or degree upon recommendation of the faculty; Diplomas and degrees.

(12) Confer the usual honorary degrees upon other persons than graduates of the college in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty, but no degree shall ever be conferred in consideration of the payment of money or other valuable things; Honorary degrees.

(13) Grant to students who have satisfactorily completed not less than twelve semester hours in the department of education teachers' certificates in accordance with the regulations prescribed by the state board of education; Teachers' certificates.

(14) Employ skilled architects and superintendents to prepare plans and specifications and supervise the construction of buildings which they are authorized to erect and to fix the compensation for such services; Construction of buildings.

(15) Enter into contracts with one or more contractors for such suitable buildings and improvements in connection with the state college as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board; Building contracts.

(16) Require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens; Performance bonds.

(17) Direct the disposition of all money appropriated to or belonging to the state college; Disposition of appropriations.

(18) Receive and expend the money appropri-

Congress-
ional appro-
priations.

ated under the act of congress approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act of Congress approved July 2, 1862, and acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state college in accordance with the terms and conditions expressed in the acts of congress;

Arms and
equipment.

(19) Execute on behalf of the state, the bonds and papers required by the War Department for the safekeeping of the arms and equipment loaned by the United States to the state college;

Acquire
lands.

(20) Acquire by lease, gift, or otherwise, lands necessary to further the work of the college or for experimental or demonstrational purposes;

Irrigational
agriculture.

(21) Establish and maintain an agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the duty of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit by-products and general development of agriculture under irrigation conditions;

Puyallup
experiment
station.

(22) Supervise and control the agricultural experiment station at Puyallup;

Wenatchee
experiment
substation.

(23) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, by-products, marketing, management and general horticultural problems;

(24) Receive such gifts, grants and conveyances from private sources, and devise and bequests, of real and personal property, as may be made from time to time, in trust or otherwise, for the use and benefit of the college or any of its departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises, and make full report thereof in a biennial report to the governor;

College donations.

(25) Authorized to construct a new foundry and a mining, physical, technological building and fabrication shop at the State College of Washington, or to add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; to purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; to establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; to purchase equipment for a research laboratory for technological research generally; and to purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields;

Foundry and metals instruction and research facilities.

Engineering equipment.

Light metal research.

Research equipment.

(26) Make a detailed report of their acts and doings for the previous year on or before the 1st of November of each year including all receipts and disbursements and the exact status of the state college, furnishing one copy to the superintendent of

Annual report.

public instruction and one to the governor who shall transmit it to the next succeeding legislature.

Passed the House February 24, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 102.

[H. B. 538.]

CIVIL PROCEDURE—SERVICE OF SUMMONS BY PUBLICATION.

AN ACT relating to civil procedure; providing for service by publication; repealing section 9, chapter 127, Laws of 1893, and section 1, chapter 81, Laws of 1929, and amending section 4.28.100, RCW.

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

SECTION 1. Section 9, chapter 127, Laws of 1893, and section 1, chapter 81, Laws of 1929, amendatory thereof, are each repealed, and section 4.28.100, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

When the defendant cannot be found within the state (of which the return of the sheriff of the county in which the action is brought, that the defendant cannot be found in the county, is prima facie evidence), and upon the filing of an affidavit of the plaintiff, his agent, or attorney, with the clerk of the court, stating that he believes that the defendant is not a resident of the state, or cannot be found therein, and that he has deposited a copy of the summons (substantially in the form prescribed in RCW 4.28.110) and complaint in the post office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service

Repealing and amendment clause.

Service of summons by publication; when authorized.

may be made by publication of the summons, by the plaintiff or his attorney in any of the following cases:

- (1) When the defendant is a foreign corporation, and has property within the state; Foreign corporation.
- (2) When the defendant, being a resident of this state, has departed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent; Defendant departs or conceals himself.
- (3) When the defendant is not a resident of the state, but has property therein and the court has jurisdiction of the subject of the action; Nonresident defendant has property in state.
- (4) When the action is for divorce in the cases prescribed by law; Divorce actions.
- (5) When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly, or partly, in excluding the defendant from any interest or lien therein; Action involving real or personal property.
- (6) When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in the county where the action is brought, or satisfy or redeem from the same; Foreclose mortgage or lien.
- (7) When the action is against any corporation, whether private or municipal, organized under the laws of the state, and the proper officers on whom to make service do not exist or cannot be found; Officers of corporation cannot be found.
- (8) When the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to property in this state. Action brought to determine conflicting claims to property.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 103.

[H. B. 539.]

COLLECTION OF PROPERTY TAXES—EXTENSION OF REBATE PERIOD.

AN ACT relating to revenue and taxation and repealing section 1, chapter 56, Laws of 1937, section 40, chapter 206, Laws of 1939, and section 84.56.040, RCW.

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

Repealing clause.

SECTION 1. Section 1, chapter 56, Laws of 1937, section 40, chapter 206, Laws of 1939, and section 84.56.040, RCW, derived therefrom, are each repealed.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 104.

[H. B. 540.]

PUBLIC SERVICE COMPANIES—ACCIDENTS—INVESTIGATIONS AND REPORTS.

AN ACT relating to public service companies; repealing section 63, chapter 117, Laws of 1911; amending sections 80.04.460 and 81.28.280, RCW, and repealing and reenacting section 81.28.290, RCW.

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

Repealing and reenacting clause.

SECTION 1. Section 63, chapter 117, Laws of 1911, is repealed and sections 80.04.460 and 81.28.280, RCW, presently derived therefrom and henceforth derived from this act, are amended to read as set forth in sections 2 and 3 of this act.

SEC. 2. 80.04.460 *Investigation of Accident.* Every public service company shall give immediate notice to the commission of every accident resulting

in death or injury to any person occurring in its plant or system, in such manner as the commission may prescribe. Such notice shall not be admitted as evidence or used for any purpose against the company giving it in any action for damages growing out of any matter mentioned in the notice.

Public utilities; notice of accidents.

The commission may investigate any accident resulting in death or injury to any person occurring in connection with the plant or system of any public service company. Notice of the investigation shall be given in all cases for a sufficient length of time to enable the company affected to participate in the hearing and may be given orally or in writing, in such manner as the commission may prescribe.

Same; investigation of accidents.

Such witnesses may be examined as the commission deems necessary and proper to thoroughly ascertain the cause of the accident and fix the responsibility therefor. The examination and investigation may be conducted by an inspector or deputy inspector, and they may administer oaths, issue subpoenas, and compel the attendance of witnesses, and when the examination is conducted by an inspector or deputy inspector, he shall make a full and complete report thereof to the commission.

Same; witnesses.

SEC. 3. 81.28.280 *Reports of Wrecks, Etc.* Every public service company shall give immediate notice to the commission of every accident resulting in death or injury to any person occurring on its lines or system, in such manner as the commission may prescribe.

Common carriers; notice of accidents.

Such notice shall not be admitted as evidence or used for any purpose against the company giving it in any action for damages growing out of any matter mentioned in the notice. The commission may require reports to be made by any common carrier of all wrecks, collisions, or derailments occurring on its line.

SEC. 4. Section 81.28.290, RCW, presently derived from section 63, chapter 117, Laws of 1911, and henceforth derived from this act, is repealed and reenacted to read as follows:

Same; investigation of accidents.

81.28.290 *Investigation of Accidents, Wrecks.* The commission shall investigate all accidents that may occur upon the lines of any common carrier resulting in loss of life, to any passenger or employee, and may investigate any and all accidents or wrecks occurring on the line of any common carrier. Notice of the investigation shall be given in all cases for a sufficient length of time to enable the company affected to participate in the hearing and may be given orally or in writing, in such manner as the commission may prescribe.

Same; witnesses.

Such witnesses may be examined as the commission deems necessary and proper to thoroughly ascertain the cause of the accident or wreck and fix the responsibility therefor. The examination and investigation may be conducted by an inspector or deputy inspector, and they may administer oaths, issue subpoenas, and compel the attendance of witnesses, and when the examination is conducted by an inspector or deputy inspector, he shall make a full and complete report thereof to the commission.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 105.

[H. B. 541.]

HOTEL INSPECTIONS—FEES.

AN ACT relating to the inspection of hotels; repealing section 14, chapter 29, Laws of 1909, and amending section 43.22.060, RCW; repealing section 19, chapter 29, Laws of 1909, and section 7, chapter 169, Laws of 1915, and amending section 43.22.110, RCW.

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

SECTION 1. Section 14, chapter 29, Laws of 1909, is repealed, and section 43.22.060, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Repealing
and amend-
ment clause.

The director, through the division of safety, shall see that every hotel is inspected at least annually. The director, supervisor, or authorized representative, are given police power to enter any hotel at reasonable hours for the purpose of inspection. As used in RCW 43.22.070 through 43.22.110, the words "inspector" and "hotel inspector" mean the authorized representative of the director.

Inspections.

He shall keep a complete set of books, showing the condition of each hotel inspected, the name of the owner, proprietor, and manager, the number and condition of its fire escapes and any other information which might serve to better the public service. The books shall be open to public inspection.

Record.

SEC. 2. Section 19, chapter 29, Laws of 1909, and section 7, chapter 169, Laws of 1915, amendatory thereof, are each repealed, and section 43.22.110, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Repealing
and amend-
ment clause.

The hotel inspector shall collect an annual inspection fee for each hotel which shall be paid according to the following schedule:

Inspection
fees.

Hotels containing from five to ten sleeping rooms inclusive, three dollars; hotels containing from

Schedule.

eleven to twenty sleeping rooms inclusive, four dollars; hotels containing from twenty-one to sixty sleeping rooms inclusive, seven dollars; hotels containing from sixty-one to one hundred sleeping rooms inclusive, ten dollars; hotels containing over one hundred sleeping rooms, twelve dollars and fifty cents.

When
collected.

Such fee shall be collected by the inspector at the time of the inspection and if not paid upon demand the inspector or deputy may sue therefor in his own name for the use of the state in the superior court of the state for the county in which the hotel is situated, and in such case, the court shall allow and enter as a part of the judgment against the defendant all the costs of the action, including a reasonable fee for any attorney necessarily employed in such action by the inspector.

Lien.

Such inspection fees shall be a lien on the furniture and equipment of the owner of the hotel and shall be paramount to all other liens excepting taxes and such furniture and equipment shall not be exempt from execution in the collection thereof.

Disposition
of.

All moneys collected under the provisions of this chapter shall be paid into the state treasury in the manner provided by law.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 106.

[H. B. 542.]

UNLAWFUL DETAINER DEFINED.

AN ACT relating to unlawful detainer of real property; repealing section 3, chapter 96, Laws of 1891, and section 1, chapter 86, Laws of 1905, and amending section 59.12.030, RCW.

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

SECTION 1. Section 3, chapter 96, Laws of 1891 and section 1, chapter 86, Laws of 1905, amendatory thereof, are each repealed, and section 59.12.030, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Repealing and amendment clause.

A tenant of real property for a term less than life is guilty of unlawful detainer either:

Unlawful detainer defined.

(1) When he holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall be terminated without notice at the expiration of the specified term or period;

Expiration of specific term.

(2) When he, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than twenty days prior to the end of such month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him to quit the premises at the expiration of such month or period;

Indefinite term; notice given.

(3) When he continues in possession in person or by subtenant after a default in the payment of rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner in RCW 59.12.040 provided) in behalf of the person entitled

Default in rental payment.

to the rent upon the person owing it, has remained uncomplished with for the period of three days after service thereof. The notice may be served at any time after the rent becomes due;

Breach of covenant or condition.

(4) When he continues in possession in person or by subtenant after a neglect or failure to keep or perform any other condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in manner in RCW 59.12.040 provided) upon him, and if there is a subtenant in actual possession of the premises, also upon such subtenant, shall remain uncomplished with for ten days after service thereof. Within ten days after the service of such notice the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture;

Waste, unlawful business or nuisance on premises.

(5) When he commits or permits waste upon the demised premises, or when he sets up or carries on thereon any unlawful business, or when he erects, suffers, permits, or maintains on or about the premises any nuisance, and remains in possession after the service (in manner in RCW 59.12.040 provided) upon him of three days' notice to quit; or

Entry without permission.

(6) A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days' notice, in writing, is served upon him in the manner provided in RCW 59.12.040.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 107.

[H. B. 545.]

MARRIAGE LICENSES.

AN ACT relating to the issuance of marriage licenses; repealing section 6, chapter 204, Laws of 1939, and section 1, chapter 250, Laws of 1943, and amending section 26.04.180, RCW.

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

SECTION 1. Section 6, chapter 204, Laws of 1939, and section 1, chapter 250, Laws of 1943, amendatory thereof, are each repealed, and section 26.04.180, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

The county auditor shall issue no license until the third full day following the filing of the application, exclusive of the date of filing: *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. The order shall be filed by the auditor as a public document, and shall constitute compliance with the provisions of RCW 26.04.140—26.04.200: *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 marriage license shall state that the parties have complied with this section.

Repealing
and amend-
ment clause.

License to
issue after
three day
waiting
period.

Judicial
order may
expedite.

Applicants
examined
under oath.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 108.

[H. B. 546.]

IRRIGATION DISTRICTS—INDEBTEDNESS.

AN ACT relating to irrigation districts; repealing section 25 chapter 129, Laws of 1921, and amending section 87.01.220, RCW.

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

Repealing
and amend-
ment clause.

SECTION 1. Section 25, chapter 129, Laws of 1921, is repealed and section 87.01.220, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Powers of
board to
incur indebt-
edness.

The board shall incur no debt or liability in excess of the express provisions of this title. It may without an election and levy therefor pay the necessary costs and expenses of organizing and may make surveys, do engineering work, and conduct a general investigation to determine the feasibility of the proposed irrigation project, and may incur an indebtedness therefor prior to levy, which indebtedness on account of surveys, engineering and investigations shall not exceed fifty cents an acre, and shall be assessable against the lands within the district. In cases of emergency, making it necessary to incur indebtedness in order to continue the operation of the irrigation system or any part thereof, the board by resolution may incur such indebtedness not exceeding the amount actually necessary to meet the requirements of the emergency. It may incur indebtedness necessary to carry on the ordinary administrative affairs of the district and if the district acquires an irrigation system before making its first regular annual levy, the board may incur such indebtedness necessary to pay the ordinary expenses of operation and maintenance until the regular annual levy is made.

Proposed
irrigation
projects.

Emergencies.

Administra-
tive ex-
penses.

Operation
and mainte-
nance ex-
penses.

Issuance of
warrants.

The board may issue warrants for the payment of any indebtedness incurred under this section,

which shall bear interest not to exceed eight percent per year, and it shall include in its next annual levy for the payment of the expenses of operation and maintenance, the amount of all warrants issued by virtue hereof.

The board may issue as a general obligation of the district coupon warrants in denominations not in excess of five hundred dollars, bearing interest evidenced by coupons payable semiannually not to exceed eight percent per year. Such warrants shall mature in not more than five years and may be used, or the proceeds thereof, in the purchase of grounds and buildings, machinery, vehicles, tools or other equipment for use in operation, maintenance, betterment, reconstruction or local improvement work, and for creating a revolving fund for carrying on such work as in this title provided. The proceeds of the warrants shall be paid to the district treasurer who shall place them in an appropriate fund and pay them out upon warrants of the district. The maximum indebtedness hereby authorized shall not exceed one dollar per acre of the total irrigable area within the district. No warrant shall be sold for less than par. They shall state on their face that they are a general obligation of the district, the purposes for which they are used, and that they are payable on or before maturity. They shall be retired by assessments levied in accordance with the provisions of this title at the time other assessments are levied.

The board may accumulate by assessment a fund to be designated as the "capital fund" to be used for the purposes for which the above warrants may be used. The total of such fund shall not exceed one dollar per acre of the total irrigable area in the district and shall be accumulated in not less than five annual installments. The fund shall not be permanently depleted or reduced but shall be replaced from year to year by assessments on any lands of the district bene-

Issuance of
general
obligation
coupon
warrants.

Proceeds.

Maximum in-
debtedness.

"Capital
fund."

fited by the use thereof. The reasonable value of all grounds, buildings, machinery, vehicles, tools or other equipment on hand, purchased with such fund, and the revolving fund, if any, derived from such fund, shall be a part of the capital fund.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 109.

[H. B. 547.]

FIREARMS—ALIENS—LICENSE TO CARRY.

AN ACT relating to the carrying or possession of firearms, requiring licenses of certain persons, fixing a penalty for the violation thereof; repealing section 1, chapter 52, Laws of 1911, and amending section 9.41.170, RCW.

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

SECTION 1. Section 1, chapter 52, Laws of 1911, is repealed and section 9.41.170, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of licenses, and such license is not to be issued by the director of licenses except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license.

Repealing and amendment clause.

Alien's license to carry or possess firearms.

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

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 110.

[H. B. 548.]

SEWER DISTRICTS—ELECTION OF COMMISSIONERS.

AN ACT relating to sewer districts; providing for the election of sewer district commissioners; repealing section 7, chapter 210, Laws of 1941 and section 6, chapter 140, Laws of 1945, and amending section 56.12.020, RCW.

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

SECTION 1. Section 7, chapter 210, Laws of 1941 and section 6, chapter 140, Laws of 1945, amendatory thereof, are each repealed, and section 56.12.020, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Repealing
and
amendment
clause.

At the election held to form or reorganize a district, there shall be elected three commissioners to hold office for terms of two, four, and six years respectively, and until their successors are elected and qualified. The term of each nominee shall be expressed on the ballot. Thereafter, every two years there shall be elected a commissioner for a term of six years and until his successor is elected and qualified, at an election held and conducted as provided by RCW 29.13.020, as now constituted or hereafter amended, in class A counties, and by RCW 29.13.030, as now constituted or hereafter amended, in all other counties.

Terms of
office.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 111.

[H. B. 543.]

SCHOOL DISTRICT ELECTIONS.

AN ACT relating to school district elections; repealing section 5 of Title III, chapter 4, article IV of chapter 97, Laws of 1909 (page 298), and section 5 of Title III, chapter 4, article V of chapter 97, Laws of 1909 (page 301), and amending section 28.63.010, RCW; repealing section 2 of Title III, chapter 13, article I of chapter 97, Laws of 1909 (page 346), and amending section 28.63.240, RCW; repealing section 14, chapter 90, Laws of 1919, and section 28.59.210, RCW; repealing section 3 of Title III, chapter 4, article III, of chapter 97, Laws of 1909 (page 290), and section 28.62.020, RCW; and repealing and re-enacting sections 28.62.010 and 28.62.030, RCW; and repealing section 1 of Title III, chapter 13, article I of chapter 97, Laws of 1909 (page 346), and section 1, chapter 102, Laws of 1941, and section 2 of Title III, chapter 4, article IV of chapter 97, Laws of 1909 (page 298), and section 2 of Title III, chapter 4, article V of chapter 97, Laws of 1909 (page 301), and section 28.63.230, RCW.

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

Repealing and amendment clause.

SECTION 1. Section 5 of Title III, chapter 4, article IV of chapter 97, Laws of 1909 (page 298), and section 5 of Title III, chapter 4, article V of chapter 97, Laws of 1909 (page 301), are repealed and RCW 28.63.010, presently derived therefrom, and henceforth derived from this act, is amended to read as follows:

Organization of board.

The term of office of directors of districts of the second and third class shall begin, and the board shall organize, as provided in RCW 29.13.050. They shall also elect a person to act as clerk; in second class districts he may or may not be a member of the board of directors, in third class districts he must be. The chairman and clerk shall both immediately enter upon the discharge of their duties and shall serve for a period of one year: *Provided*, That if the clerk fails to discharge his duties in accordance with law, the board of directors may, at any time, remove the clerk

Clerk.

Terms of office of chairman and clerk.

and elect another eligible person to fill the unexpired term.

SEC. 2. Section 2 of Title III, chapter 13, article I of chapter 97, Laws of 1909 (page 346) is repealed and RCW 28.63.240, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Repealing
and
amendment
clause.

The notice of election shall be given in accordance with the provisions of RCW 29.27.080. Unless otherwise designated in the notice of election, the polls shall be open at 1 o'clock in the afternoon and close at 8 o'clock in the afternoon, but the board of directors may, previous to giving notice of election, determine on an hour before 8 o'clock for closing, but they must not be closed earlier than 4 o'clock in the afternoon. In the event that the school district election is, in accordance with RCW 29.13.040, conducted by the officer charged with conducting a city or town election and is held in conjunction with such city or town election, the polls shall be open from 8 o'clock in the morning until 8 o'clock in the evening. In no case shall the polls be opened before the hour named in the notice, or kept open after the hour fixed for closing the polls, but if there is not a sufficient number of electors present at the hour named for opening the polls to constitute a board of election, it shall be lawful to open the polls as soon thereafter as a sufficient number of electors is present.

Elections—
notice.

Polls; times
of opening
and closing.

Exceptions.

SEC. 3. Section 28.59.210, RCW, and section 14, chapter 90, Laws of 1919, are each repealed.

Repealing
clause.

SEC. 4. Section 3 of Title III, chapter 4, article III of chapter 97, Laws of 1909 (page 290), and section 28.62.020, RCW, derived therefrom, are each repealed and sections 28.62.010 and 28.62.030, RCW, derived therefrom, are repealed and re-enacted as sections 5 and 6 of this act.

Repealing
and
reenacting-
clause.

Oath of
directors.

SEC. 5. 28.62.010 *Oath of Directors.* All persons elected as members of the board of directors of districts of the first class shall, within ten days thereafter, appear before an officer authorized to administer oaths, take and subscribe the usual oath of office and deliver it to the county superintendent of schools; in case any person elected shall fail so to do, his election shall be void and the vacancy occasioned thereby shall be filled by the board.

Election
and terms of
office
of board
officers.

SEC. 6. 28.62.030 *Officers of Board.* At the first meeting of the members of the board they shall elect a president and vice president from among their number who shall serve for a term of one year or until their successors are elected and qualified. In the event of the temporary absence or disability of both the president and vice president, the board of directors may elect a president *pro tempore* who shall discharge all the duties of president during such temporary absence or disability.

Secretary.

They shall also at the first meeting in each year elect a secretary at such salary as they may deem just; the secretary shall not be a member of the board of directors, and may be removed by the board at any time.

Repealing
clause.

SEC. 7. Section 1 of Title III, chapter 13, article I of chapter 97, Laws of 1909 (page 346), and section 1, chapter 102, Laws of 1941; and section 2 of Title III, chapter 4, article IV of chapter 97, Laws of 1909 (page 298); and section 2 of Title III, chapter 4, article V of chapter 97, Laws of 1909 (page 301); and section 28.63.230, RCW, are each repealed.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 112.

[H. B. 549.]

CHILD WELFARE.

AN ACT relating to child welfare; repealing sections 3, 4, 5, 6 and 7 of chapter 172, Laws of 1933, and repealing sections 74.12.140, 74.12.150, 74.12.160, 74.12.170, 74.12.180, 74.12.190 and 74.12.200, RCW.

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

SECTION 1. Sections 3, 4, 5, 6 and 7 of chapter 172, Laws of 1933, and sections 74.12.140, 74.12.150, 74.12.160, 74.12.170, 74.12.180, 74.12.190 and 74.12.200, RCW, are repealed. Repealing clause.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 113.

[H. B. 550.]

ELECTIONS—RECALL OF ELECTIVE PUBLIC OFFICERS.

AN ACT making effective the constitutional provisions relating to the recall of elective public officers, to prevent fraud, and providing penalties; repealing section 16, chapter 146, Laws of 1913; repealing and reenacting section 29.82.210, RCW; and amending section 29.82.220, RCW.

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

SECTION 1. Section 16, chapter 146, Laws of 1913, is repealed, and section 29.82.210, RCW, presently derived therefrom and henceforth derived from this act, is repealed and reenacted to read as follows: Repealing and reenacting clause.

29.82.210 *Violation by Officers.* Every officer who wilfully violates any of the provisions of this chapter, for the violation of which no penalty is herein prescribed or who wilfully fails to comply with the pro- Penalty.

visions of this chapter shall be guilty of a gross misdemeanor.

Amendment.

SEC. 2. Section 29.82.220, RCW, presently derived from section 16, chapter 146, Laws of 1913, and henceforth derived from this act, is amended to read as follows:

Penalty for corrupt practices—what are.

Every person shall be guilty of a gross misdemeanor, who:

Accepting payment.

(1) For any consideration, compensation, gratuity, reward or thing of value or promise thereof, signs or declines to sign any recall petition; or

Advertises to circulate, etc., petition or influence signers.

(2) Advertises in any newspaper, magazine or other periodical publication or in any book, pamphlet, circular or letter or by means of any sign, signboard, bill, poster, handbill or card or in any manner whatsoever, that he will either for or without compensation or consideration circulate, or solicit, procure or obtain signatures upon, or influence or induce or attempt to influence or induce persons to sign or not to sign any recall petition or vote for or against any recall; or

Solicitor, etc., accepting payment.

(3) For pay or any consideration, compensation, gratuity, reward or thing of value or promise thereof, circulates, or solicits, procures or obtains or attempts to procure or obtain signatures upon any recall petition; or

Payment to signers or solicitors, etc.

(4) Pays or offers or promises to pay, or gives or offers or promises to give any consideration, compensation, gratuity, reward or thing of value to any person to induce him to sign or not to sign, or to circulate or solicit, procure or attempt to procure or obtain signatures upon any recall petition, or to vote for or against any recall; or

Use of threats or intimidation.

(5) By any other corrupt means or practice or by threats or intimidation interferes with or attempts to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall; or

(6) Receives, accepts, handles, distributes, pays out or gives away, directly or indirectly, any money, consideration, compensation, gratuity, reward or thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose stockholders are non-residents of the state of Washington, for any service, work or assistance of any kind done or rendered for the purpose of aiding in procuring signatures upon any recall petition or the adoption or rejection of any recall.

Accepting thing of value, etc., from nonresident persons or organizations.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 114.

[H. B. 551.]

UNINCORPORATED TOWNS—VACATION OF PLATS.

AN ACT relating to the vacation of plats of unincorporated towns; repealing section 2333, Code of 1881, and amending section 58.12.090, RCW.

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

SECTION 1. Section 2333, Code of 1881, is repealed, and section 58.12.090, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Repealing and amendment clause.

Any person interested in any town not incorporated, who may desire to vacate any lot, street, alley, common, or any part thereof, or any public square, or part thereof, in any such town, may petition the board of county commissioners for the proper county. The petition shall set forth the facts pertinent thereto, with a description of the property to be vacated, and shall be filed in the office of the county auditor. The auditor shall give notice of the time and place

Petition to vacate.

Contents.

Auditor to give notice of hearing.

of hearing on the petition before the commissioners, by posting notice thereof, containing a description of the property to be vacated, in three of the most public places in said town, at least twenty days before the hearing.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 115.

[H. B. 552.]

REAL ESTATE—RECORDING OF DEFECTIVE INSTRUMENT.

AN ACT relating to conveyances and encumbrances of real estate; repealing section 8, chapter 33, Laws of 1929, and amending section 65.08.030, RCW.

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

Repealing and amendment clause.

SECTION 1. Section 8, chapter 33, Laws of 1929, is repealed, and section 65.08.030, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Recorded irregular instrument imparts notice.

An instrument in writing purporting to convey or encumber real estate or any interest therein, which has been recorded in the auditor's office of the county in which the real estate is situated, although the instrument may not have been executed and acknowledged in accordance with the law in force at the time of its execution, shall impart the same notice to third persons, from the date of recording, as if the instrument had been executed, acknowledged, and recorded, in accordance with the laws regulating the execution, acknowledgment, and recording of the instrument then in force.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 116.

[H. B. 553.]

CHILDREN—CONTRIBUTING TO THE DELINQUENCY.

AN ACT relating to the welfare of dependent and delinquent children; repealing section 17, chapter 160, Laws of 1913, and amending section 13.04.170, RCW.

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

SECTION 1. Section 17, chapter 160, Laws of 1913, is repealed and section 13.04.170, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

In all cases where any child is dependent or delinquent under the terms of this title, the parent or parents, legal guardian, or person having custody of such child, or any other person, who, by any act or omission, encourages, causes or contributes to the dependency or delinquency of such child shall be guilty of a misdemeanor, and upon conviction thereof, be punished by fine not exceeding one thousand dollars, or imprisonment in the county jail for not more than one year, or by both such fine and imprisonment, and the juvenile court shall have jurisdiction of all such misdemeanors. The court may suspend sentence for a violation of the provisions of this section and impose conditions as to conduct in the premises of any person so convicted, and make such suspension depend upon the fulfillment by such person of the conditions, and, in case of the breach of the conditions, or any thereof, the court may impose sentence as though there had been no suspension. The court may also, as a condition of such suspension, require a bond in such sum as it may designate, to be approved by the court, to secure the performance by such persons of the conditions imposed by the court on such suspension. The bond shall, by its terms, be made payable to the state, and any moneys received

Repealing and amendment clause.

Contributing to dependency or delinquency of a child.

Penalty.

Juvenile court has jurisdiction.

Suspended sentences.

Bond may be required.

for a breach thereof shall be paid into the county treasury.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 117.

[H. B. 554.]

CITIES AND TOWNS—LOCAL IMPROVEMENT DISTRICT WARRANTS.

AN ACT relating to local improvements in cities and towns; repealing section 72, chapter 98, Laws of 1911 and section 3, chapter 168, Laws of 1915, and amending section 35.45.130, RCW.

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

Repealing and amendment clause.

SECTION 1. Section 72, chapter 98, Laws of 1911 and section 3, chapter 168, Laws of 1915, amendatory thereof, are each repealed and section 35.45.130, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Issuance of warrants against local improvement funds authorized.

Every city and town may provide by ordinance for the issuance of warrants in payment of the cost and expense of any local improvement, payable out of the local improvement district fund. The warrants shall bear interest at a rate not to exceed eight percent per annum and shall be redeemed either in cash or by local improvement bonds for the same improvement authorized by ordinance.

Priority of warrants.

All warrants against any local improvement fund sold by the city or town or issued to a contractor and by him sold or hypothecated for a valuable consideration shall be claims and liens against the improvement fund against which they are drawn prior and superior to any right, lien, or claim of any surety upon the bond or bonds given to the city or

town by or for the contractor to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or provisions and supplies for the carrying on of the work.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 118.

[H. B. 555.]

ACTIONS BY AND AGAINST PUBLIC CORPORATIONS.

AN ACT relating to actions by and against public corporations; repealing section 601, page 154, Laws of 1869 and section 661, Code of 1881, and amending section 4.08.110, RCW; repealing section 602, page 154, Laws of 1869 and section 662, Code of 1881, and amending section 4.08.120, RCW.

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

SECTION 1. Section 601, page 154, Laws of 1869 and section 661, Code of 1881, are each repealed, and section 4.08.110, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Repealing
and
amendment
clause.

An action at law may be maintained by any county, incorporated town, school district or other public corporation of like character, in its corporate name, and upon a cause of action accruing to it, in its corporate character and not otherwise, in any of the following cases:

Actions by
public
corporations.

(1) Upon a contract made with such public corporation;

(2) Upon a liability prescribed by law in favor of such public corporation;

(3) To recover a penalty or forfeiture given to such public corporation;

(4) To recover damages for an injury to the corporate rights or property of such public corporation.

Repealing
and
amendment
clause.

SEC. 2. Section 602, page 154, Laws of 1869 and section 662, Code of 1881, are each repealed, and section 4.08.120, RCW, presently derived therefrom and henceforth derived from this act, is amended to read as follows:

Actions
against
public
corporations.

An action may be maintained against a county or other of the public corporations mentioned or described in RCW 4.08.110, either upon a contract made by such county, or other public corporation in its corporate character and within the scope of its authority, or for an injury to the rights of the plaintiff arising from some act or omission of such county or other public corporation.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 119.

[H. B. 590.]

DIRECTOR OF AGRICULTURE—LEASES AUTHORIZED.

AN ACT relating to certain state lands under the control and direction of the director of agriculture.

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

Leases
authorized.

SECTION 1. The director of agriculture may, at his discretion, for a period of not to exceed ten years, lease state lands which are now or may hereafter be, under his direction and control, the retention of which he deems unnecessary for present state purposes or needs, to any non-profit group or organization having educational, agricultural or youth development purposes. Such leases shall be upon such

terms as the director deems beneficial to the state. All rental funds received by the director under the provisions of this act shall be deposited in the special trust fund provided in RCW 15.72.050.

Disposition
of rental
funds.

Passed the House March 6, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 120.

[Sub. H. B. 220.]

PUBLIC SERVICE COMMISSION—ORDERS— RECONSIDERATION—REVIEW.

AN ACT relating to the public service commission; authorizing petitions for reconsideration before the commission of matters involved in its orders under certain conditions; and amending chapters 80.04 and 81.04, RCW.

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

SECTION 1. Chapter 80.04, RCW, shall contain a new section to read as follows:

New section.

After any order has been made by the commission, any public service company affected thereby may apply for a writ of review as provided in section 80.04.170, RCW, or within ten days after service of the order, file with the commission and serve upon all other parties to the proceeding a petition for reconsideration of said order or any part thereof. The petition shall be in such form as the commission may prescribe and shall set forth specifically the portion or portions on which reconsideration is requested and the grounds and reasons therefor.

Writ of
review.

Petition
for recon-
sideration.

If the commission does not grant or deny the petition within ten days from the date of filing, it shall be deemed denied. Application for a writ of review may be made as provided for in section 80.04.170, RCW, within thirty days after the date of service of

Time
limitations.

the order denying the petition or if no order of denial is entered within thirty days after the date when the petition shall be deemed denied. Should the commission grant the petition for reconsideration, it shall thereafter take such further proceedings and issue such further order or orders as may be appropriate, and application for a writ of review as provided in section 80.04.170, RCW, may be made within thirty days after the date of service of the order on reconsideration.

Matters
subject to
review.

A writ of review applied for within the time provided herein may include for review the original order and all supplemental orders relevant thereto: *Provided*, That an order limited to granting a petition for reconsideration may not be reviewed.

New section.

SEC. 2. Chapter 81.04, RCW, shall contain a new section to read as follows:

Writ of
review.

After any order has been made by the commission, any public service company affected thereby may apply for a writ of review as provided in section 81.04.170, RCW, or within ten days after service of the order, file with the commission and serve upon all other parties to the proceeding a petition for reconsideration of said order or any part thereof. The petition shall be in such form as the commission may prescribe and shall set forth specifically the portion or portions on which reconsideration is requested and the grounds and reasons therefor.

Petition
for recon-
sideration.

Time
limitations.

If the commission does not grant or deny the petition within ten days from the date of filing, it shall be deemed denied. Application for a writ of review may be made as provided for in section 81.04.170, RCW, within thirty days after the date of service of the order denying the petition or if no order of denial is entered within thirty days after the date when the petition shall be deemed denied. Should the commission grant the petition for reconsideration, it shall thereafter take such further proceedings and

issue such further order or orders as may be appropriate, and application for a writ of review as provided in section 81.04.170, RCW, may be made within thirty days after the date of service of the order on reconsideration.

A writ of review applied for within the time provided herein may include for review the original order and all supplemental orders relevant thereto: *Provided*, That an order limited to granting a petition for reconsideration may not be reviewed.

Matters
subject to
review.

Passed the House March 5, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 121.

[H. B. 557.]

SOCIAL, CHARITABLE, EDUCATIONAL, ETC., ASSOCIATIONS.

AN ACT relating to social, charitable and educational associations; repealing section 1, chapter 75, Laws of 1907, and section 1, chapter 131, Laws of 1929; repealing and reenacting sections 24.16.070 and 24.16.080, RCW; and amending section 24.16.090, RCW.

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

SECTION 1. Section 1, chapter 75, Laws of 1907, and section 1, chapter 131, Laws of 1929, amendatory thereof, are each repealed, and sections 24.16.070 and 24.16.080, RCW, presently derived therefrom and henceforth derived from this act, are repealed and reenacted as set forth in sections 2 and 3 of this act.

Repealing
and
reenacting
clause.

SEC. 2. 24.16.070 *Bylaws*. The corporation may prescribe by its laws the manner in which, and the officers and agents by whom the purposes of its incorporation are to be carried out.

Bylaws.

Powers of
corporation.

SEC. 3. 24.16.080 Powers of Corporation. The corporation may hold real and personal estate, and may hire, purchase, or erect suitable buildings for its accommodation to be devoted to the purposes set forth in its agreement of association; and may receive and hold in trust, or otherwise, funds received by gift or bequest, to be devoted by it to such purposes.

For the purposes of the corporation it shall have power to issue its promissory notes, bonds or other obligations, to be secured by mortgages on its real estate and other property in such manner as may be provided by its bylaws.

Amendment.

SEC. 4. Section 24.16.090, RCW, presently derived from section 1, chapter 75, Laws of 1907, and section 1, chapter 131, Laws of 1929, amendatory thereof, and henceforth derived from this act, is amended to read as follows:

Power of
board of
trustees to
dispose of
and acquire
property.

The board of trustees shall have power to sell or dispose of the whole or any part of the property, either real or personal, which the corporation may from time to time own, and to acquire other property. The board of trustees, by resolution entered in its minutes, may classify portions of its real estate as held for investment, endowment, or annuity purposes. Where so classified such real estate may be disposed of by its board of trustees as provided in its bylaws, or if the bylaws so provide, it may be disposed of by an executive committee between regular meetings of the trustees. Other real estate of the corporation shall not be sold or disposed of unless the board of trustees is authorized so to do by the vote of two-thirds of all the stock represented or two-thirds of the members present at a meeting called for that purpose, written notice of which must be given to all stockholders or members at least thirty days previous thereto by mail, in such manner as shall be provided in the bylaws which two-thirds vote must comprise at least a majority of all the stock or of the

Real
property;
classification
of.Sale or
disposal of
classified real
property.Sale or
disposal of
unclassified
real
property.

members of the corporation. The notice must set forth in full the matter or proposition to be considered at the meeting. Voting by proxy shall be allowed.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 122.

[S. B. 114.]

IRRIGATION DISTRICTS—ELECTORS—
DIRECTORS—QUALIFICATIONS.

AN ACT providing additional qualifications for a director of an irrigation district; and amending section 87.01.090, RCW.

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

SECTION 1. Section 87.01.090, RCW, as derived from section 3, chapter 129, Laws of 1921, is amended to read as follows:

Amendment.

A person twenty-one years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to land in the district or proposed district shall be entitled to vote therein. A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. Where land is community property both the husband and wife may vote if otherwise qualified. An agent of a corporation owning land in the district, duly authorized in writing, may vote on behalf of the corporation by filing with the election officers his instrument of authority. An elector resident in the district shall vote in the

Qualifications of voters.

Directors.

Community property.

Agents of corporations.

Directors
must own
land to
hold office.

Exception.

precinct in which he resides, all others shall vote in the precinct nearest their residence. No director shall be qualified to take office unless at the time of his election as such director he was the owner of five acres or more of land within the district subject to assessments by the irrigation district: *Provided*, That this additional qualification for the office of director shall not apply in any irrigation district where more than fifty percent of the total acreage of the district subject to assessment is owned in individual ownerships of less than five acres.

Passed the Senate February 14, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 123.

[S. B. 217.]

BOOM COMPANIES.

AN ACT relating to boom companies; increasing the maximum rates which may be charged for certain services thereof; and amending section 76.28.040, RCW.

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

Amendment.

SECTION 1. Section 76.28.040, RCW, as derived from section 4, of an act approved March 17, 1890, entitled, "An Act to declare and regulate the powers, rights and duties of corporations organized to build booms and to catch logs and timber products therein", is amended to read as follows:

Persons
requesting
service.

After such works have been constructed, the corporation shall catch, hold, and assort the logs and timber products of all persons requesting such service, upon the same terms and without discrimination. It shall have the right, in consideration of the convenience and security afforded to the public in the handling of logs and timber products, to charge

and collect tolls on all logs or other timber products caught within its works and upon the order or request of the owner or owners thereof, and there assorted, boomed, or rafted. The tolls should not exceed one dollar and fifty cents per thousand feet on logs, spars, or other large timber, and reasonable rates on all other timber products. A corporation operating a boom at the mouth of any river, shall catch and hold, assort, boom, and raft all logs and timber products, except such as may be already in charge of the owner or his agents, without request of the owner, and it shall have the right to charge and collect tolls not to exceed one dollar and fifty cents per thousand feet for such service. The amount of logs or timber is to be board measure, to be ascertained by the usual legal method of scaling. The corporation shall have a lien upon the logs and timber products for the driving, floating, booming, sorting, and rafting thereof, and the right to enforce such lien in any manner provided by law for the enforcement of liens upon personal property. The corporation shall, as soon as practicable, deliver logs or other timber products caught within its booms, sorted and rafted ready for towing, to the owner thereof, and if required to hold such property for more than thirty days, shall have the right to charge a reasonable rate for such storage for the excess period.

Tolls.

Rates.

Service given
without
request of
owner.

Tolls.

Rates.

Liens.

Storage
charges.

Passed the Senate February 9, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 124.

[S. B. 218.]

LOG DRIVING COMPANIES.

AN ACT relating to log driving companies; increasing the maximum rates which may be charged for certain services thereof; and amending section 76.32.050, RCW.

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

Amendment. SECTION 1. Section 76.32.050, RCW, as derived from section 1, chapter 229, Laws of 1909, is amended to read as follows:

Operate at request of owners. Operate without request of owners; when authorized. Driving charges.

After such corporation has entered upon its duties, which shall be within three months of the filing of its maps of location, it shall operate in streams theretofore navigable, upon the request of the owners, and in the case of logs and other timber products which are commingled, or lying in such a position as to obstruct or impede the drive, without such request. When a navigable stream upon which it was not previously practicable to float logs or other timber products is improved by clearing out rocks, straightening the channel, or constructing wing dams and sheers, thereby aiding and assisting the floating of logs and other timber products, the corporation shall be entitled to driving charges on all logs or other timber products placed in the stream without a request to drive them, and in streams not navigable before such improvements were made, it shall without request, sluice, sack, and drive all logs and other timber products of suitable length that may be placed in the stream so improved, or that may be delivered into its ponds.

Logs to be handled without discrimination.

It shall handle all such logs and other timber products of all persons upon the same terms, without discrimination as to time of sluicing, sacking, and driving.

Toll charges. It shall be entitled to charge and collect reasonable and uniform tolls for such services and improve-

ments, on all logs and other timber products handled, or sheered out of sloughs or off the bars by means of the improvements. Such tolls shall not exceed two dollars per thousand feet, board measure, on logs, spars or other large timber, and reasonable compensation on all other timber products, such charges to be fixed by the board of trustees of the corporation in proportion to the distance the timber is to be driven and the number of dams through which it is necessarily sluiced or sheered. In case the corporation is also engaged in the booming and rafting of logs and other timber so sluiced, sacked, and driven, an additional sum not to exceed one dollar and twenty cents per thousand feet for logs, spars and other large timber, and reasonable compensation on all other timber products may be charged for the booming and rafting.

Rates.

Booming
and rafting
charges.

The amount of such logs and other products shall be determined by the usual method of scaling, and the corporation shall have a lien upon all logs and other timber products handled for sluicing, sacking, and driving, and for booming and rafting to be enforced in the manner provided by law for the enforcement of liens for labor on logs.

Liens.

Passed the Senate February 9, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 125.

[S. B. 231.]

MOTOR VEHICLES—HIGHWAYS—HEIGHTS AND VERTICAL CLEARANCES.

AN ACT relating to motor vehicles; specifying duties and liabilities of municipalities and private persons with respect to structures of low vertical clearance over public highways; and amending section 46.44.020, RCW.

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

SECTION 1. Section 46.44.020, RCW, as derived from section 20, chapter 269, Laws of 1951, is amended to read as follows:

Maximum height.

Exceptions.

Impaired vertical clearance; due care.

Liability of state and political subdivision.

Signs.

Distances.

It shall be unlawful for any vehicle unladen or with load to exceed a height of twelve feet and six inches above the level surface upon which the vehicle stands. This section shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town, or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is twelve feet six inches or more; or, where such vertical clearance is less than twelve feet six inches, if impaired clearance signs of a design approved by the director of highways are erected and maintained on the right side of any such public highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of

not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. An additional four inches in height is lawful as to a vehicle over and above such twelve feet six inches when such vehicle is equipped with a tire size of over ten inches in width and twenty-two inches in rim diameter and larger. Such additional height shall not require the state or any county, city, town or other political subdivision, or any other person or corporation, to maintain vertical clearances above the roadway at a height in excess of twelve feet six inches. If any structure over or across any public highway is not owned by the state or by a county, city, town or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the director of highways, or the county, city, town or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

Vehicles;
additional
4 inches
authorized,
when.

Impaired
clearance
signs; private
owners to
reimburse
state or
political
subdivision
for cost.

Passed the Senate February 19, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 126.

[S. B. 316.]

SALES OF PROPERTY UNDER EXECUTION.

AN ACT relating to sales of property under execution and redemption; and amending section 6.24.020, RCW.

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

Amendment.

SECTION 1. Section 6.24.020, RCW, as derived from section 2, chapter 50, Laws of 1897, and section 4, chapter 53, Laws of 1899, is amended to read as follows:

Sales to be by auction.

All sales of property under execution, order of sale, or decree, shall be made by auction between

Time.

nine o'clock in the morning and four o'clock in the afternoon. After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither

How conducted.

the officer holding the execution, nor his deputy, shall become a purchaser, or be interested in any purchase at such sale. When the sale is of personal

Personal property.

property capable of manual delivery, and not in the possession of a third person, it shall be within view of those who attend the sale, and be sold in such parcels as are likely to bring the highest price; and

Real property.

[when] the sale is of real property, consisting of several known lots or parcels, they shall be sold separately or otherwise as is likely to bring the highest price, or when a portion of such real property is

Time.

claimed by a third person, and he requires it to be sold separately, such portion shall be sold separately.

Sales of real property shall be made at the courthouse door on Friday: *Provided, however,* That if Friday is a legal holiday the sale shall be held on the next following regular business day.

Passed the Senate February 24, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 127.

[S. B. 385.]

DAMAGES CAUSED BY GAME—NOTICE OF CLAIM.

AN Act relating to claims for damages caused by beaver, deer or elk; and amending section 77.12.290, RCW.

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

SECTION 1. Section 77.12.290, RCW, as derived from section 5, chapter 238, Laws of 1949, is amended to read as follows: Amendment.

Notice of all claims for damages caused by beaver, deer, or elk shall be filed in writing with the commission in the offices of the department of game, Seattle, King county, Washington, within ninety days after the claimed damage has occurred. In the event the damages are unascertainable within such ninety day period, the notice shall so state. The failure to file notice of any claim or pending claim shall bar payment thereof. No payment shall be made to any claimant for damages occurring on lands leased by claimant from any public agency. Notice of claims.
Time limitations.
Public lands.

Passed the Senate February 24, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 128.

[S. B. 341.]

DEFICIENCY APPROPRIATION—SECRETARY OF STATE.

AN ACT relating to state government; making a deficiency appropriation for the secretary of state; and declaring an emergency.

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

Secretary of state deficiency appropriation.

SECTION 1. For the biennium ending March 31, 1953, there is hereby appropriated from the general fund to the secretary of state the sum of twenty-four thousand seven hundred forty-eight dollars and seventy cents for the purpose of defraying the following expenses:

Printing one million five hundred thousand copies 1952 edition, official voter's pamphlets, eighteen thousand five hundred seventy-four dollars and fifty-three cents;

Setting type and making mats for newspaper reproduction of constitutional amendments, one hundred seventy four dollars and seventeen cents; and

Operations, six thousand dollars.

Emergency.

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

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 129.

[S. B. 295.]

COMMON CARRIERS OF PROPERTY IN INTERSTATE
COMMERCE—FEES—PLATES.

AN ACT relating to common carriers of property in interstate commerce; authorizing the apportionment of regulatory fees of such carriers under reciprocal agreements between states, District of Columbia, territories and countries relative thereto; authorizing interstate carriers to operate with plates not assigned to specific vehicles upon payment of certain increased regulatory fees; amending chapter 81.80, RCW; and repealing section 81.80.390, RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 81.80, RCW, New section. a new section to read as follows:

The commission, in respect to common carriers engaged in interstate commerce, may enter into reciprocal agreements with other states, the District of Columbia, territories and countries which are authorized to make like agreements, to apportion the regulatory fees of common carriers between Washington and the other states, District of Columbia, territories or countries into which such carriers operate. Reciprocal agreements authorized.

Purpose.

The percentage of miles each such carrier operates in Washington as they bear to the total miles each such carrier operates in the other states, District of Columbia, territories and countries involved shall be used by the commission to determine what percentage of each of the carrier's total vehicles shall be attributable to operating in Washington as the basis for computing the total regulatory fees to be paid by each such carrier to the commission. How fees determined.

The commission may require each such carrier to submit under oath such information, records and data as it deems necessary for carrying out the provisions of this section. The commission's determination of the number of vehicles of each carrier to be used as Investigation. Commission's determination final.

the basis for computing the regulatory fees payable by each carrier shall be final.

Disposition of funds.

All moneys collected pursuant to this section shall be deposited in the state treasury to the credit of the public service revolving fund.

Repealing clause.

SEC. 2. Section 81.80.390, RCW, as derived from section 34, chapter 184, Laws of 1935, is repealed.

New section.

SEC. 3. There is added to chapter 81.80, RCW, a new section to read as follows:

Carriers engaged in operating vehicles in a single line unitary operation, and not through interchange with connecting carriers, between points in this state and points outside the state in interstate commerce may operate such vehicles in such transportation with attached identification plates which are not assigned to specific vehicles. The commission may issue such identification plates upon application therefor and the payment by the applicant for each pair of plates of a total fee of three dollars plus two times the applicable gross weight fee prescribed by RCW 81.80-.320. The commission may require such reports of carriers, adopt such rules and regulations, and impose such conditions as the public interest may require with respect to the operation of such vehicles. The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for such plates.

Identification plates.

Fees.

Administration.

Emergency.

SEC. 4. The provisions of this act are necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 130.

[S. B. 212.]

INTERSTATE COMPACT COMMISSION.

AN ACT relating to the interstate compact commission; and amending sections 1 and 2, chapter 113, Laws of 1951 (uncodified).

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

SECTION 1. Section 1, chapter 113, Laws of 1951 (uncodified), is amended to read as follows: Amendment.

There is created the interstate compact commission to consist of five members, no more than three of which shall have the same political party affiliation, to be appointed as follows: One member, appointed by the governor, who shall be the chairman and who shall serve at the pleasure of the governor, and four members of the state legislature, two of whom shall be members of the house of representatives and shall be appointed by the speaker of the house, and two of whom shall be members of the senate and shall be appointed by the president of the senate. The commission shall represent the state on a joint commission to be composed of commissioners representing the states of Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming and one or more commissioners representing the United States, should they be appointed to said joint commission by the president of the United States, which joint commission shall be organized for the purpose of considering, negotiating and entering into an agreement or compact between not less than five of said states, with the consent of the congress of the United States respecting the division, apportionment and use of the waters of the Columbia river and of its tributaries and the determination of rights in connection therewith and incidental thereto.

Interstate compact commission created.

Membership.

Purpose.

Joint commission.

Purpose.

SEC. 2. Section 2, chapter 113, Laws of 1951 (uncodified), is amended to read as follows: Amendment.

Powers and
duties of
interstate
compact
commission.

Terms of
office.

Vacancies.

Compensa-
tion of
members.

Exception.

How paid.

The commission representing the state on said joint commission shall have full authority to consider and carry on negotiations for such agreement or compact, to attend meetings of the joint commission convening in or out of the state, to employ clerical, legal and engineering assistance and generally to perform such duties as shall be required of the members thereof in carrying out the purpose and intent of this act; the term of office of said commissioners shall be from the effective date of this act until an agreement or compact binding on the state of Washington under the provisions of section 3 hereof has been entered into. Any vacancies occurring in the membership of said commission shall be filled by the appointive power shown in section 1. Members of the commission representing the state who are not in the regular employ of the state shall receive a per diem of fifteen dollars for the time actually spent on the work of the commission, and reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode. Members of the commission who are in the regular employ of the state shall receive no per diem, but shall receive reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode, in lieu of other provisions made by law for reimbursement of their expenses as such state employees. Payment of all expenses incurred by the interstate compact commission, including the per diem and expenses of its members, shall be made on vouchers approved by its chairman.

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 131.

[S. B. 199.]

ACQUISITION OF LAND OUTSIDE OF HIGHWAY
RIGHT-OF-WAY.

AN ACT permitting the state highway commission to acquire land outside the highway right-of-way to minimize severance damage.

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

SECTION 1. Whenever a part of a parcel of land is to be acquired for state highway purposes and the remainder lying outside of the right-of-way is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, and its value does not exceed the probable amount of such severance claims or damages, the state highway commission may acquire by gift, purchase or condemnation the whole parcel and may sell that portion lying outside of the highway right-of-way or may exchange the same for other property needed for highway purposes: *Provided, however,* That the provisions of this section shall not apply if the taking of that portion of the land lying outside of the highway right-of-way would deprive any adjacent owner of an existing right of ingress and egress to his property.

Acquisition
of land out-
side highway
right-of-way.

Limitation.

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 132.

[S. B. 197.]

TOLL BRIDGES—COLUMBIA RIVER—VANCOUVER-
PORTLAND.

AN ACT providing for toll bridges across the Columbia river between Vancouver, Washington and Portland, Oregon.

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

Vancouver-
Portland
toll bridge.

Authority
to erect.

SECTION 1. The Washington toll bridge authority is hereby authorized in conjunction with the Oregon state highway commission to erect an additional bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river adjacent to the existing interstate bridge between Vancouver, Washington and Portland, Oregon. Such additional bridge shall be an integral part of U. S. Highway No. 99, and to the Oregon boundary shall be a part of Primary State Highway No. 1.

Operation.

SEC. 2. The Washington toll bridge authority is authorized to join with the Oregon state highway commission in operating the new bridge provided for herein, together with the existing interstate bridge, as toll bridges and shall impose and collect tolls from users of both bridges for the purpose of creating revenue sufficient to pay the cost and incidental expenses of construction of the new bridge including approaches thereto in both states, payment of interest on bonds, financing costs, and the cost of maintaining and operating both of said bridges while said bridges are operated as toll bridges.

Agreements
with
Oregon state
highway
commission.

SEC. 3. The Washington toll bridge authority and the Washington state highway commission are hereby authorized to enter into such agreements with the Oregon state highway commission as they shall find necessary or convenient to carry out the purposes of this act.

SEC. 4. Both the existing interstate bridge and the new bridge herein provided for shall be operated as toll free bridges whenever all bonds and interest thereon issued for the construction of the said new bridge shall have been paid.

Existing and proposed bridges to be toll free; when.

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 133.

[S. B. 126.]

PUBLIC PROPERTY—SALE, LEASE, EXCHANGE WITH GOVERNMENTAL AGENCY.

AN ACT relating to the sale, transfer, exchange or lease of publicly-owned property.

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

SECTION 1. Notwithstanding any provision of law to the contrary, the state or any municipality or any political subdivision thereof, may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to the state or any municipality or any political subdivision thereof on such terms and conditions as may be mutually agreed upon by the proper authorities of the state and/or the subdivisions concerned: *Provided*, That such property is determined by decree of the superior court in the county where such property is located, after publication of notice of hearing is given as fixed and directed by such court, to be either necessary, or surplus or excess to the future foreseeable needs of the state or of such municipality or any political sub-

Sale, etc., of property between state and political subdivisions authorized.

Limitation.

division thereof concerned, which requests authority to transfer such property.

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 134.

[S. B. 52.]

CITIES—LOCAL IMPROVEMENTS—FORECLOSURE SALES.

AN ACT relating to local improvements by cities and towns; and amending section 35.50.120, RCW, with respect to the date of sale of properties under foreclosure proceedings.

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

Amendment. SECTION 1. Section 35.50.120, RCW, as derived from section 1, chapter 9, Laws of 1933, is amended to read as follows:

Sales. All sales shall be held by the city or town treasurer at the front door of the city or town hall or the building in which the treasurer's office is located.
Place. All sales shall be made on Saturday between the hours of nine o'clock in the morning and four o'clock in the afternoon, unless the treasurer's office of the city or town is closed on that day in accordance with law, in which event the sale shall be held on the next preceding business day, and shall continue from day to day, Saturdays, Sundays and holidays excepted, during the same hours until all lots, tracts, or parcels of land or other property are sold.

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 135.

[S. B. 51.]

EDUCATION—SPECIAL SERVICES FOR HANDICAPPED CHILDREN.

AN ACT relating to education; providing special services for handicapped children; and amending section 28.13.030, RCW.

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

SECTION 1. Section 28.13.030, RCW, as derived from section 4, chapter 120, Laws of 1943, is amended to read as follows: Amendment.

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 authorized to give special services to handicapped children.

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. Equipment.

School districts may severally or jointly employ special teachers for special aid, with the approval of the supervisor, and may pay their salaries and compensation out of their general fund budgets. Teachers.

School districts may severally or jointly establish and operate residential schools for aid and special attention to handicapped children, with the approval of the supervisor, and may pay for the operation of such residential schools out of their general fund budgets. Residential schools.

School districts may make agreements with other school districts for aid and special attention to handicapped children of their districts in the schools and special services of such other districts, with the approval of the supervisor, and may pay for the same out of their general fund budgets, and such payments may include the cost of board and room for such handicapped children while housed in such other Agreements between districts.

Reimburse-
ment of
expenditures.

districts. Such expenditures may be partially or wholly reimbursed from funds appropriated for that purpose under rules and regulations established by the superintendent of public instruction.

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 136.

[S. B. 264.]

INHERITANCE TAX—ESTATES FOR LIFE—VESTED
REMAINDER.

AN ACT relating to inheritance tax and to the duties of the insurance commissioner; and amending section 83.16.020, RCW.

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

Amendment.

SECTION 1. Section 83.16.020, RCW, as derived from section 6, chapter 202, Laws of 1939, is amended to read as follows:

Annuities,
life estates,
and estates
for years
with vested
remainders.

When the estate of a deceased person is subject to an inheritance tax, and there is an annuity, life estate, or an estate for a term of years given to one or more persons and the remainder to another or others, the entire estate shall be appraised as other estates are required to be appraised by the laws of this state.

Valuation.

The value of the annuity, life or term estate shall be determined in accordance with the rules, methods, and standards of mortality and value that are set forth in tables to be furnished by the insurance commissioner of this state upon request of the tax commission based upon such mortality tables as is from time to time required by law for use by life insurance companies in this state in determining nonforfeiture values under ordinary life insurance policies, except that the rate of interest used in computing the pres-

ent value of the annuity, life or term estate shall be three and one-half percent per annum, and the value of the remainder interest shall be determined by deducting such computed value from the value of the entire property. After the values shall have been determined as provided in this section, the tax shall be computed and collected in the same manner that the tax on other estates is computed and collected: *Provided*, That any person owning the beneficial interest in the remainder may defer the payment of the tax thereon until he comes into possession of the same by filing in the office of the county clerk within thirty days after the determination of the tax, a good and sufficient surety company bond to the state, or such other security as is deemed by the tax commission to be adequate, in a sum equal to the amount of the tax conditioned that he will pay such tax in full within sixty days after coming into possession of the estate. The bond shall not operate to defer payment of the tax unless it is approved by the tax commission, and if it shall appear to the commission at any time that a bond previously filed and approved has become insufficient it may require a new bond to be filed. If the person owning the beneficial interest in the remainder shall fail to file a bond within the time herein provided, or if he shall fail to file a new bond when directed by the commission, the tax shall immediately become due and payable.

Interest rates.

Vested remainder; deferred payment.

Bond or security required.

Passed the Senate February 28, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 137.

[S. B. 263.]

INHERITANCE TAX—EXEMPTIONS.

AN ACT relating to inheritance tax and to exemptions therefrom; and amending section 83.16.070, RCW.

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

Amendment. SECTION 1. Section 83.16.070, RCW, as derived from section 2, chapter 202, Laws of 1939, is amended to read as follows:

Definitions. As used in this section:

"Property." "Property" includes property which can be identified as having been acquired in exchange for or with the proceeds of property previously taxed.

"Property previously taxed." "Property previously taxed" means property transferred by a present decedent to any person who is a class A transferee, as defined by the inheritance tax laws of this state, with respect to the present decedent, where the property had previously been transferred to the present decedent by a prior decedent whose death occurred not more than five years prior to that of the present decedent, and in relation to whom the present decedent was a class A transferee, and where an inheritance tax was paid to this state on such transfer.

Exemption allowed. There shall be allowed as an exemption in the estate of the present decedent an amount equal to that portion of the property previously taxed which is exclusive of the proportion of deductions chargeable against and any exemption allowed against the property previously taxed in the estate of the prior decedent and the proportion of deductions chargeable against the property previously taxed in the present decedent's estate, which shall be determined under rules prescribed by the tax commission. For the purpose of computing such exemption, the value of each item of the property previously taxed shall

be the gross value thereof as of the date of death of the prior decedent or as of the date of death of the present decedent, whichever is lower.

Passed the Senate February 25, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 138.

[S. B. 262.]

INHERITANCE TAX—CLASS A RATES—EXEMPTIONS.

AN ACT relating to inheritance tax and to exemptions therefrom; and amending sections 83.08.010 and 83.08.020, RCW.

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

SECTION 1. Section 83.08.010, RCW, as derived from section 1, chapter 277, Laws of 1943, is amended to read as follows: Amendment.

An inheritance tax shall be imposed on all estates subject to this title at the rates set forth in this chapter. Scope of tax.

SEC. 2. Section 83.08.020, RCW, as derived from section 1, chapter 277, Laws of 1943, is amended to read as follows: Amendment.

Any devise, bequest, legacy, gift or beneficial interest to any property or income therefrom which shall pass to any lineal ancestor, lineal descendant, husband, wife, stepchild or lineal descendant of a stepchild, adopted child or lineal descendant of an adopted child, adopted child of the lineal descendant, son-in-law, or daughter-in-law of the decedent is denominated class A. On any amount passing to class A up to and including twenty-five thousand dollars, one percent; on any amount in excess of Class A.
Defined.
Rate of tax.

twenty-five thousand dollars up to and including fifty thousand dollars, two percent; on any amount in excess of fifty thousand dollars up to and including seventy-five thousand dollars, three percent; on any amount in excess of seventy-five thousand dollars up to and including one hundred thousand dollars, four percent; on any amount in excess of one hundred thousand dollars up to and including two hundred thousand dollars, seven percent; on any amount in excess of two hundred thousand dollars up to and including five hundred thousand dollars, nine percent; on any amount in excess of five hundred thousand dollars, ten percent: *Provided*, That except as otherwise provided by statute there shall be allowed as an exemption to class A the following amounts: (A-1) Five thousand dollars of any amount passing to class A, and in addition thereto (A-2) five thousand dollars for the surviving spouse and five thousand dollars for each living child born prior to the death of the decedent, stepchild, or adopted child; and in addition thereto (A-3) five thousand dollars 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 five thousand dollars. 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, which exemptions shall include all allowances in lieu of homestead and all family allowances in excess of one thousand dollars.

Exemptions.

Computation. In computing the 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.

Passed the Senate February 25, 1953.

Passed the House March 8, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 139.

[S. B. 261.]

GIFT TAXES—IMPOSED—EXEMPTIONS.

AN ACT relating to gift tax and exemptions therefrom; and amending section 83.56.040, RCW.

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

SECTION 1. Section 83.56.040, RCW, as derived from section 1, chapter 206, Laws of 1945, is amended to read as follows: Amendment.

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 chapter at the following rates: Scope of tax.

Class A. Any gift made to or for the use or benefit of a lineal ancestor, lineal descendant, husband, wife, stepchild or lineal descendant of a stepchild, adopted child or lineal descendant of an adopted child, adopted child of the lineal descendant of the donor, son-in-law, or daughter-in-law, is hereby designated as class A. Class A.
Defined. On any amount passing to class A, the tax shall be ninety percent of the amount of a tax computed at the following rates: Rates. On any amount up to and including twenty-five thousand dollars, one percent; on any amount in excess of twenty-five thousand dollars up to and including fifty thousand dollars, two percent; on any amount in excess of fifty thousand dollars up to and including seventy-five thousand dollars, three percent; on any amount in excess of seventy-five thousand dollars

up to and including one hundred thousand dollars, four percent; on any amount in excess of one hundred thousand dollars up to and including two hundred thousand dollars, seven percent; on any amount in excess of two hundred thousand dollars up to and including five hundred thousand dollars, nine percent; on any amount in excess of five hundred thousand dollars, ten percent: *Provided*, That there shall be exempt ten thousand dollars of any amount passing to class A, which exemption shall be taken from the first twenty-five thousand dollars.

Exemption.

Class B;
defined.

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 percent of the amount of a tax computed at the following rates: On any amount up to and including five thousand dollars, three percent; on any amount in excess of five thousand dollars up to and including ten thousand dollars, four percent; on any amount in excess of ten thousand dollars up to and including thirty thousand dollars, seven percent; on any amount in excess of thirty thousand dollars up to and including fifty thousand dollars, ten percent; on any amount in excess of fifty thousand dollars up to and including one hundred thousand dollars, fifteen percent; on any amount in excess of one hundred thousand dollars, twenty percent: *Provided*, That there shall be exempt one thousand dollars of any amount passing to class B, which exemption shall be taken from the first five thousand dollars.

Rates.

Exemption.

Class C;
defined.

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 percent of the amount of tax computed at the following rates: On any amount up to and including ten thousand dollars, ten percent; on any amount in excess of ten thousand

Rates.

dollars up to and including twenty-five thousand dollars, fifteen percent; on any amount in excess of twenty-five thousand dollars up to and including fifty thousand dollars, twenty percent; on any amount in excess of fifty thousand dollars, twenty-five percent.

Any gift of any property or income therefrom Trusts. passing in trust shall be classified and taxed in accordance with the 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 by the taxpayer on gifts subject to this chapter. Deductions.

Passed the Senate February 28, 1953.

Passed the House March 8, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 140.

[S. B. 211.]

LOG PATROLS.

AN ACT relating to revenue; providing for the collection of the state share of the proceeds of the sale of stray logs; prescribing the duties of state agencies in enforcing and collecting such revenue; creating a revolving fund; providing for the investigation of violations of this act; providing power and methods of denying, revoking or suspending licenses; defining crimes; making an appropriation; amending certain sections of chapter 76.40, RCW; and adding nine new sections thereto.

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

SECTION 1. There is added to chapter 76.40, RCW, New section. as derived from chapter 116, Laws of 1947, a new section to read as follows:

The tax commission shall create, maintain and administer outside the state treasury a permanent "Log patrol revolving fund" created.

revolving fund, to be known as the "log patrol revolving fund," in which shall be deposited all moneys received by it under this act. Such revolving fund shall be used to pay the salaries, wages and other operating expenses arising under the administration of this act, and whenever there are moneys in excess of ten thousand dollars in the revolving fund, such excess moneys shall, at the end of each bimonthly period commencing July 1, 1953, be remitted by the tax commission to the state treasurer, and shall be deposited to the credit of the permanent school fund.

Use.

Excess moneys.

Vouchers.

Before any payroll or expense voucher is charged against the revolving fund, it shall be signed by the supervisor of forestry and approved by the tax commission. All moneys shall be paid from the revolving fund by check or voucher.

New section.

SEC. 2. There is added to chapter 76.40, RCW, as derived from chapter 116, Laws of 1947, a new section to read as follows:

Division of forestry to enforce.

Use of tax commission employees authorized.

It shall be the duty of the division of forestry to enforce the provisions of this act: *Provided*, That the tax commission shall designate certain employees from its department who shall be available to the supervisor of forestry to audit the account of any log patrol or boom company, and to collect and keep an account of all moneys received from sales of unbranded stray logs and logs with unregistered brands marked thereon.

New section.

SEC. 3. There is added to chapter 76.40, RCW, as derived from chapter 116, Laws of 1947, a new section to read as follows:

Investigating powers of the supervisor of forestry.

The supervisor of forestry may investigate upon his own initiative the records of any licensee under this act or boom company or any person applying for a license, or any activities of the log patrol, or the making of false statements in any application for a license, and, for such purpose, may examine at

the place of business of the licensee or boom company that portion of the ledgers, books of account, or other records relating to log patrol activities. The supervisor may also make such investigation as he considers appropriate at the place of business of any person who handles logs that are within the terms of this act, except the owner or his agent, but such investigation shall be limited to such ledgers, books of account or other records as relate to stray logs and the activities of licensees under this act. For the purpose of hearing, and for the purpose of ascertaining any facts concerning log patrol activities, the supervisor of forestry shall have the powers of a superior court to issue subpoenas compelling the attendance of witnesses, and the production of ledgers, books of account or other records before it, and to administer oaths and take evidence of such witnesses under oath concerning log patrol activities or violations of this act. The supervisor of forestry shall issue subpoenas to such witnesses as the licensee may require to present such facts as are considered relevant.

Issue
subpoenas.

Administer
oaths and
take
evidence of
witnesses.

SEC. 4. There is added to chapter 76.40, RCW, as derived from chapter 116, Laws of 1947, a new section to read as follows:

New section.

In the event the supervisor of forestry has reason to suspect that any licensee or applicant is violating or has violated the provisions of this act, he shall attempt to secure a satisfactory explanation and failing to secure an explanation, he shall cause a notice to be mailed to such licensee or applicant by registered mail to the place of business listed in the license, setting forth the provisions of this act which the licensee or applicant is charged with violating, and setting a date in the notice upon which a hearing will be had to determine whether or not the licensee or applicant is violating or has violated such

Violations.

Explanation
afforded.

Notice
of hearing.

provisions or has made any false statements in the application for a license.

New section.

SEC. 5. There is added to chapter 76.40, RCW, as derived from chapter 116, Laws of 1947, a new section to read as follows:

Violations;
written
demand by
log owner.

If any licensee takes possession of or sells or delivers or fails to deliver any logs, in contravention of the provisions of this act, the owner of the logs or his agent or the transportation agency which lost any of the logs may make written demand upon the licensee by registered mail to the place of business listed in the license to deliver the stray logs, as provided in this act, to the owner or his agent or to a boom company, or, if the logs are not stray logs or were taken into possession in contravention of this act, to deliver the logs to the owner or his agent or the transportation agency. Upon failure to comply with the demand within forty-eight hours, the owner or his agent or the transportation agency may file with the supervisor of forestry a copy of the demand, together with an affidavit setting forth the particulars in which affiant believes that this act has been violated, the approximate number of logs involved, the value of the logs, and, if the affiant believes the logs are in the possession of the licensee, the body of water or the county in which affiant believes the logs are located. The supervisor of forestry may thereupon make demand upon the licensee to deliver the logs as provided in this act or give a satisfactory explanation or make a settlement with the owner, his agent or the transportation agency. If the licensee fails to comply with the demand within seven days the supervisor of forestry shall notify the licensee that a hearing will be held at a specified time and place to determine whether the director of licenses should be requested to revoke or suspend the license of the licensee.

Same; failure
to comply.

Demand by
supervisor
of forestry.

Same; failure
to comply;
hearing
afforded.

New section.

SEC. 6. There is added to chapter 76.40, RCW, as

derived from chapter 116, Laws of 1947, a new section to read as follows:

The supervisor of forestry may upon giving notice to the licensee or the applicant, hold hearings to determine whether a license should be revoked or suspended or the application for a license denied and to find whether any person has been injured by reason of any violation of this act by the licensee or applicant. If the supervisor of forestry at such hearing finds that the licensee or applicant has been guilty of any violation of the provisions of this act or has made false statements on the application for a license, he shall issue an order requesting the director of licenses to revoke or suspend or deny the application therefor and shall forward the order to the director of licenses.

Supervisor of forestry authorized to hold hearings.

Order requesting revocation or suspension of licenses or denial of application.

SEC. 7. There is added to chapter 76.40, RCW, as derived from chapter 116, Laws of 1947, a new section to read as follows:

New section.

The supervisor of forestry, in the order requesting the director of licenses to revoke or suspend a license or deny the application for a license, may provide in the order that before the licensee's license will be reinstated or a new one issued to him, he shall make reparation in such an amount as the supervisor of forestry believes reasonable, just and equitable, to any person found at the hearing to have been injured as a result of the licensee's violation of the provisions of this act.

Order may provide for reparation before reinstatement or issuance of license.

SEC. 8. There is added to chapter 76.40, RCW, as derived from chapter 116, Laws of 1947, a new section to read as follows:

New section.

The director of licenses, upon receipt of the order of the supervisor of forestry requesting that the license be revoked, suspended, or the application for a license denied, shall forthwith order the license revoked, or suspended or the application denied as requested in the order of the supervisor of forestry.

Director of licenses must comply with requested order.

The director of licenses shall not thereafter issue or reinstate a license to or for said licensee or applicant unless the supervisor of forestry has given written notice that the orders have been complied with.

Amendment.

SEC. 9. Section 76.40.020, RCW, as derived from section 1, chapter 116, Laws of 1947, is amended to read as follows:

Compliance with chapter required.

From and after the effective date of this act, it shall be unlawful for any person, firm, association or corporation to directly or indirectly engage in the activities of a log patrol on or adjacent to the waters of this state, except as hereinafter provided.

Amendment.

SEC. 10. Section 76.40.030, RCW, as derived from section 3, chapter 116, Laws of 1947, is amended to read as follows:

Log patrol license.

Before any person may engage in log patrol activities he must have an existing license from the state therefor. Before any license is issued the applicant must apply to the director of licenses in the form to be prescribed by said director. The application must contain the name and address of the applicant or applicants, the name, type, and size of floating equipment to be used, and the mailing address of the principal place of business at which address process may be served upon the applicant. Before any license may be issued the applicant must execute and file with said director, to be approved by him, a surety bond running to the state in the penal sum of five thousand dollars, conditioned that the applicant will comply with all the requirements of the laws of the state governing such activities, and will account for all stray logs taken into possession, which bond shall not be diminished by any recovery but shall at all times remain and be in force and effect in the full amount for any person claiming damages against the licensee. Each application shall be accompanied by a remittance of one hundred dollars for each boat to be used or operated in such activities

Application.

Bond required.

Fee.

by the licensee or his agent. All licenses shall expire on June 30th following the date of issuance. The director shall issue each applicant a license and shall assign to each a number that will identify the boats and other floating equipment to be used by the applicant.

Expiration date.

SEC. 11. Section 76.40.050, RCW, as derived from section 5, chapter 116, Laws of 1947, is amended to read as follows:

Amendment.

(1) All stray logs shall, whenever practicable, be returned to the owner or his agent; otherwise they shall be delivered to a duly platted boom company approved by the supervisor of forestry, within reasonable proximity to the place where said stray logs were picked up and which is regularly engaged in the commercial booming business and adequately equipped for sorting, rafting and handling of logs loose or in rafts, which maintains such records as are designated by the supervisor of forestry for boom companies which handle stray logs, and the log patrol shall be entitled to a reasonable compensation, not to exceed the maximum herein provided, for the recovery and return of such logs, and shall have all the rights incident to a logger's lien therefor: *Provided*, That no log patrol shall take into possession any stray logs during the time that the owner, his agent, or the transportation agency which lost said stray logs, are attempting, or are awaiting favorable weather conditions, to attempt to recover said stray logs.

Duties of log patrol on recovery of stray logs.

Compensation.

Lien rights.

Owner's right to recover logs.

(2) A boom company, upon receipt of such stray logs, shall give adequate receipt therefor and promptly thereafter shall cause them to be scaled by a log scaling bureau or by an individual log scaler approved by the supervisor of forestry, whose regular and established business is that of scaling logs. A copy of each scale certificate shall immediately be forwarded to the tax commission and to the

Duties of boom company on receipt of stray logs.

Scaling.

Certificate.

log patrol which delivered said logs to the boom company. Thereafter, at least seven days subsequent to the mailing of a detailed sales notice to all prospective purchasers requesting such notices the boom company with reasonable promptness shall sell such stray logs in the open market to the person making the highest offer and from the proceeds pay the log patrol for services performed, a sum which shall not exceed sixty percent of the current selling price of logs of the same grade and type, or fifteen dollars per thousand feet board measure for merchantable logs of number three grade or better, whichever sum is greater, unless written authority for the payment of a higher rate is given in advance by the owner of said stray logs or his agent or unless a higher rate is approved by the supervisor of forestry in exceptional cases and on adequate proof of the necessity therefor:

Provided, however, That logs which are deadheads or culls and therefore not acceptable as merchantable logs of number three grade or better shall not be subject to the provision of this subsection: *Provided further,* That in the event any raft or small parcel of logs shall contain ten percent by scaled volume or less of stray logs, the said raft or parcel may be sold by the boom company without the required mailing of scale notice. From such proceeds, the boom company shall deduct the usual and customary handling charges, and at such regular intervals as may be required by the supervisor of forestry commencing after July 1, 1953, and not less frequently than every six months, pay to the owner the balance:

Provided, That the net proceeds from unbranded stray logs, and branded stray logs the owner of which cannot be determined by existing records, shall be forwarded to the tax commission.

SEC. 12. Section 76.40.110, RCW, as derived from section 12, chapter 116, Laws of 1947, is amended to read as follows:

It shall be unlawful to purchase, or otherwise acquire merchantable stray logs of number three grade or better, other than from the owner, or from a boom company as provided in this chapter, or to process or manufacture into wooden products logs acquired in contravention of the provisions of this section or to possess such logs for such purpose.

Unlawful to acquire, process, or possess stray logs; when.

SEC. 13. There is added to chapter 76.40, RCW, as derived from chapter 116, Laws of 1947, a new section to read as follows:

New section.

There is hereby appropriated from the general fund to the tax commission the sum of ten thousand dollars, or so much thereof as may be necessary, to be used under the supervision of the supervisor of forestry, for the payment of salaries, wages and operating expenses incurred in the administration of this act: *Provided*, That whenever sufficient moneys are deposited in the log patrol revolving fund to pay current expenses arising under the administration of this act, such expenses shall thereafter be paid from said revolving fund: *Provided further*, That before any moneys are remitted to the state treasurer under the provisions of section 1 of this act, ten thousand dollars shall be returned to the state general fund.

Appropriation.

Passed the Senate February 28, 1953.

Passed the House March 8, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 141.

[S. B. 146.]

INTOXICATING LIQUOR—BOTTLE CLUBS.

AN ACT relating to intoxicating liquor; regulating the use thereof in clubs; prescribing penalties; and adding a new section to chapter 66.24, RCW.

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

New section.

SECTION 1. There is added to chapter 66.24, RCW, a new section to read as follows:

Possession or drinking of liquor prohibited without license or permit.

No club, or agent, servant or employee thereof, shall keep or allow to be kept, either by itself, its agent, servant or employee, or any other person, any liquor in any clubroom or place maintained or conducted by such club, nor shall it permit the drinking of any liquor in any such clubroom or place, unless the sale of liquor in said clubroom or place is authorized by virtue of a valid and subsisting license issued by the Washington state liquor control board, or the consumption of liquor in said clubroom or place is authorized by a special banquet permit issued by said board. Every person who violates any provision of this section shall be guilty of a gross misdemeanor.

Penalty.

Passed the Senate February 17, 1953.

Passed the House March 8, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 142.

[S. B. 7.]

SUBVERSIVE PERSONS.

AN ACT relating to subversive persons; amending section 9.81-.010, RCW; and declaring an emergency.

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

SECTION 1. Section 9.81.010, RCW, is amended to Amendment.
read as follows:

(1) "Organization" means an organization, corporation, company, partnership, association, trust, foundation, fund, club, society, committee, political party, or any group of persons, whether or not incorporated, permanently or temporarily associated together for joint action or advancement of views on any subject or subjects. "Organization."

(2) "Subversive organization" means any organization which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet, advise, or teach activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of Washington, or of any political subdivision of either of them, by revolution, force or violence. "Subversive organization."

(3) "Foreign subversive organization" means any organization directed, dominated or controlled directly or indirectly by a foreign government which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or to advocate, abet, advise, or teach, activities intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of the constitutional form of the government of the United States, or of the state of Washington, or of any political subdivision of either of them, and to establish in place thereof any "Foreign subversive organization."

form of government the direction and control of which is to be vested in, or exercised by or under, the domination or control of any foreign government, organization, or individual.

"Foreign government."

(4) "Foreign government" means the government of any country or nation other than the government of the United States of America or of one of the states thereof.

"Subversive person."

(5) "Subversive person" means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of Washington, or any political subdivision of either of them by revolution, force, or violence; or who with knowledge that the organization is an organization as described in paragraphs two and three hereof, becomes or remains a member of a subversive organization or a foreign subversive organization.

Emergency.

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

Passed the Senate January 23, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 143.

[S. B. 77.]

INDUSTRIAL INSURANCE—CLOSING CLAIMS.

AN ACT relating to the industrial insurance law; making conclusive the closing of claims by workmen or beneficiaries; and providing for the wife's consent in certain cases.

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

SECTION 1. In pension cases when a workman or beneficiary closes his claim by full conversion to a lump sum or in any other manner as provided in RCW 51.32.130 and 51.32.150, such action shall be conclusive and effective to bar any subsequent application or claim relative thereto by the workman or any beneficiary which would otherwise exist had such person not elected to close the claim: *Provided*, The director may require the wife of such workman to consent in writing as a prerequisite to conversion and/or the closing of such claim.

Lump sum
payment.

Bar.

Wife's
consent.

Passed the Senate March 7, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 144.

[S. B. 97.]

SALARIES OF SUPREME AND SUPERIOR COURT JUDGES.

AN ACT relating to the salaries of the judges of the supreme court and of the superior courts; and amending sections 2.04.090 and 2.08.090, RCW.

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

Amendment. SECTION 1. Section 2.04.090, RCW, as derived from section 1, chapter 57, Laws of 1907, as amended, is amended to read as follows:

Supreme court judges; salaries. Each judge of the supreme court shall receive an annual salary of fifteen thousand dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state auditor an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Amendment. SEC. 2. Section 2.08.090, RCW, as derived from section 1, chapter 57, Laws of 1907, as amended, is amended to read as follows:

Superior court judges; salaries. Each judge of the superior court shall receive an annual salary of twelve thousand dollars.

Present salaries not affected. SEC. 3. Nothing contained in this act shall affect the salary of any judge now in office during the term for which he was elected.

Passed the Senate March 4, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 145.

[S. B. 166.]

CIVIL DEFENSE—LIABILITY—OATH.

AN ACT relating to civil defense; providing for the assumption by the state of liability for certain damages in connection therewith; amending sections 11 and 15, chapter 178, Laws of 1951; and declaring an emergency.

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

SECTION 1. Section 11, chapter 178, Laws of 1951 (uncodified), is amended to read as follows: Amendment.

(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for civil defense as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for an act of wilful negligence by such owner or occupant or his servants, agents, or employees. Owners of buildings or premises designated as shelters; immunity from suit.

(2) All legal liability for damage to property or injury or death to persons (except a civil defense worker, regularly enrolled and acting as such), caused by acts done, or attempted, under the color of this act in a bona fide attempt to comply therewith shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of such liability, or for the Exception.

State assumes legal liability.

Consent to be sued.

indemnification of persons appointed and regularly enrolled as civil defense workers while actually engaged in civil defense duties, or as members of any agency of the state or political subdivision thereof engaged in civil defense activity, or their dependents, for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this act: *Provided*, That the foregoing shall not be construed to result in indemnification in any case of wilful misconduct, gross negligence or bad faith on the part of any agent of civil defense: *Provided*, That should the United States or any agency thereof, in accordance with any federal statute, rule or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state of Washington for any such damage, death, or injury for which the United States government assumes liability.

Exceptions.

Professional,
etc., licenses
not required.

(3) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized civil defense worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during a civil defense emergency.

Pension, etc.,
rights
preserved.

(4) The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this act, or under the workmen's compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

Amendment.

SEC. 2. Section 15, chapter 178, Laws of 1951 (uncodified), is amended to read as follows:

(1) No person shall be employed or associated in any capacity in any civil defense organization established under this act who advocates or has

advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

Prohibiting employment of subversives.

Oath.

“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Washington, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

“And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the (name of civil defense organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence.”

(2) The director of civil defense or any civil defense official designated by him is authorized to administer the loyalty oath as required by this act.

Authority to administer.

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

Emergency.

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

Passed the Senate February 23, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 146.

[S. B. 168.]

AGRICULTURAL COMMODITIES—TRANSPORT AND SALE—WEIGHMASTERS.

AN ACT relating to agriculture; providing for the weighing of commodities transported and sold; providing for the licensing and regulation of weighmasters; and providing penalties.

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

"Director."

SECTION 1. The term "director" as used in this act means the director of agriculture or his authorized representative.

"Retail merchant."

SEC. 2. "Retail merchant" as used in this act means and includes any person operating from a bona fide fixed or permanent location at which place all of the retail business of said merchant is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities which have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

"Bona fide fixed or permanent location."

SEC. 3. "Bona fide fixed or permanent location" as used in this act shall mean any permanent warehouse, building, or structure, at which a permanent business is carried on as such throughout the year in good faith, and at which stocks of the property being transported are produced, stored, or kept in quantities reasonably adequate for, and usually carried for the requirements of such business, and shall

not mean residences or premises or buildings appurtenant thereto, tents, temporary stands or other temporary quarters, nor permanent quarters, occupied pursuant to any temporary arrangement.

SEC. 4. This act shall not apply to the following:

Act does not apply; when.

(1) The transportation or sale of produce by the producer thereof;

(2) An agriculturist hauling hay, straw or grain for use in his own growing, or animal or poultry husbandry endeavors;

(3) Warehousemen or grain dealers licensed under the grain warehouse laws with respect to their operations as such licensee;

(4) Retail merchants as defined herein, except for the provisions of sections 14, 16, 22 and 26 which apply to retail merchants;

(5) Shipments of grain from a warehouse licensed under the grain warehouse laws when consigned directly to a public terminal warehouse.

SEC. 5. It is unlawful to transport by highway any hay, straw or grain which is sold by weight unless it is weighed by, and a weight certificate certifying the correct gross and net weight is issued by, a licensed weighmaster at the first motor truck scale maintained by a licensed weighmaster encountered on the ordinary route to its destination where it is to be unloaded.

Unlawful to transport; when.

SEC. 6. Any person may make application to the director for a weighmaster's license. Application for a weighmaster's license shall be in writing on a form prescribed by the director. Each applicant shall furnish satisfactory evidence of good moral character, ability to weigh accurately and to make correct weight tickets. Upon receipt of the application together with satisfactory evidence of qualifications, on or before July 1, 1953, and annually thereafter, accompanied by a fee of fifteen dollars, the director

Weighmaster's license.

Application.

Fee.

shall issue an annual weighmaster's license. No weighmaster's license shall be issued to any applicant unless he owns or has under lease a motor truck scale of at least fifteen tons capacity, or to any applicant under the age of eighteen years, or to any person whose license issued under this act has been revoked.

Scale.

Age.

Bond required.

Time.

Filed.

Action on bond.

SEC. 7. Each application shall be accompanied by a bond in the penal sum of one thousand dollars executed by the applicant as principal and a surety company authorized to do business in this state as a surety. The bond shall run for a period of one year and shall be conditioned upon the faithful performance by the principal of his duties under the provisions of this act. Upon approval, the bond shall be filed in the office of the director. Any person who may suffer loss or damage from any wrongful acts of the weighmaster in his capacity as such, shall in addition to other legal remedies, have a right of action in his own name on such bond for all damages not exceeding one thousand dollars suffered by such person by reason of such loss or damage; however, the aggregate liability of the surety to all such persons shall, in no event, exceed the sum of such bond.

Posting of license.

SEC. 8. All weighmasters licensed under the provisions of this act shall post the original or certified copy of the weighmaster's license in a conspicuous place on the premises where the weighmaster is engaged in weighing.

Copy of license.

SEC. 9. A certified copy of a weighmaster's license may be procured by the holder of the original upon payment of a fee of one dollar.

Signing weighmaster's name.

SEC. 10. No person shall sign the name of a weighmaster licensed under the provisions of this act except the person to whom the weighmaster's license is issued, or his employee.

SEC. 11. A licensed weighmaster shall:

(1) Keep the scale or scales upon which he weighs any truck, trailer, wagon, commodity, hay, straw, grain or thing, in conformity with the standards of weights and measures authorized and established by the laws of the state relating to weights and measures;

Duties of weighmaster.

Accurate scales.

(2) Carefully and correctly weigh and certify the gross, tare and net weights of any load of any commodity or thing required to be weighed; and

Weigh loads.

(3) Without charge, weigh any truck, trailer, wagon, commodity, hay, straw, grain or thing brought to his scale by any inspector authorized by the director, and issue a certificate of the weights thereof.

Weigh vehicles and commodities and issue certificates.

SEC. 12. Certification of weights shall be made by means of an impression seal, the impress of which shall be placed by the licensed weighmaster upon the weights shown on the weight ticket. The weighmaster shall keep a record of each certificate of weight issued by him, which record shall be open at all times to inspection by any inspector authorized by the director. The impression seal shall be of a form and design prescribed by the director. It shall be procured from the director upon payment of an annual rental equal to the cost of the press and seal. It shall remain the property of the state, and shall be returned to the director upon the termination or revocation of the weighmaster's license.

Certification of weights.

Seal.

Record.

Rental of seal.

Property of state.

SEC. 13. Certificates shall be issued by licensed weighmasters for empty weights of vehicles, trucks or trailers which shall be valid for a period not exceeding ninety days. The empty weight shall be determined when the vehicle, truck or trailer is fully equipped to operate and with fuel tanks not less than one-half full. Vehicles, trucks, or trailers transporting loads, for which certificates of empty weights have been issued, shall carry such certificate

Certificates for empty weights of vehicles.

Posting.

at all times. The empty weight of a vehicle, truck or trailer shall not vary more than three percent from the certified empty weight.

Certificates
for loads of
hay, straw
or grain.

SEC. 14. Certificates of weight issued by licensed weighmasters and invoices for sales by retailers, if the commodity is being hauled by or for a retailer, shall be carried with all loads of hay, straw or grain when in transit.

Certification
tickets; form,
copies.

SEC. 15. Weight certification tickets shall be of a form and design approved by the director. They shall be made in triplicate, one copy of which shall be delivered to the consignee, purchaser or person receiving the load at the time of delivery, one copy shall be retained by the person, driver or owner of the vehicle making the delivery, and one copy shall be retained by the licensed weighmaster to be kept as his record.

Reweighing.

SEC. 16. The driver of any vehicle previously weighed by a licensed weighmaster may be required to reweigh the vehicle and load at the nearest scale. The driver of any vehicle operated by or for a retailer which contains hay, straw, commercial feed or grain may be required to be weighed at the nearest scale, and if the weight is found to be less than the amount appearing on the invoice, a copy of which is required to be carried on the truck, the director shall report the finding to the consignee and may cause the retailer to be prosecuted in accordance with the provisions of this act.

Weight less
on invoice.

Report.

Prosecution.

Falsifying or
influencing
the falsifica-
tion of
weights.

SEC. 17. Any person who shall mark, stamp, or write any false weight ticket, scale ticket, or weight certificate, knowing it to be false, and any person who influences, or attempts to influence any licensed weighmaster in the performance of his official duties shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thou-

Penalty.

sand dollars, or by imprisonment of not less than thirty days nor more than one year in the county jail, or both such fine and imprisonment.

SEC. 18. It is unlawful to use, exhibit, issue or deliver any weight ticket, certificate of weight or measure, or statement of weight or measure of any kind upon which in whole or in part is impressed or stamped by a seal, or otherwise, or printed or written, or set forth in any manner, the words "State of Washington" or the name of any department or division, office or officer or employee of the state unless issued pursuant to the provisions of this act.

Unlawful use, etc., of words "State of Washington."

SEC. 19. Any person not licensed and qualified who assumes to act as a licensed weighmaster, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars or more than two hundred and fifty dollars, or by imprisonment for not less than fifteen days nor more than ninety days in the county jail or by both such fine and imprisonment.

Unqualified person acting as weighmaster.

Penalty.

SEC. 20. It is unlawful to alter, vary or lessen the weight of any load of any commodity after the weight of such load has been certified by a licensed weighmaster before the load has been delivered to the person, consignee, or buyer of a load. The certificate of weight issued by a licensed weighmaster shall be carried with the vehicle until delivery, and shall be delivered to the person, consignee or buyer at the time of delivery: *Provided*, That when two or more deliveries are made from one load for which a certificate of weight has been issued, the driver or person in charge of the load shall issue, at the time of delivery to each vendee an invoice containing the vendor's name and address, date, and a true statement of the quantity and weight delivered and the kind or commodity delivered.

Unlawful to lessen, etc., load after weight certified.

Certificate to be carried and delivered.

Two or more deliveries from one load.

Duties of director.

SEC. 21. The director shall adopt and publish reasonable rules and regulations necessary for the administration of this act, and may, in his discretion, establish reasonable fees for weighing.

Fees.

Prosecutions.

SEC. 22. Prosecutions brought under this act shall be instituted in the county wherein the alleged violation occurred.

Revocation, suspension, or refusal to renew licenses.

SEC. 23. A license issued under the provisions of this act may be revoked, suspended or the renewal thereof refused by the director for dishonesty, incompetency, inaccuracy, for any false statement made in any part of the application for a weighmaster's license, or for violation of any of the provisions of this act. If the director refuses to grant any license provided for herein, or refuses to grant a renewal thereof to any applicant, or revokes any license previously granted by him, he shall give the applicant, or licensee, fifteen days' notice of his intended action in writing by registered mail, giving reasons therefor. Upon the request of the applicant or licensee he shall afford him an opportunity for a hearing as early as practicable within not to exceed twenty days after receipt of such request. Upon such hearing, the director may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the license.

Notice.

Hearing.

Director may administer oaths and issue subpoenas.

Appeal.

SEC. 24. From an order of the director revoking any license issued under this act, the licensee has the right to appeal to the superior court of the county of his residence, in which case the procedure shall as nearly as practicable conform to that upon civil appeals from justice courts.

Notice of change in organization.

SEC. 25. Any change in the organization of any firm, association, exchange, corporation or copartnership licensed under this act shall be reported imme-

diately to the director. Licenses issued under this act shall not be transferable. Licenses not transferable.

SEC. 26. Any retailer whose load of hay, grain, commercial feed or straw weighs less than that shown on the invoice is guilty of a misdemeanor. Any person violating any provisions of this act for which no other penalty is herein prescribed shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars. Each day's violation of this act shall constitute a separate offense. Penalties.

Passed the Senate February 23, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 147.

[S. B. 234.]

SALMON RESOURCES—CONSERVATION—REGULATIONS.

AN ACT relating to the salmon resources of the state of Washington; declaring a public policy; describing conditions detrimental to such resources; prescribing remedies and regulations; forbidding certain practices; imposing penalties; providing for permits; and declaring an emergency.

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

SECTION 1. The state of Washington has a major and substantial interest in the fisheries and fishing industry within its boundaries and a special interest in its salmon resources. Salmon within the waters of the state, including its coastal waters and offshore waters contiguous thereto, constitute a commercial asset and a vital food resource in which the state of Washington has a special interest, in that such salmon spawn in the fresh water streams of the state of Washington, migrate to the sea and, in response to their anadromous cycle, return to the fresh water streams of Washington, from which they originate, to Public policy.

spawn and die. Serious conditions and hazards detrimental to the preservation of this salmon supply have arisen and are now present, both in the fresh water streams of the state of Washington and in the salt waters of bays, inlets, canals, coves, sounds and estuaries, and in its coastal waters and offshore waters contiguous thereto, as a result of the extensive catching and taking of silver and chinook salmon within the described waters in such quantities as substantially to deplete the spawning and the source of existing and future salmon supplies and resources.

The preservation of the salmon industry and the salmon resources of the state of Washington is vital to the state's economy, and effective measures and remedies are necessary to prevent loss of such salmon resources due to the taking of immature fish and salmon present in the state's coastal and offshore waters, from which waters such salmon migrate, feed and return to the streams of this state to spawn.

It has proven impossible in seeking to regulate catching and taking of such salmon to distinguish between salmon taken from waters of the Pacific ocean over which the state has jurisdiction and those taken outside the limits of the state's jurisdiction and brought within the boundaries of the state.

Research by the department of fisheries of the state has established that silver and chinook salmon found in the waters of district No. 2 and the Columbia river district, as herein defined, are substantially mature salmon. The silver and chinook salmon found during certain periods within the waters of district No. 1, herein defined, are for the most part immature salmon, the taking of which would prevent the return of an adequate number of such salmon to the spawning grounds in the streams of the state and risk the destruction or substantial depletion of the state's salmon resources, and would constitute an irreparable economic waste.

SEC. 2. The following fishery districts are hereby created:

Fishery districts created.

(1) District No. 1, as used in this act, shall include the Straits of Juan de Fuca and the waters of the Pacific ocean over which the state of Washington has jurisdiction, exclusive of bays, inlets, canals, coves, sounds and estuaries.

District No. 1.

(2) District No. 2, as used in this act, shall include all lands and waters over which the state of Washington has jurisdiction, excepting therefrom district No. 1, as herein defined.

District No. 2.

SEC. 3. It shall be unlawful for commercial purposes to fish for or take in the waters of district No. 1, as herein defined, silver salmon (*Oncorhynchus kisutch*) between the first day of November and the fifteenth day of June of the year following, both dates inclusive.

District No. 1; fishing for or taking of silver salmon.

SEC. 4. It shall be unlawful for commercial purposes to fish for or take in the waters of district No. 1, as herein defined, chinook salmon (*Oncorhynchus tshawytscha*) between the first day of November and the fourteenth day of March of the year following, both dates inclusive.

Same; fishing for or taking of chinook salmon.

SEC. 5. It shall be unlawful for commercial purposes for any person to have in his possession or transport through the waters of district No. 1, as herein defined, any fresh silver salmon (*Oncorhynchus kisutch*) taken from said waters or from the waters of the Pacific ocean during the period from the first day of November and the fifteenth day of June of the year following, both dates inclusive.

Same; possession of or transporting silver salmon.

SEC. 6. It shall be unlawful for commercial purposes for any person to have in his possession or transport through the waters of district No. 1, as herein defined, any fresh chinook salmon (*Oncorhynchus tshawytscha*) taken from said waters or from the waters of the Pacific ocean during the period

Same; possession of or transporting chinook salmon.

from the first day of November and the fourteenth day of March of the year following, both dates inclusive.

Processors',
etc., posses-
sion of silver
salmon taken
from District
No. 1 or Pa-
cific Ocean.

SEC. 7. It shall be unlawful for any person in the state of Washington engaged in the business of canning, packing, processing, freezing, salting, smoking, kippering, preserving in ice, or otherwise involved in dealing in or curing any food fish or shellfish, or in wholesale selling of food fish or shellfish for commercial purposes, to have in his possession any silver salmon (*Oncorhynchus kisutch*) caught or taken during the period from the first day of November of any year to the fifteenth day of June of the following year from the waters of the Pacific ocean or district No. 1.

Processors',
etc., posses-
sion of chi-
nook salmon
taken from
District No. 1
or Pacific
Ocean.

SEC. 8. It shall be unlawful for any person in the state of Washington engaged in the business of canning, packing, processing, freezing, salting, smoking, kippering, preserving in ice, or otherwise involved in dealing in or curing any food fish or shellfish, or in wholesale selling of food fish or shellfish for commercial purposes, to have in his possession any chinook salmon (*Oncorhynchus tshawytscha*) caught or taken during the period from the first day of November of any year to the fourteenth day of March of the following year from the waters of the Pacific ocean or district No. 1: *Provided*, That with respect to the closed seasons defined in this act, the director of fisheries, upon due notice and hearing, and upon investigation, may, in accordance with his judgment, vary any of the opening or closing dates thereof. Notice of such hearing shall appear in not less than two issues of a newspaper of general circulation at the state capitol.

Director
may vary
opening and
closing dates;
hearing.

SEC. 9. Every person or persons, firm or corporation operating a fishing vessel of any description used in the commercial taking or catching of chinook or

silver salmon in offshore waters and the transporting or bringing the same in and through the waters of the state of Washington and delivering the same in any place or port in the state of Washington shall, as a condition of doing so, obtain a permit from the director of fisheries. The fee for said permit shall be ten dollars for the vessel and ten dollars for each member of the crew thereof, such permit to be effective during the fiscal year in which issued: *Provided*, That persons operating fishing vessels licensed under RCW 75.28.080 and RCW 75.28.100 shall not be required to pay any permit fees hereunder: *Provided further*, That if it appears to the director of fisheries, after investigation, that the operation of such vessel under such permit tends to result in the impairment, depletion, or destruction of the salmon resource and supply of this state and in bringing into this state salmon products prohibited by law, in that event, the director under such regulations and terms as he may prescribe may revoke said permit to use and operate such boat in the waters of this state, and in the event of the revocation of such permit, the further operation of such vessel as hereinabove set forth shall then be unlawful.

Permit
required.

Fee.

Exception.

Revocation
of permits.

SEC. 10. The several provisions of this act are hereby declared to be separate and severable, and if any clause, sentence, paragraph, subdivision, section or part thereof shall, for any reason, be adjudged invalid, or the applicability thereof to any person, circumstance or product adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of the act, and the applicability thereof to other persons, circumstances or products shall not thereby be affected, but such judgment, if any, shall be confined in its operation to the particular clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Severability
clause.

Authority of
director not
restricted or
impaired.

SEC. 11. Nothing herein shall be construed to restrict or impair the authority of the director of fisheries consistent with and pursuant to the provisions of this act from issuing and publishing such regulations as, after investigation, he may deem necessary to administer this act and to effectuate its purposes, or to administer and effectuate all other acts governing or affecting the department of fisheries, nor shall anything herein be construed to restrict or impair the authority of the director to issue and publish regulations he may find necessary under the provisions of The Pacific Marine Fisheries Compact.

Emergency.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 3, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 148.

[S. B. 278.]

RECLAMATION AREAS—CONTRACTS WITH U. S.—
COVENANTS RUNNING WITH LAND.

AN ACT relating to irrigation and reclamation districts contracting with the United States with respect to the Columbia Basin Project and other Federal Reclamation projects; providing that the provisions of certain contracts may be made covenants running with the land; providing that certain recordable contracts shall not be destroyed or extinguished by foreclosures for taxes and assessments; and amending section 89.12.060, RCW.

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

Amendment.

SECTION 1. Section 89.12.060, RCW, as derived from section 6, chapter 275, Laws of 1943, is amended to read as follows:

Any or all of the provisions of RCW 89.12.050 (2) which may be required to be included in recordable contracts may be made covenants running with any tract of land covered by the contract by expressly so providing therein. Recordable contracts expressly providing that any or all of such provisions shall be covenants running with the land covered thereby shall not be destroyed or extinguished by any tax or assessment foreclosure or deed issued pursuant thereto.

Covenants running with the land; contract provisions.

Same; not extinguished by foreclosure or deed.

Such of the limitations and provisions of RCW 89.12.050 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 contract and shall govern notwithstanding any other provisions of the laws of this state.

U. S. repayment contract governs.

Passed the Senate March 3, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 149.

[S. B. 296.]

GRAIN WAREHOUSES—INSURANCE ON GRAIN REQUIRED—CANCELLATION.

AN ACT relating to public warehouses; and amending section 22.08.200, RCW.

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

SECTION 1. Section 22.08.200, RCW, as derived from section 1, chapter 103, Laws of 1947, is amended to read as follows:

Amendment.

Each person, making application for an annual license to operate a grain warehouse in the state shall, at the time of making application, file satisfactory evidence with the director of the existence of an

Application for license.

Insurance
required.

effective policy of insurance issued by an insurance company authorized to do business in the state, insuring all grain and other commodities that may be stored or accepted for storage on the premises for which the license is sought for the full market value of such grain and other commodities against loss by fire, internal explosion, lightning, or tornado: *Provided, however,* That commodities other than wheat, oats, barley, rye and corn which are owned by an agency of the United States government need not be insured if such agency does not require insurance on the commodity, but before a warehouseman may store any such commodity owned by the United States without insuring the same, he must recall and cancel the insured warehouse receipt originally issued for the commodity and issue in lieu thereof an uninsured non-negotiable warehouse receipt. If the evidence of the existence of an effective policy of insurance is accepted by the director, he shall immediately advise the insurance company thereof and request ten days' advance notice by registered mail from the company of any proposed cancellation of the policy. In the event of any cancellation, the director shall immediately suspend the license of such person, to operate a public warehouse in this state, and the suspension shall not be removed until satisfactory evidence of the existence of an effective policy of insurance, conditioned as above set out, has been submitted to the director.

Exception.

Notice of
proposed
cancellation.Suspension
of license.

Passed the Senate February 19, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 150.

[S. B. 339.]

MOTOR VEHICLE FUEL TAX—EXEMPTIONS.

AN ACT relating to the exemption from payment of taxes on import-export of petroleum products; and amending section 82.36.230, RCW.

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

SECTION 1. Section 82.36.230, RCW, as derived from section 13, chapter 220, Laws of 1949, is amended to read as follows: Amendment.

The provisions of this chapter requiring the payment of taxes shall not apply to motor vehicle fuel, or other inflammable petroleum products imported into the state in interstate or foreign commerce and intended to be sold while they are in interstate or foreign commerce, nor to motor vehicle fuel, or other inflammable petroleum products, exported from this state by a qualified distributor, nor to any motor vehicle fuel, or other inflammable petroleum products, sold by a qualified distributor to the armed forces of the United States for use exclusively in ships or aircraft or for export from this state, under such regulations as the director may prescribe, nor to motor vehicle fuel for use exclusively in the operation of aircraft engines, delivered to aviation gasoline dealers and/or users as authorized and under regulations prescribed by the director but every distributor shall report such imports, exports and sales to the director at such times, on such forms, and in such detail as he may require. Exemptions.
Imports.
Exports.
Federal sales.
Aviation gasoline.

In support of any exemption from taxes claimed under this section on account of the exportation of motor vehicle fuel, every distributor shall execute an export certificate in such form as shall be furnished by the director, containing a sworn statement, made by some person having actual knowledge of the Export certificates.

fact of exportation, that the motor vehicle fuel has been exported from the state, and giving such details with reference to such shipment as the director may require. All export certificates must be completed and filed with the director within sixty days after the end of the calendar month in which the shipments to which they relate were made. The director may demand of any distributor such additional data as are deemed necessary by the 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. Upon request from the officials to whom are entrusted the enforcement of the motor fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces, or the Dominion of Canada, the director shall forward to such officials any information which he may have relative to the import or export of any motor vehicle fuel by any distributor, provided such other state or states furnish like information to this state. The director may waive the required export certificate, under such regulations as he may prescribe, provided a reciprocal arrangement for exchange of export information exists with the state or territory receiving the shipment.

Cooperation
with other
states, etc.,
and Canada.

Waiver of
export
certificates.

Passed the Senate February 28, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 151.

[S. B. 340.]

MOTOR VEHICLE FUEL TAX—PAYMENT—
DELINQUENCY.

AN ACT relating to taxation; providing for a penalty for delinquent payments; and amending section 82.36.040, RCW.

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

SECTION 1. Section 82.36.040, RCW, as derived Amendment.
from section 2, chapter 84, Laws of 1943, is amended
to read as follows:

The amount of excise tax for each month shall Payment
of tax.
be paid to the treasurer of the state on or before the
twenty-fifth day of the next month thereafter, and if
not paid prior thereto, shall become delinquent at
the close of business on that day, and a penalty of Penalty for
delinquency.
one percent of such excise tax must be added thereto
for delinquency: *Provided*, That in no case shall the
penalty be less than twenty-five dollars nor more
than five hundred dollars. Limitation. If such tax and penalty
is not received on or before the close of business on
the last day of the month in which the payment is
due an additional penalty of ten percent must be
added thereto in addition to penalty above provided
for.

In any suit brought to enforce the rights of the Prima facie
evidence.
state hereunder, the certificate of the director show-
ing the amount of taxes, penalties and cost 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.

Passed the Senate February 23, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 152.

[S. B. 356.]

COUNTY ROAD IMPROVEMENT DISTRICTS—LIGHTING SYSTEMS—MAINTENANCE—ROAD FUND.

AN ACT relating to the establishment of county road improvement districts; providing for street lighting systems; amending sections 36.88.340 and 36.88.350, RCW; adding a new section to chapter 36.88, RCW.

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

New section. SECTION 1. There is added to chapter 36.88, RCW, a new section to read as follows:

Authority to create county road improvement districts.

All counties shall have the power to create county road improvement districts for the construction, installation, improvement, operation and maintenance of street and road lighting systems for any county roads, and subject to the approval of the state highway commission, state highways, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction, installation or improvement together with the expense of furnishing electric energy, maintenance and operation: *Provided*, That no road improvement district shall be created for such purpose under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of dwelling units or units of business occupancy per one thousand feet of property fronting upon the roads within the area to be so improved shall be at least six.

Special assessments.

Limitations.

Amendment. SEC. 2. Section 36.88.340, RCW, as derived from section 34, chapter 192, Laws of 1951, is amended to read as follows:

Except as they may establish continuing guaranty fund requirements, the board of county commis-

sioners shall be the sole judges as to the extent of county road fund participation in any project under this chapter and the decisions of the board shall be final; the said board may receive grants from or contract with any other county, municipal corporation, public agency or the state or federal government in order to effect any construction or improvement hereunder, including the construction, installation, improvement, operation, maintenance of and furnishing electric energy for any street and road lighting system, and to effect the construction, installation, improvement, operation and maintenance of and furnishing electric energy for any such street and road lighting system, may contract with any private utility corporation.

County road fund participation; decisions of board final.

Receipt of grants; contracts.

SEC. 3. Section 36.88.350, RCW, as derived from section 35, chapter 192, Laws of 1951, is amended to read as follows:

Amendment.

After the completion of any construction or improvement under this chapter, all maintenance thereof shall be performed by the county at the expense of the county road fund, excepting furnishing electric energy for and operating and maintaining street and road lighting systems.

Maintenance at county expense.

Passed the Senate March 6, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 153.

[S. B. 392.]

FEDERAL SOIL CONSERVATION AND DOMESTIC
ALLOTMENT ACT.

AN ACT relating to state government; and enabling state administration of plans approved by the secretary of agriculture under the federal soil conservation and domestic allotment act.

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

SECTION 1. To carry out the provisions of the soil conservation and domestic allotment act enacted by the Congress of the United States, the governor may designate any existing agency of the state to administer any state plan authorized by said act which may be approved by the secretary of agriculture of the United States, hereinafter referred to as the "secretary."

Governor to designate agency to administer.

Agency to formulate and submit state plan.

Purpose of plan.

What plan shall provide.

SEC. 2. The agency designated by the governor may formulate and submit to the secretary in conformity with the provisions of said soil conservation and domestic allotment act a state plan for each calendar year beginning with the year 1954. It shall be the purpose of each such plan to promote the utilization of land and farming practices which the designated agency finds will tend to in conjunction with the operation of other plans which may be approved for other states by the secretary to diminish the wasteful and unscientific use of natural resources, to preserve and improve soil fertility, promote the economic use of land, and re-establish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms as defined in subsection (a) of section 7 of said act. Each such plan shall provide for adjustments in the utilization of land and in farming practices, through agreements with producers or through other voluntary methods, and for

inducement payments in connection therewith, and also for methods of administration, and for such reports as the secretary finds necessary for the effective administration of the plan and for ascertaining whether the plan is being carried out according to its terms.

SEC. 3. Upon the acceptance of each such plan by the secretary, the agency designated by the governor, may accept all grants of money made available by the United States for the purpose of enabling the state to carry out the provisions of such plan, and all such funds shall be made available to the designated agency for expenditures necessary in carrying out the plan, including administrative expenses, expenditures in connection with educational programs in aid of the program, and inducement payments.

Agency may accept grants by federal government.

Uses.

SEC. 4. There is hereby created a fund to be known as the "Agricultural Contingent Receipts Fund" into which shall be paid all moneys received from the federal government to carry out the provisions of the act. None of the provisions of RCW 43.01.050 shall be applicable to the agricultural contingent receipts fund, nor to any of the moneys so received and collected.

"Agriculture Contingent Receipts Fund."

SEC. 5. To carry out the provisions of each plan approved by the secretary the agency designated by the governor may employ agents or agencies and establish such agencies as found necessary; to cooperate with local and state agencies and with agencies of other states and of the federal government; to conduct research and educational activities in connection with the formulation and operation of each plan; to enter into agreements with producers, and to provide by other voluntary methods for adjustments in the utilization of land and in farming practices, and for payments in connection therewith

Powers and duties of agency.

Employ or establish agencies.

Cooperate with other agencies.

Research and educational activities.

Agreements with producers.

Payments.

in amounts which the designated agency finds to be fair and reasonable.

Delegation of powers.

SEC. 6. For the purpose of carrying out each such plan according to its terms, the designated agency is authorized to delegate any of the powers herein conferred to such agents or agencies as it may designate which are approved by the secretary.

Annual report.

SEC. 7. The designated agency shall render for each year an annual report to the governor, who shall transmit a copy thereof to each house of the legislature, governing the administration of such plan or plans and all operations thereof, including also the expenditures of funds, and each such report shall be printed as a public document promptly upon its transmittal to the governor.

Obligation or liability.

SEC. 8. Nothing herein shall be construed or operate to impose any obligation or liability upon the designated agency other than as herein specified.

Passed the Senate February 26, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 154.

[S. B. 403.]

ISSUANCE OF BONDS FOR HIGHWAY CONSTRUCTION—
PRIMARY NO. 1—PRIMARY NO. 2—COLUMBIA
BASIN—ECHO LAKE ROUTE.

AN ACT relating to highways and roads; providing for the issuance, sale and retirement of additional motor vehicle revenue bonds, to provide money needed to offset increased construction costs, to complete certain sections of Primary State Highway No. 1 undertaken in the highway bond program, authorized by chapter 47.10, RCW, as set forth in chapter 121, Session Laws of 1951, construction of a four-lane highway upon Primary State Highway No. 2 contiguous to Snoqualmie Pass, and construction of secondary state highways in the Columbia Basin area, and construction of a highway from Primary State Highway No. 2 by way of Auburn to a junction with Primary State Highway No. 1 in the vicinity of Milton, commonly known as the "Echo Lake Route," as projects of first priority; regulating investments from the motor vehicle fund and amending section 47.60.100, RCW; and declaring an emergency.

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

SECTION 1. Increased construction costs for highway and bridge construction since the enactment of a highway bond issue by the 1951 legislature makes necessary additional money with which to complete the sections of Primary State Highway No. 1 planned from funds allocated under the act and it is vital to the economy of the state and the safety of the traffic that these sections shall be completed to relieve traffic congestions, to add capacity in event of war, and to presently insure greater safety to highway users; the rapid increase of traffic across Snoqualmie Pass necessitates continued improvement of Primary State Highway No. 2 to provide four-lane paving contiguous to Snoqualmie Pass as the funds will permit; the rapid increase of traffic and the facilitation of movement of military forces and equipment from the military centers of the state makes imperative the construction of a highway from Primary

Declaration
of necessity.

State Highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with Primary State Highway No. 1 in the vicinity of Milton; said highway to follow approximately the route surveyed by the director of highways and covered in the report filed by him with the 1951 legislature commonly known as the "Echo Lake Route," as the funds provided for herein will permit; the construction of secondary state highways in to the Columbia Basin area is immediately necessary to provide needed state arterial highways for the irrigated lands of the Columbia Basin areas to market centers and thereby encourage the full development of the basin project. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The threat of war makes acceleration of construction a vital necessity at this time.

Issuance
and sale
of limited
obligation
bonds.

State finance
committee
to supervise.

SEC. 2. To provide funds for accelerating construction of these priority projects there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eighteen million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects.

Bonds;
terms.

Redemption
rights.

SEC. 3. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be

made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of this act shall be fully negotiable instruments.

Signed by governor and auditor.

Registration.

Where payable.

Negotiable.

SEC. 4. Bonds issued under the provisions of this chapter shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in this chapter from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 and sections 82.36.020, 82.36.230, 82.36.250, and 82.36.400, RCW, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 and section 82.40.020, RCW, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of this chapter when due.

Bonds payable from motor vehicle fuel excise taxes.

Pledge of taxes for bond payment.

Agreement of legislature to continue to impose taxes.

SEC. 5. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If

Denomination of bonds.

Terms and conditions of sale.

Public sale;
when.

Advertised.

Legal invest-
ment for
state funds;
exception.

bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of the funds of the state, except the permanent school fund.

Proceeds.

Deposited.

Credited.

Purpose.

SEC. 6. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such priority projects, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

Portion
of motor
vehicle fund
to be used to
repay bonds.

SEC. 7. Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds.

Portion
allocated
to counties,
cities and
towns
exempted;
exception.

Finance
committee
to estimate
percentage
of taxes
required to
meet interest
on bond
payments.

SEC. 8. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of

such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimate so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

Treasurer to transfer funds to highway bond retirement fund.

Estimated percentage insufficient; procedure.

SEC. 9. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

Disposal of surplus funds.

SEC. 10. Seven million dollars of the total issue of the bonds authorized herein are allocated for accelerating the completion of four-lane construction of Primary State Highway No. 1.

Allocation for Primary State Highway No. 1.

SEC. 11. Five million dollars of the total issue of the bonds authorized herein are allocated for accelerating four-lane construction of Primary State Highway No. 2 contiguous to Snoqualmie Pass.

Allocation for Primary State Highway No. 2.

SEC. 12. Three million dollars of the total issue of the bonds authorized herein are allocated for

Allocation for Columbia Basin Highways.

accelerating the construction of secondary state highways in the Columbia Basin area.

Allocation for construction of highway from vicinity of North Bend to vicinity of Milton.

SEC. 13. Three million dollars of the total issue of the bonds authorized herein are allocated insofar as said funds will permit to the construction of a highway from Primary State Highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with Primary State Highway No. 1 in the vicinity of Milton.

Amendment.

SEC. 14. Section 47.60.100, RCW, as derived from section 8, chapter 179, Laws of 1949, is amended to read as follows:

Bonds legal investment for state monies; exceptions.

Notwithstanding any other provision of the law, bonds issued by the authority shall be legal investments by the state finance committee of any state monies in its hands, except permanent school funds and motor vehicle funds.

Emergency.

SEC. 15. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 4, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 155.

[S. B. 435.]

MOTOR VEHICLE TRANSPORTER—LICENSE REQUIRED.

AN ACT relating to motor carriers; and amending section 46-76.010, RCW.

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

SECTION 1: Section 46.76.010, RCW, as derived from section 1, chapter 97, Laws of 1947, is amended to read as follows: Amendment.

It shall be unlawful for any person, firm, partnership, association, or corporation to engage in the business of driving or towing new or used motor vehicles and trailers of a type required to be registered under the laws of this state, without procuring a transporter's license in accordance with the provisions of this chapter. License required.

This shall not apply to motor freight carriers regularly licensed under the provisions of chapter 81-.80, RCW. Exception.

Passed the Senate March 5, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 156.

[S. B. 432.]

APPROPRIATION—WASHINGTON TOLL BRIDGE
AUTHORITY—AUTHORITY REVOLVING FUND.

AN ACT relating to the Washington toll bridge authority; making appropriations and reappropriations; and declaring an emergency.

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

Reappropriation from motor vehicle fund to authority revolving fund.

SECTION 1. There is hereby reappropriated from the motor vehicle fund to the authority revolving fund the sum of eighty thousand dollars, the same being the unexpended balance of the appropriation contained in chapter 259, section 17, Laws of 1951, for the purpose of establishing the permanent authority revolving fund: *Provided*, No expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in chapter 259, section 17, Laws of 1951, as shown on the state auditor's records as of March 31, 1953.

Appropriation from revolving fund to toll bridge authority.

SEC. 2. There is hereby appropriated from the authority revolving fund to the Washington toll bridge authority for the biennium ending March 31, 1955, the sum of one hundred twenty-five thousand dollars to carry out the provisions of chapter 259, sections 14 and 15, Laws of 1951.

Emergency.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect April 1, 1953.

Passed the Senate March 5, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 157.

[S. B. 434.]

MOTOR VEHICLE FUEL TAX—MONTHLY REPORTS BY
CARRIERS OF INFLAMMABLE LIQUIDS.

AN ACT relating to the transportation of gasoline and other inflammable liquids and making reports thereon; and amending section 82.36.200, RCW.

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

SECTION 1. Section 82.36.200, RCW, as derived from section 3, chapter 84, Laws of 1943, is amended to read as follows: Amendment.

On or before the 25th day of each month, every railroad company, street, suburban or interurban railroad company, pipe line company, water transportation company, every carrier, and every person except a duly licensed distributor, shall report under oath to the director on forms prescribed by him, all deliveries of motor vehicle fuel, kerosene, naphtha or benzine made to a point in the state from any point outside the state, or from any point within the state to a point outside the state, during the preceding month. Upon written request by the director, every railroad company, pipe line company, water transportation company, and every carrier, except a duly licensed distributor, shall report in the same manner as herein prescribed, all deliveries of motor vehicle fuel, kerosene, naphtha or benzine between points within the state. Monthly reports by interstate carriers required; exception.

Such reports shall show the name and address of the person to whom the deliveries have actually and in fact been made; the name and address of the originally named consignee, if the delivery was made to any other than the originally named consignee; the point of origin, point of delivery, date of delivery, and 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 num- Reports by all carriers at request of director required; exception.

ber 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 by motor truck; if delivered by other means, the manner in which each delivery is made, and the number of gallons so delivered; and such other additional information relative to shipment or delivery of motor vehicle fuel as the director may require.

Director may inspect records of carriers; purpose of inspection.

The director or his authorized agents may at any time during normal business hours inspect the records of any carrier operating within the state of Washington for the purpose of checking shipments or use of motor vehicle fuel, detecting diversions thereof or evasion of taxes on same in enforcing the provisions of this section or of this act.

Passed the Senate February 28, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 158.

[S. B. 449.]

SCHOOLS—STATE FUNDS AVAILABLE FOR PORTABLE BUILDINGS.

AN ACT relating to the financing of buildings in school districts; and prohibiting the refusal of state matching funds as to certain school building construction.

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

State aid available for portable buildings.

SECTION 1. State matching funds shall not be denied to any school district undertaking any construction, repairs or improvements for school district purposes solely on the ground that said construction,

repairs and improvements are in connection with portable buildings or classrooms.

Passed the Senate March 5, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 159.

[Sub. S. B. 460.]

PUGET SOUND FERRY SYSTEM—INTERIM REVENUE OBLIGATIONS AUTHORIZED.

AN ACT authorizing the issuance of interim revenue obligations of the Washington Toll Bridge Authority for certain capital purposes; and authorizing the refunding of the same; and adding new sections to chapter 47.60, RCW.

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

SECTION 1. There is added to chapter 47.60, RCW, New section.
a new section to read as follows:

For the purpose of paying the cost of acquiring, constructing or reconstructing ferries or ferry terminal facilities, and all costs which may be incurred in connection therewith, the Washington Toll Bridge Authority is hereby authorized to issue interim revenue warrants, which shall constitute obligations only of the Authority, and which shall not be obligations of the state of Washington. Such warrants shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance, and shall be drawn upon, and the principal thereof and interest thereon shall be payable out of, such fund or funds as shall be created in and provided by such resolution. Such warrants may be interest-bearing coupon warrants with a fixed maturity date, or may be interest-bearing registered warrants payable in order of their issuance

Authority to issue interim revenue warrants.

Payable from operation of Puget Sound ferry system.

Type of warrants.

When payable.

whenever there is sufficient money in the fund upon which they were drawn to redeem any of the same.

New section.

SEC. 2. There is added to chapter 47.60, RCW, a new section to read as follows:

Redemption by issuance of revenue refunding bonds.

In the event it is deemed advisable or found necessary to redeem any or all of such warrants, the Authority is authorized to issue its revenue refunding bonds for such purpose. Said bonds shall constitute obligations only of the Authority, and shall not be obligations of the state of Washington. Such refunding bonds shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance.

Bonds payable from operation of ferry system.

New section.

SEC. 3. There is added to chapter 47.60, RCW, a new section to read as follows:

Provisions of chapter 47.60 applicable to act.

All provisions of chapter 47.60, RCW, pertaining and applicable to the revenue bonds of the Authority authorized therein are made applicable to the warrants and revenue refunding bonds authorized herein except insofar as otherwise provided by this act.

Passed the Senate March 4, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 160.

[S. B. 96.]

NURSING HOMES.

AN ACT relating to nursing homes; amending sections 18.51.010, 18.51.020, 18.51.040, 18.51.050, 18.51.060, 18.51.090, 18.51.120, 18.51.130, and 18.51.140, RCW; repealing section 18.51.080, RCW; and declaring an emergency.

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

SECTION 1. Section 18.51.010, RCW, as derived from section 2, chapter 117, Laws of 1951, is amended to read as follows: Amendment.

(1) "Nursing Home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons if they do not require psychiatric treatment by or under the supervision of a physician who devotes all or a major portion of his time to this specialized field of medicine. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to "Nursing Home."
Convalescent and chronic care.
General hospitals and other places excluded.

give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter.

"Person."

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

"Director."

(3) "Director" means the state director of health.

"Board."

(4) "Board" means the state board of health.

"Department."

(5) "Department" means the state department of health.

"Approved health department."

(6) "Approved health department" means any city, county, or district health department which holds a certificate of approval under this act.

Amendment.

SEC. 2. Section 18.51.020, RCW, as derived from section 3, chapter 117, Laws of 1951, is amended to read as follows:

Certain powers may be delegated to local authorities.

Any city, county or district health department, employing a part-time or full-time health officer, may make application in writing to the director for a certificate of approval authorizing such city, county or district to inspect and conduct investigations of nursing homes within its jurisdiction and with the department jointly issue, deny, suspend or revoke licenses for such nursing homes. Upon receipt of the application the director shall investigate and determine whether the city, county, or district health department is entitled to approval and if so he shall issue the certificate applied for. Any certificate of approval may be cancelled by the director after thirty days' notice in writing to the holder of the certificate of approval should it be found that the

holder is incompetent or unable to inspect and conduct investigations of nursing homes.

SEC. 3. Section 18.51.040, RCW, as derived from section 5, chapter 117, Laws of 1951, is amended to read as follows: Amendment.

An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with the rules and regulations as are lawfully prescribed hereunder. Application for license.

SEC. 4. Section 18.51.050, RCW, as derived from section 6, chapter 117, Laws of 1951, is amended to read as follows: Amendment.

Upon receipt of an application for license, the department, or the department and the approved health department jointly, shall issue a license or a provisional license if the applicant and the nursing home facilities meet the requirements established under this chapter. At the time of issuance or renewal of the license or provisional license the licensee shall pay a license fee of fifteen dollars plus one dollar per bed capacity per year, but in no event shall the total exceed one hundred dollars. No fee shall be required of government operated institutions. When the license or provisional license is issued jointly by the department and an approved health department, the license fee shall be paid to the approved health department. All licenses issued under the provisions of this act shall expire on the first day of July next succeeding the date of issue. All applications for renewal of license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable except with the written approval of the department. Licenses shall Licenses; issued by department.

Fees.

Expiration.

Renewal.

Non-transferable.

Posting.

be posted in a conspicuous place on the licensed premises.

Violations; provisional license may be issued.

If there be a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto, the department, or the department and approved health department, may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the nursing home for a period to be determined by the department, or the department and approved health department, but not to exceed twelve months.

Amendment.

SEC. 5. Section 18.51.060, RCW, as derived from section 7, chapter 117, Laws of 1951, is amended to read as follows:

Suspension, denial or revocation of licenses.

The department or the department and the approved health department jointly, as the case may be, is authorized to deny, suspend, or revoke a license or provisional license in the manner prescribed herein, in any case in which it finds that there has been a failure or refusal to comply with the requirements of this chapter or the standards, rules and regulations established hereunder. The department, or the department and the approved health department, shall issue an order to the applicant or licensee giving notice of any rejection, revocation or suspension, which order shall become final thirty days after the date of mailing, provided the applicant or licensee does not within ten days from the date of mailing of the department's, or the department and the approved health department's, order of rejection, revocation, or suspension of license, make written application to the department for a hearing. The department shall then fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed for such hearing. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the board

Notice.

Hearing.

Notice.

after consultation with the advisory nursing home council. The department shall render its decision affirming, modifying or setting aside the order of the department, or the department and the approved health department, which decision in the absence of an appeal therefrom as provided by this chapter, shall become final fifteen days after the date of mailing.

Hearing procedure.

Decision of department final; when.

SEC. 6. Section 18.51.090, RCW, as derived from section 10, chapter 117, Laws of 1951, is amended to read as follows:

Amendment.

The department or approved health department shall make or cause to be made at least a yearly inspection and investigation of all nursing homes. Every inspection may include an inspection of every part of the premises and an examination of all records other than financial records, methods of administration, the general and special dietary and the stores and methods of supply. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The board may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Annual inspection.

Notice of violations.

Alterations or new facilities.

SEC. 7. Section 18.51.120, RCW, as derived from section 13, chapter 117, Laws of 1951, is amended to read as follows:

Amendment.

All information received by the department or approved health department through filed reports,

Disclosure of information received by department.

inspections, or as otherwise authorized under this chapter, shall not be disclosed publicly in any manner as to identify individuals or nursing homes, except in a proceeding involving the question of licensure.

Amendment.

SEC. 8. Section 18.51.130, RCW, as derived from section 14, chapter 117, Laws of 1951, is amended to read as follows:

Appeal.

Within ten days after the date of mailing of the decision of the department, the interested applicant or licensee may appeal to the superior court of the county in which the nursing home is located or to be located and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearing before the department. Proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the department by personal service, or by mailing a copy thereof to the department and by filing the notice of appeal together with proof of service thereof, with the clerk of the court. The service and the filing together with proof of service of the notice of appeal all within ten days shall be jurisdictional. The department shall within ten days after receipt of such notice of appeal serve and file a notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The department shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of the complete record of the administrative proceedings which shall, upon being so filed, become the record in such case.

Notice of appeal.

Filing of notice and proof of service within 10 days jurisdictional.

Notice of appearance.

Copy of record.

Amendment.

SEC. 9. Section 18.51.140, RCW, as derived from section 15, chapter 117, Laws of 1951, is amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the state fire marshal, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the state fire marshal or his deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the state fire marshal, he shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the state fire marshal upon completion of any requirements made by him, and the state fire marshal, or his deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the state fire marshal, he shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The state fire marshal shall make or cause to be made inspections of such nursing homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the state fire marshal to be equal to the minimum standards of the state fire marshal's code for nursing homes, the chief of the fire department, provided the latter is a paid chief of a paid fire de-

Fire protection.

State fire marshal.

Inspection by state fire marshal.

Report.

Reinspection.

Report.

Annual inspection.

Local inspection.

partment, shall make the inspection with the state fire marshal or his deputy and they shall jointly approve the premises before a full license can be issued.

Repealing clause.

SEC. 10. Section 18.51.080, RCW, as derived from section 9, chapter 117, Laws of 1951, is repealed.

Emergency.

SEC. 11. 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 Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 161.

[S. B. 99.]

EMERGENCY VEHICLES—WARNING LIGHTS AND SIGNS.

AN ACT relating to fire department vehicles and private cars of emergency workers; and defining crimes.

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

Fire department vehicles; lighting requirements.

SECTION 1. All fire department vehicles in service shall be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of five hundred feet under normal atmospheric conditions. Such red flashing lights shall be well separated from the headlights so that they will not black out when headlights are on. Such red flashing lights shall be in operation at all times when such vehicle is on emergency status.

SEC. 2. Firemen, when approved by the chief of their respective service, shall be authorized to use a blue light on the front of their private cars when

on emergency duty only. Such blue light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the commission on equipment.

Firemen's private cars; lighting authorized.

SEC. 3.

(1) No private vehicle, bearing a sign or plate indicating a fire department connection, shall be driven or operated on any public highway, except when the owner thereof is a bona fide member of a fire department.

Private vehicles with fire department identification; owner must be member.

(2) Any sign or plate indicating fire department connection on a private car of any member of a fire department shall include the name of the municipality or fire department organization to which the owner belongs.

Same; name of organization.

SEC. 4.

(1) Any individual displaying a blue light as authorized in section 2 of this act, or a sign or plate as authorized in section 3 of this act, shall also carry attached to a convenient location on the private vehicle to which the blue light or sign or plate is attached, an identification card showing the name of the owner of said vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved.

Same; identification card.

(2) The operator of any funeral coach shall be authorized to display a blue light of the type specified in section 2 of this act on the front of such coach when engaged in answering a call of an accidental or emergency nature.

Funeral coaches.

SEC. 5. Every violation of this act is a misdemeanor.

Penalty.

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 162.

[S. B. 223.]

TAXATION—HEARINGS ON ASSESSMENTS OF PUBLIC UTILITY PROPERTY.

AN Act relating to taxation, pertaining to the time and place of hearings before the tax commission on the assessment of public utility property; and amending section 84.12.130, RCW.

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

Amendment.

SECTION 1. Section 84.12.130, RCW, as derived from section 13, chapter 123, Laws of 1935 as amended, is amended as follows:

Hearings on assessments.

At any time between the tenth and twenty-fifth days of July, inclusive, following the making of the assessment, every company shall be entitled on its own motion, presented to the commission before the tenth day of July, to a hearing and to present evidence before the commission, relating to the value of its operating property and to the value of other taxable property in the counties in which its operating property is situate. Upon request in writing for such hearing, the commission shall appoint a time and place therefor, within the period aforesaid, the hearing to be conducted in such manner as the commission shall direct. Hearings provided for in this section may be held at such times and in such places throughout the state as the commission may deem proper or necessary, may be adjourned from time to time and from place to place and may be conducted by the commission or by such member or members thereof as may be duly delegated to act for it. Testimony taken before less than the entire commission shall be reported and a transcript thereof filed with the commission prior to its decision.

Time and place.

Determined by commission.

Passed the Senate March 7, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 17, 1953.

CHAPTER 163.

[H. B. 391.]

SCHOOL DISTRICT BONDS—INDEBTEDNESS.

AN ACT authorizing school districts to borrow money and issue bonds therefor; authorizing school districts to become indebted to ten percent of assessed valuation; validating certain school district bonds; amending sections 28.51.010 and 39.36.020, RCW; and declaring an emergency.

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

SECTION 1. Section 28.51.010, RCW, as derived from section 1, page 324, Laws of 1909, as last amended by chapter 99, Laws of 1927, is amended to read as follows: Amendment.

The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of: Directors may borrow money and issue bonds.

(1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) For the purchase of schoolhouse sites for buildings or playgrounds authorized by law; or Purposes.

(3) For erecting buildings authorized by law and providing the necessary furniture, apparatus, or equipment; or

(4) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed five percent of the assessed valuation of the taxable property in such district, as shown by the last assessment roll for county and state purposes previous to the incurring of such indebtedness, except that in cities incorporated under special charter the valuation shall be taken from the last assessment for city purposes: *Provided*, That any school district may become indebted to a larger amount but not exceeding five percent additional for capital outlays. Limitation.

Bonds may be issued only when authorized by vote of the district.

Amendment.

SEC. 2. Section 39.36.020, RCW, as derived from section 1, chapter 143, Laws of 1917, is amended to read as follows:

Limitation of indebtedness of taxing districts.

No taxing district shall for any purpose become indebted in any manner to an amount exceeding one and one-half percent of the last assessed valuation of the taxable property in such taxing district, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five percent of the last assessed valuation of the taxable property in such taxing district.

Purposes.

No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: *Provided*, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding five percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town: *Provided further*, That any school district may become indebted to a larger amount but not exceeding five percent additional for capital outlays.

Exceptions.

School districts.

Prior bonds validated.

SEC. 3. Bonds authorized, issued and sold by any school district prior to the effective date of this act and not in excess of the limitations provided in sections 1 and 2 thereof are hereby approved, ratified and validated, and are a legal and irrevocable obligation of such school district.

Emergency.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety,

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

Passed the House February 23, 1953.

Passed the Senate March 4, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 164.

[H. B. 216.]

PUBLIC LANDS—LEASE OF NAVIGABLE WATER BEDS.

AN ACT relating to public lands and providing for the leasing of certain beds of navigable waters.

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

SECTION 1. The commissioner of public lands may lease to the abutting tide or shore land owner or lessee, the beds of navigable waters lying below the line of extreme low tide in waters where the tide ebbs and flows, and below the line of navigability in lakes and rivers claimed by the state and defined in section 1, Article XVII of the constitution of the state, or in case the abutting tide or shore lands or the abutting uplands are not improved or occupied for residential or commercial purposes, may lease such beds to any person, firm or corporation for a period not exceeding ten years for booming purposes. Nothing in this act shall change or modify any of the provisions of the state constitution or laws of the state which provide for the leasing of harbor areas and the reservation of lands lying in front thereof.

Commissioner authorized to lease beds of navigable waters.

Booming purposes.

SEC. 2. The commissioner of public lands shall, prior to the issuance of any lease under the provisions of this act, fix the annual rental and prescribe the terms and conditions of the lease: *Provided,*

Annual rental and terms.

Second class
tide or
shore lands.

Unplatted
first class
tide or
shore lands.

Forfeiture.

That in the fixing of such annual rental the commissioner shall not take into account the value of any improvements heretofore or hereafter placed upon the lands by the lessee. No lease issued under the provisions of this act shall be for a longer term than thirty years from the date thereof if in front of second class tide or shore lands, or a longer term than ten years if in front of unplatted first class tide or shore lands leased under the provisions of RCW 79-16.090. Any lease of the bed of navigable waters in front of unplatted first class tide or shore lands, shall be subject to the same terms and conditions as provided in the lease of such unplatted first class tide or shore lands. Failure to use any lands leased under the provisions of this act for booming purposes for a period of two years shall work a forfeiture of the said lease and the land shall revert to the state without notice to the lessee upon the entry of a declaration of forfeiture in the records of the commissioner of public lands.

Federal
permit
required.

Forfeiture.

Plans and
specifications
of proposed
improvements.

SEC. 3. The applicant for a lease under the provisions of this act shall first obtain, from the United States army engineers or other federal regulatory agency, a permit to place structures or improvements in said navigable waters and file with the commissioner of public lands a copy of the said permit. No structures or improvements shall be constructed beyond a point authorized by the United States army engineers or the commissioner of public lands and any construction beyond authorized limits will work a forfeiture of all rights granted by the terms of any lease issued under the provisions of this act. The applicant shall also file plans and specifications of any proposed improvements to be placed upon such areas with the commissioner of public lands, said plans and specifications to be the same as provided for in the case of the lease of harbor areas.

SEC. 4. At the expiration of any lease issued under the provisions of this act, the lessee, his successors or assigns, shall have a preference right to re-lease the area covered by the original lease or any portion thereof if the commissioner of public lands deems it to the best interest of the state to re-lease the same. Such re-lease shall be for such term as specified by the provisions of this act and at such rental and upon such conditions as may be prescribed by the commissioner of public lands. If such preference right is not exercised, the rights and obligations of the lessee, the commissioner of public lands, and any subsequent lessee shall be as provided in RCW 79.16.120 relating to failure to re-lease tide or shore lands. Any person who heretofore has occupied and improved an area subject to lease under this act and has secured a permit for such improvements from the United States army engineers or other federal regulatory agency, shall have the rights and obligations of a lessee under this section upon the filing of a copy of such permit together with plans and specifications of such improvements with the commissioner of public lands.

Preference
right to
re-lease.

Failure to
re-lease.

Prior
occupant's
rights as a
lessee.

SEC. 5. Nothing in this act is intended to modify or repeal any existing statutes providing for the leasing of the beds of navigable waters of the state for oyster cultivation or extraction of minerals or petroleum and gas.

Oyster,
mineral, and
petroleum
and gas
leasing not
affected.

Passed the House February 19, 1953.

Passed the Senate March 4, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 165.

[H. B. 43.]

TOWNSHIPS—POWERS OF ELECTORS AT TOWN MEETINGS.

AN ACT relating to townships, defining the powers of the electors at annual town meetings, and amending section 45.12-.100, RCW.

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

Amendment.

SECTION 1. Section 45.12.100, RCW, as derived from section 19, chapter 175, Laws of 1895, section 1, chapter 269, Laws of 1927, section 1, chapter 226, Laws of 1941, and section 3, chapter 148, Laws of 1945, is amended to read as follows:

Powers of electors at town meetings.

The electors of each town shall have power, at their annual town meeting:

Pounds.

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

Town officers.

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

Legal actions.

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

Sums for legal expense.

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

Fences and impoundment.

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

Domestic animals.

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

Impose fines.

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

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

Proceeds from fines.

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

Sums for streets and highways.

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

Cemetery.

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

Bylaws and regulations.

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

Levy taxes.

Passed the House February 10, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 166.

[H. B. 44.]

TOWNSHIPS—TAX LEVY—UNBUDGETED RESERVE.

AN ACT relating to townships, authorizing the levy of taxes for certain purposes, authorizing the retention of an unbudgeted reserve, and amending section 45.56.030, RCW.

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

Amendment.

SECTION 1. Section 45.56.030, RCW, as derived from section 84, chapter 175, Laws of 1895, section 1, chapter 226, Laws of 1941, and section 3, chapter 148, Laws of 1945, is amended to read as follows:

Electors
may vote
tax levy.

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

Limitations.

Passed the House February 21, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 167.

[H. B. 45.]

POWERS OF TOWNSHIPS.

AN ACT relating to townships, defining the powers of townships,
and amending section 45.12.020, RCW.

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

SECTION 1. Section 45.12.020, RCW, as derived Amendment.
from section 11, chapter 175, Laws of 1895, as last
amended by section 1, chapter 47, Laws of 1909, is
amended to read as follows:

Each town is a body corporate, and has capacity: Powers of
towns.

(1) To sue and be sued. Sue and
be sued.

(2) To purchase, or receive by gift or otherwise,
and hold lands within or without its own limits for Lands.
the use of its inhabitants, subject to the power of the
legislature.

(3) To make contracts, purchase, and hold such Personal
property.
personal property as may be necessary for the exer-
cise of its corporate or administrative powers, and
convey and dispose of the same.

(4) To make such orders for the disposition, regu- Corporate
property.
lation or use of its corporate property as may be
deemed conducive to the interest of its own inhabi-
tants.

(5) To acquire property jointly with adjacent Garbage
disposal
property.
towns to use for the operation of a garbage disposal
dump, and to mutually contribute to the cost of oper-
ating said garbage disposal dump in such amounts
as shall be determined by the electors at the annual
town meeting.

Passed the House February 10, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 168.

[H. B. 86.]

HAIRDRESSING AND BEAUTY CULTURE.

AN ACT relating to and regulating the practice of hair dressing and beauty culture; providing for an examining committee, describing its duties and organization; providing for a fund held by the state treasurer; amending chapter 18.18, RCW, by adding six sections thereto.

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

New section.

SECTION 1. Chapter 18.18, RCW, as derived from chapter 215, Laws of 1937, as last amended by chapter 180, Laws of 1951, is amended by adding the following section:

Examining committee appointed by governor.

The examining committee described in RCW 18.18.100 shall consist of five members appointed by the governor. The governor shall designate one of the committee members as committee secretary. The secretary shall be chairman of the committee. At the time this act becomes effective, members of the examining committee shall be appointed for terms of office as follows: One for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter the terms of the members shall be for five years and until their successors are appointed and qualified. The examining committee shall be under the direct supervision of the director. The governor may remove a member of the committee for cause. The governor shall fill any vacancy on the committee within ninety days after it occurs by an appointment for the remainder of the unexpired term.

Terms.

Director to supervise.

Removal for cause.

Vacancy.

New section.

SEC. 2. Chapter 18.18, RCW, as derived from chapter 215, Laws of 1937, as last amended by chapter 180, Laws of 1951, is amended by adding the following section:

Record of proceedings.

The secretary of the examining committee shall keep a record of all the proceedings of the committee.

The committee shall meet in order to hold examinations and to conduct any other proper business. The committee shall set a schedule for such meetings a year in advance. A majority of the committee in meeting duly assembled may exercise all the powers devolving upon the committee. For any urgent purpose a special meeting may be called. Notice from the secretary signed by three members of the committee may convene the committee for a special meeting. Only business specified in the notice shall be transacted. The secretary shall arrange for and conduct all examinations called for under the provisions of this chapter. The secretary shall deliver all records and findings of the examining committee as a result of examinations and hearings to the director. The secretary shall have a full time position with a salary to conform with standards set by the department of licenses for similar positions. The secretary shall be reimbursed for necessary traveling expenses incurred in the actual performance of his duties. Each member of the committee shall receive as compensation for attendance at proper meetings of the board twenty dollars for each day's attendance and shall be reimbursed for necessary traveling expenses.

Schedule of meetings.

Special meetings.

Examinations.

Salary of secretary.

Compensation of members.

SEC. 3. Chapter 18.18, RCW, as derived from chapter 215, Laws of 1937, as last amended by chapter 180, Laws of 1951, is amended by adding the following section:

New section.

The examining committee shall do all things necessary to carry out the provisions of this chapter and it may promulgate necessary rules and regulations compatible with the provisions of this chapter.

Powers and duties of committee.

SEC. 4. Chapter 18.18, RCW, as derived from chapter 215, Laws of 1937, as last amended by chapter 180, Laws of 1951, is amended by adding the following section:

Inspectors.

The examining committee shall arrange with the director for the employment of two or more inspectors. The inspectors shall have the same qualifications as examining committee members. The secretary of the committee shall have the right to inspect any job or school. Any member, agent, or assistant of the committee, when authorized by the committee, may enter any shop or school during business hours for the purpose of inspection. Every shop shall be inspected at least twice a year. Every school shall be inspected at least three times a year by the secretary.

Inspections.

New section.

SEC. 5. Chapter 18.18, RCW, as derived from chapter 215, Laws of 1937, as last amended by chapter 180, Laws of 1951, is amended by adding the following section:

Payments received.

Eighty percent of all payments received from all sources under this chapter shall be set aside for the purpose of carrying out its provisions including the necessary investigations and legal expenses for the enforcement thereof.

New section.

SEC. 6. Chapter 18.18, RCW, as derived from chapter 215, Laws of 1937, as last amended by chapter 180, Laws of 1951, is amended by adding the following section:

Partial invalidity.

If any section, subsection, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions.

Passed the House February 13, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 169.

[Sub. H. B. 113.]

PUBLIC INSTITUTIONS—HOURS OF EMPLOYMENT.

AN ACT relating to state government and prescribing the maximum hours of employment of certain state employees.

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

SECTION 1. The hours of labor for each full time employee of the department of public institutions shall be a maximum of eight hours in any work day and forty hours in any work week.

Maximum hours.

Employees required to work in excess of the eight-hour maximum per day or the forty-hour maximum per week shall be compensated by not less than equal hours of compensatory time off or, in lieu thereof, a premium rate of pay per hour equal to not less than one-one hundred and seventy-sixth of the employee's gross monthly salary: *Provided*, That in the event that an employee is granted compensatory time off, such time off should be given within the calendar year and in the event that such an arrangement is not possible the employee shall be given a premium rate of pay. *Provided, further*, That compensatory time and/or payment thereof shall be allowed only for overtime as is duly authorized and accounted for under rules and regulations to be established by the director of public institutions.

Overtime.

Time off.

Compensation.

Time off to be taken; when.

Overtime must be authorized under rules and regulations.

SEC. 2. This act shall not be applicable to the administrative officers of the department of public institutions; institutional superintendents, medical staff other than nurses, and business managers; and such professional, administrative and supervisory personnel as designated by the department of public institutions with the concurrence of the merit system board having jurisdiction.

Personnel to whom act does not apply.

Effective date.

SEC. 3. The provisions of this act shall be placed in full force and effect with respect to all employees to which the act applies not later than December 1, 1954.

Passed the House February 9, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 170.

[Sub. H. B. 268.]

CHERRIES—INSPECTION.

AN ACT relating to cherries and declaring an emergency.

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

Shipping or transporting of cherries prohibited without permit.

SECTION 1. No person shall ship or transport cherries from the area of production unless they have been inspected at the time of delivery to a warehouse by a state horticultural inspector for insect infestation, and if they comply with the insect tolerances as set in regulations promulgated by the director of agriculture a permit to ship shall be granted: *Provided*, That cherries that have not been so inspected will be subject to state inspection before being shipped.

Exceptions.

SEC. 2. This act does not apply to the transportation or shipment of cherries in quantities of two hundred pounds or less, nor to the transportation or shipment of cherries consigned to a processing or by-products plant.

Director to prescribe inspection rules and regulations.

SEC. 3. The director of agriculture shall prescribe rules and regulations as he may deem proper and necessary with reference to the inspection of cherries for insect infestation, and he may establish tolerances therefor and shall fix reasonable fees to cover the cost of the inspection, which fees shall be collected

Fees.

at the time of the inspection and be placed in the horticultural district fund of the district in which the inspection was performed.

Horticultural district fund.

SEC. 4. Any violation of this act shall be punishable as a misdemeanor.

Penalty.

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.

Emergency.

Passed the House March 1, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 171.

[H. B. 313.]

PORT DISTRICTS—POWERS—ACQUISITION OF PROPERTY AND FACILITIES.

AN ACT relating to port districts and their powers, and amending sections 53.08.010 and 53.08.020, RCW.

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

SECTION 1. Section 53.08.010, RCW, as derived from section 4, chapter 92, Laws of 1911, as last amended by section 2, chapter 166, Laws of 1943, is amended to read as follows:

Amendment.

A port district may acquire by purchase, for cash or on deferred payments for a period not exceeding ten years, or by condemnation, or both, all lands, property, property rights, leases, or easements necessary for its purposes and may exercise the right of eminent domain in the acquirement or damaging of all such lands, property, and property rights, and may levy and collect assessments upon property for the payment of all damages and compensation in

Power to acquire land or property, etc., by purchase or condemnation.

Eminent domain.

Assessments.

carrying out its purposes, and such right shall be exercised in the same manner and by the same procedure as provided for cities of the first class in so far as consistent with this title, and in connection therewith the county treasurer shall perform the duties of the treasurers of such cities.

Duties
of county
treasurer.

Amendment.

SEC. 2. Section 53.08.020, RCW, as derived from section 4, chapter 92, Laws of 1911, as last amended by section 2, chapter 166, Laws of 1943, is amended to read as follows:

Acquisition,
etc., and
operation of
facilities.

A district may construct, condemn, purchase, acquire, add to, maintain, conduct, and operate 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, administration buildings, fishing terminals, together with modern appliances and buildings 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 the district; and in connection with the operation of the improvements of the district, perform all customary services including the handling, weighing, measuring, and reconditioning all commodities received.

Passed the House February 24, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 172.

[H. B. 324.]

COUNTIES—PURCHASE OF ROAD MATERIALS EQUIPMENT—SALE OF SURPLUS MATERIALS.

AN ACT relating to surplus road materials, allowing sale thereof to private persons in certain counties, and amending section 36.82.100, RCW.

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

SECTION 1. Section 36.82.100, RCW, as derived from section 44, chapter 187, Laws of 1937, is amended to read as follows: Amendment.

The boards of the several counties may purchase and operate, out of the county road fund, rock crushing, gravel, or other road building material extraction equipment. Purchase of road material equipment.

Any crushed rock, gravel, or other road building material extracted and not directly used or needed by the county in the construction, alteration, repair, improvement, or maintenance of its roads may be sold at actual cost of production by the board to the state or any other county, city, town, or other political subdivision to be used in the construction, alteration, repair, improvement, or maintenance of any state, county, city, town or other proper highway, road or street purpose: *Provided*, That in counties of less than 12,500 population as determined by the 1950 Federal census, the boards of commissioners, during such times as the crushing, loading or mixing equipment is actually in operation, or from stockpiles, may sell at actual cost of production such surplus crushed rock, gravel, or other road building material to any other person for private use where the place of contemplated use of such crushed rock, gravel or other road building material is more than fifteen miles distant from the nearest private source of such materials within the county, distance being computed by the closest traveled route: *And provided further*, That Sale of surplus materials to state or political subdivisions.

Sale to private persons authorized; when.

Payment.

the purchaser presents, at or before the time of delivery to him, a treasurer's receipt for payment for such surplus crushed rock, gravel, or any other road building material.

Passed the House February 19, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 173.

[H. B. 469.]

HARBOR LINES—RELOCATION IN LAKE UNION, SALMON BAY, UNION BAY AND COMMENCEMENT BAY.

AN ACT authorizing the relocation of harbor lines in Lake Union, Salmon Bay, and Union Bay on Lake Washington, in King county, and Commencement Bay in Pierce county, and providing for platting of certain tidelands and shorelands.

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

SECTION 1. The board of state land commissioners, acting as the harbor line commission provided for in Article XV, section 1 of the constitution of the state of Washington, is hereby authorized to change, relocate or reestablish harbor lines in Lake Union, Salmon Bay, and Union Bay on Lake Washington, all in the city of Seattle, King county, and the portion of Commencement Bay in the vicinity of Ruston and Point Defiance Park, in Pierce county, as shown on the maps of Tacoma tidelands, so as to conform, to such extent as said commission may determine, with pierhead lines as established or reestablished by the proper department of the United States.

Relocation, etc., of harbor lines to conform with federal established pierhead lines authorized.

SEC. 2. If, upon reestablishment of the harbor lines as provided in section 1 of this act, additional tidelands or shore lands are created between the ex-

isting harbor lines and the newly established harbor lines, the commissioner of public lands shall plat said additional tidelands and shorelands in accordance with the present state statutes governing such platting.

Additional
tidelands and
shorelands
to be platted.

Passed the House March 7, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 174.

[Sub. H. B. 225.]

PUBLIC ASSISTANCE.

AN ACT relating to public assistance; amending certain sections of chapter 43.17, 43.18, 74.04, 74.08, 74.10, 74.12, 74.16, RCW; adding new sections thereto; repealing certain sections of 43.18, 74.04, 74.08, 74.10, 74.12, 74.16, RCW; providing for a state assessment not in excess of two mills; containing an appropriation; and declaring an emergency.

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

SECTION 1. Section 43.17.010, RCW, as derived from section 1, chapter 111, Laws of 1937, is amended to read as follows:

Amendment.

There shall be departments of the state government which shall be known as, (1) the department of public assistance, (2) the department of public institutions, (3) the department of health, (4) the department of conservation and development, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of licenses, (8) the department of fisheries, (9) the department of game, and (10) the department of highways, which shall be charged with the execution, enforcement and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Departments
created.

Amendment.

SEC. 2. Section 43.17.020, RCW, as derived from section 1, chapter 111, Laws of 1937, is amended to read as follows:

Chief executive officers.

There shall be a chief executive officer of each department to be known as: (1) The director of public assistance, (2) the director of public institutions, (3) the director of health, (4) the director of conservation and development, (5) the director of labor and industries, (6) the director of agriculture, (7) the director of licenses, (8) the director of fisheries, (9) the director of game, and (10) the director of highways.

Appointed by the governor.

They shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office.

Amendment.

SEC. 3. Section 43.18.010, RCW, as derived from sections 3 and 5, chapter 111, Laws of 1937, is amended to read as follows:

Director of public assistance.

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

Personnel.

Powers and duties.

Amendment.

SEC. 4. Section 43.18.080, RCW, as derived from sections 1 and 2, chapter 132, Laws of 1937, as last

amended by section 13, chapter 166, Laws of 1949, is amended to read as follows:

The personnel in the aid to the blind program shall be chosen on the basis of their experience and qualifications in the field of work among the blind, and to the fullest extent possible shall be residents of this state at the time of their selection. In appointing and employing personnel to carry into effect the provisions of this act, the director shall give preference under the merit system to qualified and available blind persons up to fifty percent of such personnel.

Blind program personnel.

Preference to blind persons.

SEC. 5. Section 74.08.090, RCW, as derived from section 10, chapter 6, Laws of 1949, is amended to read as follows:

Amendment.

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

Department authorized to make rules.

Power to compel compliance.

Rules filed with secretary of state.

SEC. 6. Section 74.04.050, RCW, as derived from section 6, chapter 216, Laws of 1939, is amended to read as follows:

Amendment.

The department shall serve as the single state agency to administer public assistance. The department is hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds for:

Department is responsible state agency.

Qualification for federal funds.

- (a) Old age assistance;

- (b) Aid to dependent children;
- (c) Aid to the needy blind;
- (d) Child welfare services;
- (e) Aid to permanently and totally disabled;
- (f) Programs of public assistance which are authorized by this act for which provision for federal aid may from time to time be made.

State accepts and assents to federal laws.

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

Conformity with federal requirements.

Federal matching funds; duty to make application and submit plan material, for.

The department shall periodically make application for federal funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal matching funds for such assistance. The department shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal aid grants. In the event of noncompliance with any such rules and regulations, the department shall take over the administration of public assistance programs in any county or counties involved until compliance shall have been effected during which time the department may authorize and approve the expenditure of all public assistance funds within the county.

Same; duty to insure compliance.

Same; non-compliance.

Amendment.

SEC. 7. Section 74.04.060, RCW, as derived from section 5, chapter 128, Laws of 1941, as last amended by section 1, chapter 10, Laws of 1950, extraordinary session, is amended to read as follows:

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

Information not to be disclosed.

Records, etc., declared privileged communications.

The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this act, together with the amount paid to each during the preceding month.

County reports.

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

Persons or groups to whom section does not apply.

Same; information to be treated as confidential.

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

Unlawful to use, etc., lists or names for commercial or political purposes.

- Penalty.** of any nature. The violation of this section shall be a gross misdemeanor.
- Amendment.** SEC. 8. Section 74.04.020, RCW, as derived from section 2, chapter 216, Laws of 1939, is amended to read as follows:
- State public assistance committee created.** There is created a state public assistance committee to consist of the governor, the director of budget and a third member to be appointed by the governor, who shall not be a state officer or employee. The members of the committee shall serve without compensation for their services, but the appointive member shall be entitled to expenses actually incurred in the discharge of his duties which expenses shall be paid out of moneys appropriated to the department. The committee shall have control of the administration of this act and exercise such powers and perform such duties as are prescribed herein.
- Compensation.**
- Powers and duties.**
- New section.** SEC. 9. Chapter 74.04, RCW, shall have added thereto a new section to read as follows:
- State advisory committee created.** There is hereby created a state advisory committee which shall serve in an advisory capacity to the director and the department. The committee shall be composed of seven members with the membership to be selected, in so far as possible, on the basis of giving both geographic and occupational representation throughout the state. Members shall be selected on the basis of their known experience or interest in public assistance and its related problems and not more than four members shall be identified with the same major political party. Appointment to the state committee shall be by the governor, by and with consent of the Senate. The members of the committee shall hold office as follows: two members to serve two years; two members to serve three years; and three members to serve four years.
- Composition.** Upon expiration of said original terms subsequent appointments shall be for six years except in the
- Appointment by the governor.**
- Terms.**
- Expiration of terms.**

case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term in which the vacancy occurs.

Vacancies.

SEC. 10. Chapter 74.04, RCW, shall have added thereto a new section to read as follows:

New section.

The state advisory committee shall have the following powers and duties:

Powers and duties of state advisory committee.

(1) To serve in an advisory capacity to the director on all matters pertaining to this act.

Advise director.

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

Periodic recommendations.

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

Report.

Rules.

Chairman and secretary.

Meetings.

Compensation.

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

Limitation.

Persons ineligible to be members.

SEC. 11. Chapter 74.04, RCW, shall have added thereto a new section to read as follows:

New section.

County advisory committee created.

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

Composition.

Terms.

Powers and duties.

The county advisory committee shall have the following duties:

Make studies.

(1) To make studies of the public assistance program within the county or counties of their jurisdiction;

Advise as to study results.

(2) To advise the state director and public assistance committee of the results of the studies;

Make recommendations.

(3) To recommend to the state advisory committee necessary studies and surveys to be made on a state-wide basis;

Meetings.

(4) To call meetings and set the time and number of meetings;

Agenda.

(5) To prepare the agenda of the meetings;

Access to records.

(6) Have access to all records of the county office they deem necessary, in compliance with the present act and/or the federal social security laws; and

County administrator to cooperate.

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

Amendment.

SEC. 12. Section 74.04.040, RCW, as derived from section 5, chapter 216, Laws of 1939, is amended to read as follows:

Relief declared joint federal, state and county function.

The care, support, and relief of needy persons is hereby declared to be a joint federal, state, and county function. County offices are charged with the responsibility, for the administration of public assistance within the respective county or counties or

parts thereof as local offices of the department as prescribed by the rules and regulations of the department.

Counties to administer.

SEC. 13. Section 74.04.070, RCW, as derived from section 4, chapter 216, Laws of 1939, as last amended by section 2, chapter 128, Laws of 1941, is amended to read as follows:

Amendment.

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

County administrator appointed by director.

SEC. 14. Section 74.04.080, RCW, as derived from section 4, chapter 216, Laws of 1939, as last amended by section 2, chapter 128, Laws of 1941, is amended to read as follows:

Amendment.

The county administrator shall have the power to, and shall, employ such personnel as may be necessary to carry out the provisions of this act, which employment shall be in accordance with the rules and regulations of the state merit system, and in accordance with personnel and administrative standards established by the department. The county administrator before qualifying shall furnish a surety bond in such amount as may be fixed by the director, but not less than five thousand dollars, conditioned that the administrator will faithfully account for all money and property that may come into his possession or control. The cost of such bond shall be an administrative expense and shall be paid by the department.

Power of administrator to employ personnel.

Administrator's bond.

SEC. 15. Section 74.04.180, RCW, as derived from section 12, chapter 216, Laws of 1939, is amended to read as follows:

Amendment.

Public assistance may be administered through a single administrator and a single administrative

County administration.

office for one or more counties. . There may be a local office for the transaction of official business maintained in each county.

New section.

SEC. 16. Chapter 74.04, RCW, shall have added thereto a new section to read as follows:

Earnings may be allowed without full deduction from grant.

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

Amendment.

SEC. 17. Section 74.08.010, RCW, as derived from section 3, chapter 6, Laws of 1949, as last amended by sections 1 and 3, chapters 1 and 122, Laws of 1951, is amended to read as follows:

Definitions.

For the purposes of this act, unless the context indicates otherwise, the following definitions shall apply:

“Public assistance.”

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

“Department.”

(2) “Department”—The department of public assistance.

“County office.”

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

“Director.”

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

“Federal-aid assistance.”

(5) “Federal-aid assistance”—The specific categories of assistance for which provision is made in

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

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

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

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

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

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

(9) "Income"—Net income in cash or kind available to an applicant or recipient, the receipt of which is regular and predictable enough that an applicant or recipient may rely upon it to contribute appreciably toward meeting his needs: *Provided*, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the "Income."

department is hereby authorized to disregard as a resource the first fifty dollars per month of any earned income of such blind recipient who is otherwise eligible for an aid to the blind grant. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the federal security agency.

"Need."

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

"Resource."

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

Exemptions.

Home.

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

Furnishings
and clothing.

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

(c) An automobile.

Automobile.

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

Cash.

(e) Life insurance having a cash surrender value not in excess of five hundred dollars for a single person or one thousand dollars for a family unit: *Provided*, That this maximum allowance shall be decreased by the amount of cash held by the person or the family unit under item (d) above.

Life insurance.

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

Personal property of sentimental value.

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

Department to fix ceiling values.

Excess value.

SEC. 18. Section 74.08.040, RCW, as derived from section 5, chapter 6, Laws of 1949, as last amended by section 6, chapter 1, Laws of 1951, is amended to read as follows:

Amendment.

Standards of assistance.

Grants shall be awarded on a uniform statewide basis in accordance with standards of assistance established by the department. The department shall establish standards of assistance for old age assistance, aid to dependent children, aid to the blind, and general assistance to unemployable persons which shall be used to determine an applicant's or recipient's living requirements and which shall include reasonable allowances for shelter, fuel, food, clothing, household maintenance and operation, personal maintenance, and necessary incidentals. The total dollar value of the assistance budget shall, under average conditions, be not less than sixty dollars per month for an individual living alone; but a recipient shall not receive a grant of sixty dollars or more unless his actual requirements amount to sixty dollars. Grants shall be paid in the amount of requirements less all available income and resources which can be applied by the recipient toward meeting need, including shelter.

Total dollar value.

Income and resources deducted.

Living cost studies.

Revised annually.

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

Joint living arrangements.

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

General assistance standards of assistance.

For general assistance to unemployed employable persons, the department shall establish standards of assistance based upon annual living cost studies and compatible with a minimum necessary

for decent and healthful subsistence. Such standards shall permit the meeting of actual and emergent need on an individual basis.

SEC. 19. Chapter 74.08, RCW, is amended by adding thereto a new section to read as follows: New section.

Public assistance shall be awarded to any applicant: Eligibility requirements.

(1) Who is in need; and Need.

(2) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and Has not transferred property to qualify.

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

SEC. 20. Section 74.08.030, RCW, as derived from section 4, chapter 6, Laws of 1949, as last amended by section 1, chapter 165, Laws of 1951, is amended to read as follows: Amendment.

In addition to meeting the eligibility requirements of section 19, an applicant for old age assistance must be an applicant who: Old age assistance; additional requirements.

(1) Has attained the age of sixty-five, and Age.

(2) Has resided within the state of Washington for at least five years during the nine years immediately preceding the application and has resided herein continuously for one year immediately preceding the application. Residence.

Amendment.

SEC. 21. Section 74.16.030, RCW, as derived from section 8, chapter 132, Laws of 1937, as last amended by section 1, chapter 170, Laws of 1941, is amended to read as follows:

Aid to the blind; additional requirements.

In addition to meeting the eligibility requirements of section 19, an applicant for aid to the blind assistance must be an applicant:

Age.

(1) Who is twenty-one years of age or over; or who has reached his sixteenth birthday and is found not to be acceptable for education at the state school for the blind;

Defective vision.

(2) Who has no vision or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential;

Residence.

(3) Who has resided in this state for five years during the ten years immediately preceding the date of application, or who suffered loss of sight while a resident of this state and has resided continuously in this state since such loss of sight except for any temporary absence from the state incident to receiving treatment for the injury or disease causing loss of sight or for the attempt of restoring sight.

Soliciting alms, etc.

(4) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" means the wearing, carrying, or exhibiting of signs denoting blindness and the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging: *Provided*, That no person otherwise eligible shall be deemed ineligible who has been a patient in a public hospital for a period of less than thirty days; or is employed in a shop maintained for the blind which does not furnish board or room; or attends a college or university in the state; or who pays the assistance money received to a private institution or home for his care.

Amendment.

SEC. 22. Section 74.16.040, RCW, as derived from section 9, chapter 132, Laws of 1937, as last amended

by section 1, chapter 5, Laws of 1951, first extraordinary session, is amended to read as follows:

Examination of the applicant's eyes by an ophthalmologist or physician skilled in diseases of the eye or by a licensed optometrist shall be provided without charge to the applicant for aid to the blind assistance.

Eye examinations.

SEC. 23. Section 74.12.030, RCW, as derived from section 4, chapter 114, Laws of 1937, as last amended by section 2, chapter 242, Laws of 1941, is amended to read as follows:

Amendment.

In addition to meeting the eligibility requirements of section 19, an applicant for aid to dependent children must be a needy child:

Aid to dependent children; additional requirements.

(1) Who has resided in the state for one year immediately preceding application; or

(2) Who was born within the last year, and whose parent, or other relative, with whom he lives has lived in this state for a year immediately preceding his birth; or

(3) Whose parent or other relative with whom he lives has been a resident of this state for one year immediately preceding application.

SEC. 24. Section 74.12.010, RCW, as derived from section 1, chapter 114, Laws of 1937, as last amended by section 1, chapter 242, Laws of 1941, is amended to read as follows:

Amendment.

For the purposes of the administration of aid to dependent children assistance, the term "dependent child" means a child in need under the age of sixteen years or under the age of eighteen years if regularly attending school: *Provided*, That if the federal government matches payments for all needy children up to the age of eighteen years, then the term "dependent child" shall mean a needy child under the age of eighteen years; and who has been deprived of parental support or care by reason of the death, con-

"Dependent child" defined for administrative purposes.

"Dependent child" defined for federal matching funds purposes.

tinued absence from the home, or physical or mental incapacity of the parent, and who is living with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or their homes.

“Aid to dependent children” defined.

“Aid to dependent children” means money payments and services with respect to a dependent child or dependent children and the needy parents or relatives with whom the child lives.

SEC. 25. Section 74.10.020, RCW, as derived from section 2, chapter 176, Laws of 1951, is amended to read as follows:

Disability assistance; additional requirements.

In addition to the eligibility requirements under section 19, disability assistance grants will be awarded on a uniform statewide basis to an applicant who is:

Disabled.

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

Age.

(2) Eighteen years of age or over, and

Residence.

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

Examination.

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

Amendment.

SEC. 26. Section 74.08.050, RCW, as derived from section 6, chapter 6, Laws of 1949, is amended to read as follows:

Applications for grants.

Application for a grant in any category of public assistance shall be made to the county office by the applicant or by another on his behalf, and shall be reduced to writing upon standard forms prescribed by the department, and a copy of the application upon such standard form shall be given to each applicant at the time of making application.

SEC. 27. Chapter 74.08, RCW, is amended by adding thereto a new section to read as follows: New section.

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

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

SEC. 28. Section 74.08.060, RCW, as derived from section 7, chapter 6, Laws of 1949, is amended to read as follows: Amendment.

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

Department action required on application; time limitation.

Payment of grant; time.

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

Applications prior to eligibility.

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

New section.

SEC. 29. Chapter 74.08, RCW, is amended by adding thereto a new section to read as follows:

Concurrent receipt of assistance from more than one federal-aid program prohibited.

No person shall be eligible to concurrently receive assistance from more than one category of federal-aid assistance to meet his own needs. This shall not be construed to prevent a recipient from receiving concurrently as grantee-relative assistance granted in behalf of legal dependents if his needs are not covered by assistance given to such dependents.

Amendment.

SEC. 30. Section 74.08.070, RCW, as derived from section 8, chapter 6, Laws of 1949, is amended to read as follows:

Fair hearing.

Any applicant or recipient feeling himself aggrieved by the decision of the department or any authorized agency of the department shall have the right to a fair hearing to be conducted by the director of the department or by a duly appointed, qualified and acting supervisor thereof, or by an examiner especially appointed by the director for such purpose.

Conducted by department.

Where conducted.

The hearing shall be conducted in the county in which the appellant resides, and a transcript of the testimony shall be made and included in the record, the costs of which shall be borne by the department.

Copy of transcript.

A copy of this transcript shall be given the appellant if request for same is made in writing by the appellant or his attorney of record.

Time limitation.

Any appellant who desires a fair hearing shall within sixty days after receiving notice of the de-

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

Notice.

Date.

Notice of time and place.

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

Access to files and records of department.

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

Notice of decision; time limitation.

SEC. 31. Section 74.08.080, RCW, as derived from section 9, chapter 6, Laws of 1949, is amended to read as follows:

Amendment.

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

Appeal to superior court.

Notice.

Copy of transcript given to appellant.

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

Record filed.

Decision on record.

The court shall decide the case on the record.

Findings of director conclusive.

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

Judgment.

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

Appeal to supreme court.

No appeal bond.

Attorney's fees and costs.

Effective date of assistance.

Amendment.

SEC. 32. Section 74.08.120, RCW, as derived from section 13, chapter 6, Laws of 1949, is amended to read as follows:

"Funeral" defined.

The term "funeral" shall mean the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial ser-

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

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

Funerals a department responsibility.

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

Cost of funerals.

Payments.

Standard of services.

Supplementation of minimum service not allowed.

SEC. 33. Chapter 74.08, RCW, is amended by adding thereto a new section to read as follows:

New section.

Public assistance shall not be granted under this act to any person who has made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this act. Any person who shall have transferred or shall transfer any real or personal property or any interest in property within two years of the date of application for public assistance without receiving adequate monetary consideration therefor, or any person who after becoming a recipient transfers any property or any interest in property without the consent of the director, shall be ineligible for public assistance for

Transfer of property; denial of assistance authorized.

Same; transfer within two years of date of application.

Same; transfer while recipient.

a period of time during which the reasonable value of the property so transferred would have been adequate to meet his needs under normal conditions of living: *Provided*, That the director is hereby authorized to allow exceptions in cases where undue hardship would result from a denial of assistance.

Exceptions allowed.

Amendment.

SEC. 34. Section 74.08.300, RCW, as derived from section 13, chapter 182, Laws of 1935, is amended to read as follows:

Property, etc., received by recipient; duty to report.

If, at any time during the continuance of public assistance, the recipient thereof becomes possessed of any property, resources or income in excess of the amount previously declared to the department, it shall be the duty of the recipient to notify the department within thirty days of the receipt or possession of such property, income or resource. Any assistance granted after the recipient has come into possession of such property, resource or income in excess of his need, and which was not reported within thirty days, may be deducted from subsequent assistance payments to the recipient or may be recovered by the state department by a civil action instituted by the attorney general.

Deducted from grant.

Recovery by department.

Amendment.

SEC. 35. Section 74.04.300, RCW, as derived from section 27, chapter 216, Laws of 1939, is amended to read as follows:

Concealing, etc., of resources by recipient; total amount of assistance paid becomes debt due the state.

If a recipient receives public assistance for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible by reason of the possession of or having come into possession of any resources which he fails to disclose to the department, or conceals resources such as cash in hand, bank accounts, savings accounts, cash income, or any other kind of resources, the total amount of such assistance paid to such recipient shall be a debt due the state and the attorney general shall prosecute an action to recover the amount thereof in

Recovery.

a civil action against such recipient, his heirs, executors, or assigns.

SEC. 36. Chapter 74.08, RCW, shall have added thereto a new section to read as follows: New section.

Upon the death of a person who has been a recipient of old age assistance the total amount paid under the provisions of this act shall be a debt due the state and a claim for said debt shall be filed in accordance with RCW 11.40.010, and as hereafter amended: *Provided*, That if the heirs, devisees or legatees of any recipient of old age assistance shall demonstrate to the satisfaction of the probate court that they were financially unable to render him support during the period in which he was such a recipient, the amount paid under the provisions of this act shall not be a debt due the state, and said heirs, devisees or legatees shall take free of any such claim. Recovery of amount paid upon death of recipient.

Procedure for the allowance of such claims shall be in accordance with chapter 11.40, RCW, and as hereafter amended, and shall be subject to chapter 11.52, RCW, and as hereafter amended. Exception.

The claim of the state shall have preference to the claims of all unsecured creditors, except funeral expenses, expenses of last sickness and of administration. Preferred claim.

Such claims shall not be enforced against any real estate while it is occupied by the surviving spouse or dependent children of the recipient, unless it becomes necessary for the state to protect its position as against another creditor or creditors, but the statute of limitations shall be tolled as to the state and the time that the collection is prohibited under this section shall not be a part of the time limited for the commencement of action. All recoveries under this act shall be distributed between the county, state and federal government, respectively, Claims against real estate occupied by surviving spouse or dependent children.

Statute of limitations.

Recoveries; how distributed.

in the proportion they have contributed assistance to such recipient.

The provisions of this section shall also apply to any person or his estate receiving benefits of any public assistance which materially improved or benefited any real estate owned by the recipient while benefiting from public assistance under this act or at his death.

New section.

SEC. 37. Chapter 74.08, RCW, shall have added thereto a new section to read as follows:

Deeds for inadequate consideration prima facie fraudulent.

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

Suit to rescind.

Amendment.

SEC. 38. Section 74.08.290, RCW, as derived from section 12, chapter 182, Laws of 1935, is amended to read as follows:

Suspension of public assistance.

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

Not in need.

Imprisonment.

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

New section.

SEC. 39. Chapter 74.08, RCW, is amended by adding thereto a new section to read as follows:

Recipients living outside state.

No assistance payments shall be made to recipients living outside the state of Washington unless in the discretion of the director there is sound social

reason for such out-of-state payments: *Provided*, That the period for making such payments when authorized shall not exceed the length of time required to satisfy the residence requirements in the other state in order to be eligible for a grant in the same category of assistance as the recipient was eligible to receive in Washington.

SEC. 40. Section 74.08.280, RCW, as derived from section 10, chapter 182, Laws of 1935, as last amended by section 7, chapter 156, Laws of 1937, is amended to read as follows: Amendment.

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

SEC. 41. Section 74.08.330, RCW, as derived from section 20, chapter 182, Laws of 1935, as last amended by section 1, chapter 17, Laws of 1951, second extraordinary session, is amended to read as follows: Amendment.

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

(2) Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent device aids or abets in buying, selling, or in any other way disposing of the real property of a recipient of public assistance without Penalty.
Fraud in transferring real property.

Penalty. the consent of the director shall be guilty of a gross misdemeanor.

Amendment. SEC. 42. Section 74.08.278, RCW, as derived from section 1, chapter 261, Laws of 1951, is amended to read as follows:

In order to comply with federal statutes and regulations pertaining to federal matching funds and to provide for the prompt payment of initial grants and adjusting payments of grants the director is authorized to make provisions for the cash payment of assistance by the director or county administrators by the establishment of a central operating fund.

Central operating fund.

Source. The director may establish such a fund with the approval of the state auditor from moneys appropriated to the department for the payment of general assistance in a sum not to exceed one million dollars.

Deposit. Such funds shall be deposited as agreed upon by the director and the state auditor in accordance with the laws regulating the deposits of public funds. Such security shall be required of the depository in connection with the fund as the state treasurer may prescribe. Moneys remaining in the fund shall be returned to the general fund at the end of the biennium, or an accounting of proper expenditures from the fund shall be made to the state auditor. All expenditures from such central operating fund shall

Biennial return of moneys or accounting.

Reimbursement of expenditures.

Expenditures to be audited.

be reimbursed out of and charged to the proper program appropriated by the use of such forms and vouchers as are approved by the director of the department and the state auditor. Expenditures from such fund shall be audited by the director of the budget and the state auditor from time to time and a report shall be made by the state auditor and the director as are required by law.

Amendment. SEC. 43. Section 74.04.150, RCW, as derived from section 10, chapter 216, Laws of 1939, as last amended by section 2, chapter 172, Laws of 1943, is amended to read as follows:

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

State levy for public assistance.

SEC. 44. Section 74.12.130, RCW, as derived from section 6, chapter 114, Laws of 1937, as last amended by section 1, chapter 260, Laws of 1947, is amended to read as follows:

Amendment.

The department shall:

(1) Cooperate with the federal government, its agencies or instrumentalities, in developing, administering, and supervising a plan for establishing, extending aid to, and strengthening services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent;

Child welfare services.

(2) Accept custody of children and provide for the care of children in need of protective services, directly or through its agents, following, in general, the policy of using properly approved private agency services for the actual care and supervision of such children in so far as they are available, paying for care of such dependent children as are accepted by the department as eligible for support at a reasonable rate established by the department; and

Custody of children in need.

(3) Receive and expend all funds made available by the federal government, the state or its political subdivisions for such purposes.

Funds from federal government.

SEC. 45. Section 74.16.180, RCW, as derived from section 4, chapter 132, Laws of 1937, as last amended by section 15, chapter 166, Laws of 1949, is amended to read as follows:

Amendment.

The department may maintain or cause to be maintained, in cooperation with the division of vocational rehabilitation of the state board of vocational education, services for vocational aid and training the objects of which shall be:

Vocational aid and training for the blind services.

Job placement.

(1) To place blind persons in jobs and/or business enterprises in accordance with the abilities and interests of the applicant therefor;

Home industries.

(2) To teach blind persons trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries;

Training schools or workshops.

(3) To establish and/or maintain one or more training schools and/or workshops to teach blind persons trades or occupations when such training is feasible and will contribute to the efficiency and/or self-support of such blind person and to devise means for the sale and distribution of the products thereof;

Special education or training.

(4) To arrange for special education and/or training in the trades, business or professions under a vocational plan, and if the same cannot be obtained within the state arrangements shall be made for such purposes outside of the state. Living maintenance during the period of such education and/or training within or without the state shall be furnished where there is need;

Furnish materials or machinery.

(5) To aid individual blind persons or groups of blind persons to become self-supporting by furnishing materials and/or machinery to them, and/or by providing them with financial assistance to enable them to take advantage of all laws of the United States providing assistance and aid to the blind, in the form of matching funds, and also

Home teaching.

(6) To provide home visitation and home teaching of subjects which will assist blind persons in the ease and enjoyment of daily living.

Amendment.

SEC. 46. Section 74.16.190, RCW, as derived from section 5, chapter 132, Laws of 1937, as last amended by section 1, chapter 75, Laws of 1939, is amended to read as follows:

The department may create an operating fund of fifteen thousand dollars from any money appropriated for the blind to be used to create a home indus-

tries revolving fund for the purpose of advancing the cost of production and wages for the blind engaged in industry under the supervision of the department and to promote the sale of articles produced by such industry. All moneys received from the sale of articles produced in industries of the blind under the supervision of the department shall be deposited in the home industries revolving fund.

Home industries revolving fund.

SEC. 47. Chapter 243, Laws of 1951 (uncodified) is hereby repealed and the fund created thereby is hereby abolished. In the event that said fund contained any moneys, the same shall be transferred to the state general fund.

Repealing clause.

SEC. 48. The department of public assistance which is hereby created shall succeed to the rights and functions of the pre-existing department of social security.

Department of public assistance created.

SEC. 49. Section 43.18.040, RCW, as derived from section 12, chapter 11, Laws of 1937, is amended to read as follows:

Amendment.

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

Director responsible officer to administer federal funds.

Exceptions.

Reports and
accounting.

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

Director
to issue
rules and
regulations
to qualify
for federal
matching
funds.

SEC. 50. In furtherance of the policy of this state to cooperate with the federal government in the programs included in this act the director shall issue such rules and regulations as may become necessary to entitle this state to participate in federal matching funds unless the same be expressly prohibited by this act. Any section or provision of this act which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching funds for the various programs of public assistance.

Construction
of act.

Partial
invalidity.

SEC. 51. If any portion of the title, section, subdivision of a section, paragraph, sentence, clause or word of this act for any reason shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation or effect to the title, section, subdivision of a section, paragraph, sentence, clause, or word of the act directly involved in the controversy in which such judgment shall have been rendered.

It is hereby expressly declared that had any section or combination of sections, subdivision of a section, paragraph, sentence, clause, or word or the application thereof as to any person or class of persons which may be declared invalid, been eliminated from the act at the time the same was considered, the act would have nevertheless been enacted with such portions eliminated.

Repealing
clause.

SEC. 52. The following sections are repealed: Section 74.04.090, RCW, being section 1, chapter 172, Laws of 1943; section 74.04.100, RCW, being a part of section 8, chapter 216, Laws of 1939; section

74.04.110, RCW, being a part of section 8, chapter 216, Laws of 1939; section 74.04.130, RCW, being section 9, chapter 216, Laws of 1939; section 74.04.140, RCW, being section 11, chapter 180, Laws of 1937; section 74.04.160, RCW, being a part of section 2, chapter 172, Laws of 1943; section 74.04.170, RCW, being section 3, chapter 172, Laws of 1943; section 74.04.190, RCW, being section 13, chapter 216, Laws of 1939; section 74.04.220, RCW, being section 16, chapter 216, Laws of 1939; section 74.04.240, RCW, being section 18, chapter 216, Laws of 1939; section 74.04.255, RCW, being section 1, chapter 21, Laws of 1951, second extraordinary session; section 74.04.260, RCW, being section 20, chapter 216, Laws of 1939; section 74.04.320, RCW, being a part of section 29, chapter 216, Laws of 1939; section 74.16.010, RCW, being section 6, chapter 132, Laws of 1937; section 74.16.020, RCW, being section 7, chapter 132, Laws of 1937; section 74.16.050, RCW, being section 3, chapter 170, Laws of 1941; section 74.16.060, RCW, being section 11, chapter 132, Laws of 1937; section 74.16.070, RCW, being section 12, chapter 132, Laws of 1937; section 74.16.090, RCW, being section 14, chapter 132, Laws of 1937; section 74.16.100, RCW, being section 15, chapter 132, Laws of 1937; section 74.16.110, RCW, being section 16, chapter 132, Laws of 1937; section 74.16.130, RCW, being section 5, chapter 170, Laws of 1941; section 74.16.140, RCW, being section 18, chapter 132, Laws of 1937; section 74.16.150, RCW, being section 19, chapter 132, Laws of 1937; section 74.16.160, RCW, being section 20, chapter 132, Laws of 1937; section 74.12.020, RCW, being section 2, chapter 114, Laws of 1937; section 74.12.040, RCW, being section 9, chapter 114, Laws of 1937; section 74.12.050, RCW, being section 3, chapter 114, Laws of 1937; section 74.12.070, RCW, being section 10, chapter 114, Laws of 1937; section 74.12.080, RCW, being a part of section 12, chapter

114, Laws of 1937; section 74.12.090, RCW, being section 11, chapter 114, Laws of 1937; section 74.12-.100, RCW, being a part of section 12, chapter 114, Laws of 1937; section 74.12.110, RCW, being section 13, chapter 114, Laws of 1937; section 74.12.120, RCW, being section 15, chapter 114, Laws of 1937; section 74.10.040, RCW, being section 4, chapter 176, Laws of 1951; section 74.10.050, RCW, being section 5, chapter 176, Laws of 1951; section 74.10.060, RCW, being section 6, chapter 176, Laws of 1951; section 74.10.080, RCW, being section 8, chapter 176, Laws of 1951; section 74.08.110, RCW, being section 12, chapter 6, Laws of 1949; section 74.08.130, RCW, being section 14, chapter 6, Laws of 1949; section 74.08.020, RCW, being section 4, chapter 1, Laws of 1951; section 74.08.220, RCW, being section 17, chapter 1, Laws of 1941; section 74.08.230, RCW, being section 19, chapter 1, Laws of 1941; section 74.08.240, RCW, being section 20, chapter 1, Laws of 1941; section 74.08.250, RCW, being section 8, chapter 1, Laws of 1951; section 74.08.310, RCW, being section 14, chapter 182, Laws of 1935; section 74.08.320, RCW, being section 15, chapter 182, Laws of 1935; section 74.08.350, RCW, being section 22, chapter 182, Laws of 1935; section 74.08.360, RCW, being section 11, chapter 156, Laws of 1937; section 43.18.020, RCW, being section 2, chapter 111, Laws of 1937; section 43.18.030, RCW, being section 4, chapter 111, Laws of 1937; section 43.18.050, RCW, being section 6, chapter 111, Laws of 1937; section 43.18.060, RCW, being section 7, chapter 111, Laws of 1937; section 43.18.070, RCW, being section 10, chapter 111, Laws of 1937.

Emergency.

SEC. 53. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing

public institutions, and shall take effect April 1, 1953.

Passed the House March 3, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 175.

[H. B. 380.]

TAXATION—LIMITATION ON LEVIES—FORTY MILL LIMIT.

AN ACT relating to property taxation; fixing rates of levy, and amending section 84.52.050, RCW.

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

SECTION 1. Section 84.52.050, RCW, as derived Amendment.
from chapter 23, Laws of 1951, 2nd Ex. Sess., is amended to read as follows:

Except as hereinafter provided, the aggregate of Forty mill limit.
all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent of the true and fair value of such property in money; and within Other limitations; state.
and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state; the levy by any county shall not exceed eight Counties.
mills; the levy by or for any school district shall School districts.
not exceed fourteen mills: *Provided*, That the levy by or for any union high school district shall not Union high school districts.
exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component dis-

Nonhigh
school
districts.Road
districts.Cities and
towns.Port or
power
districts.

trict within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: *Provided further*, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed ten mills; and the levy by or for any city or town shall not exceed fifteen mills.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Passed the House February 28, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 176.

[S. B. 19.]

FIRE PROTECTION DISTRICTS—CONTRACTS— FINANCES—MERGERS.

AN Act relating to fire protection districts; providing for bids on all work done or purchases made in excess of one thousand dollars; creating special funds for fire districts in the county treasurer's office; authorizing the board of fire commissioners to contract indebtedness and issue of coupon warrants; authorizing bonds for capital purposes; providing for the transfer of the part of the area of one fire district to another fire district; amending sections 52.16.020 and 52.16.080, RCW; and adding new sections to chapters 52.12, 52.16, and 52.24, RCW.

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

New section.

SECTION 1. A new section is added to chapter 52.12. RCW, to read as follows:

Whenever the cost of any work to be done or the purchase of any materials, supplies, or equipment, will exceed the sum of one thousand dollars, the same shall be done by contract after a call for bids which shall be awarded to the lowest responsible bidder, in accordance with the terms of RCW 39.24-.010. Notice of the call for bids shall be given by posting notice thereof in three public places in the district and by publication once each week for two consecutive weeks, said posting and first publication to be at least two weeks before the date fixed for opening of the bids, and such publication to be in a newspaper of general circulation within the district. The commissioners shall have the power by resolution to reject any and all bids and make further calls for bids in the same manner as the original call. If no bid is received on the first call, the commissioners may readvertise and make a second call, or may enter into a contract without any further call.

Contracts
for work or
purchases
over \$1,000.

Bids.

SEC. 2. Section 52.16.020, RCW, is amended to read as follows:

Amendment.

There are hereby created in said county treasurer's office of each county in which a fire protection district shall be organized for the use of the district the following funds: (1) expense fund; (2) coupon warrant fund; (3) contract fund; (4) reserve fund; (5) local improvement district No. fund; and (6) general obligation bond fund. All taxes levied for administrative, operative, and maintenance purposes, when collected, shall be placed by the county treasurer in the expense fund of the district; all taxes levied for the payment of coupon warrants and interest thereon, when collected shall be placed by the county treasurer in the coupon warrant fund of the district; all taxes levied for the purchase of fire-fighting equipment, apparatus, and for the housing thereof, proceeds from the sale of coupon warrants heretofore authorized and general

District
funds.

obligation bonds shall be placed by the county treasurer in the contract fund of the district; all taxes levied for the payment of the principal and interest of general obligation bonds, when collected, shall be placed by the county treasurer in the general obligation bond fund of the district; the board of fire commissioners may include in its annual budget items of possible outlay to be provided for and held in reserve for any district purpose and until the same or any part thereof is transferred by the county treasurer upon order of the board of fire commissioners to any other appropriate fund of the district and taxes shall be levied therefor and all such taxes, when collected by the county treasurer, shall be placed in the reserve fund of the district; all special taxes levied against the lands in any improvement district within the fire protection district, when collected, shall be placed by the county treasurer in the local improvement district fund for such local improvement district.

New section.

SEC. 3. A new section is added to chapter 52.16, RCW, to read as follows:

Contracts of indebtedness for general purposes.

The board of fire commissioners of the district shall have authority to contract indebtedness for any general district purpose and evidence the same by the issuance and sale at par plus accrued interest not exceeding six percent per annum of coupon warrants of the district in such denominations, in such form and payable at such time or times not longer than six years from the issuing date of said coupon warrants; said date to be specified thereon, as the board shall determine and provide. Such coupon warrants shall be payable to bearer, shall have interest coupons attached providing for the payment of interest semiannually on the first day of January and of July following in each year: *Provided*, That at the option of district board the aggregate amount of coupon warrants may include a sum sufficient to

pay the annual interest thereon for a period not exceeding one year from the issuing date of the coupon warrants and in that event such interest shall be taken from the proceeds of the sale of the coupon warrants and immediately placed in [the] coupon warrant fund of the district, for the payment of the interest coupons maturing during the first year of the coupon warrants and the issuance of the coupon warrants prior to delivery thereof to the purchaser, shall be recorded in the office of the county treasurer in a book kept for that purpose. Said coupon warrants when issued shall constitute general obligations of the district. All outstanding district warrants of every kind shall outlaw and become void after six years from the maturity date thereof where money shall be available in the proper fund of the district within that time for their payment.

SEC. 4. Section 52.16.080, RCW, is amended to read Amendment.
as follows:

Fire protection districts are hereby authorized to incur general indebtedness for capital purposes which shall include replacements of equipment which may be damaged or lost and for the purpose of refunding outstanding coupon warrants issued for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to three percent of the assessed valuation of the taxable property within such district and to issue general obligation bonds evidencing such indebtedness on the terms and provisions hereinafter set forth, the principal and interest thereof to be payable from annual tax levies to be made in excess of the forty mill tax limitation. Contracts of indebtedness for capital purposes.

SEC. 5. A new section is added to chapter 52.24, New section.
RCW, to read as follows:

A part of one district may be transferred and merged with an adjacent district whenever such area Merger procedure.

can be better served by the merged district. To effect such a merger a petition shall be filed with the board of the merger district by the commissioners of the merging district, setting forth the exact area or part of the merging district to be transferred. The commissioners of the merging district may sign and file the petition upon their own initiative, and they shall file such a petition when it is signed by fifteen percent of the qualified electors resident in the area to be merged. The petition shall state the reasons for the merger; give a detailed statement of the district's finances, listing its assets and liabilities; state the terms and conditions under which the merger is proposed; and pray for the merger. Said petition shall then be acted upon as set forth in RCW 52.24.030 and RCW 52.24.040.

New section.

SEC. 6. A new section is added to chapter 52.24, RCW, to read as follows:

Mergers
without
election.

If three-fifths of all the qualified electors in the area to be merged sign a petition to merge the districts, no election on the question of the merger is necessary, in which case the auditor shall return the petition, together with his certificate of sufficiency attached thereto, to the boards of the merging districts. Thereupon the boards of the respective districts shall adopt their concurrent resolutions of transfer in the same manner and to the same effect as if the same had been authorized by an election.

Passed the Senate January 27, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 177.

[S. B. 70.]

CITIES—LOCAL IMPROVEMENTS—RESOLUTION FORM—
ASSESSMENT ROLL HEARINGS.

AN ACT relating to local improvements by cities and towns; providing for hearings on certain resolutions and on assessment rolls; and amending sections 35.43.140 and 35.44.070, RCW.

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

SECTION 1. Section 35.43.140, RCW, as derived from section 1, chapter 97, Laws of 1929, is amended to read as follows: Amendment.

Any local improvement to be paid for in whole or in part by the levy and collection of assessments upon the property within the proposed improvement district may be initiated by a resolution of the city council or other legislative authority of the city, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein. Resolution procedure.

In the case of trunk sewers and trunk water mains the resolution must describe the routes along which the trunk sewer, subsewer and branches or trunk water main and laterals are to be constructed. Trunk sewers and trunk water mains.

In case of dikes or other structures to protect the city or town or any part thereof from overflow or to open, deepen, straighten, or enlarge watercourses, waterways and other channels the resolution must set forth the place of commencement and ending thereof and the route to be used. Dikes and channels.

In the case of auxiliary water systems, or extensions thereof or additions thereto for protection of the city or town or any part thereof from fire, the resolution must set forth the routes along which the auxiliary water system or extensions thereof or addi- Auxiliary water systems.

tions thereto are to be constructed and specifications of the structures or works necessary thereto or forming a part thereof.

Publication.

The resolution shall be published in at least two consecutive issues of the official newspaper of the city or town, or if there is no official newspaper, in any legal newspaper of general circulation therein; the first publication to be at least fifteen days before the day fixed for the hearing.

Hearing.

The hearing herein required may be held before the city council, or other legislative authority, or before a committee thereof. If the hearing is before a committee, the committee shall following the hearing report its recommendation on the resolution to the city council or other legislative authority for final action.

Amendment.

SEC. 2. Section 35.44.070, RCW, as derived from section 3, chapter 97, Laws of 1929, is amended to read as follows:

Assessment roll; filing.

The assessment roll for local improvements when prepared as provided by law shall be filed with the city or town clerk. The council or other legislative authority shall thereupon fix a date for a hearing thereon before such legislative authority or may direct that the hearing shall be held before a committee thereof. The committee designated shall hold a hearing on the assessment roll and consider all objections filed following which it shall report its recommendations to such legislative authority which shall either adopt or reject the recommendations of the committee. If a hearing is held before such a committee it shall not be necessary to hold a hearing on the assessment roll before such legislative authority. The same procedure may if so directed by such legislative authority be followed with respect to any assessment upon the roll which is raised or changed to include omitted property. Such legisla-

Hearing.

tive authority shall direct the clerk to give notice of the hearing and of the time and place thereof. Notice of hearing.

Passed the Senate February 21, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 178.

[S. B. 286.]

MUNICIPAL AIRPORTS—LEASE OR SALE OF UNNEEDED PROPERTY.

AN ACT relating to the leasing of real property acquired for airport purposes and belonging to a county, city, town or port district of this state; and amending section 14.08.140, RCW.

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

SECTION 1. Section 14.08.140, RCW, as derived from section 8, chapter 182, Laws of 1945, is amended to read as follows: Amendment.

Such municipality may sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aircraft landings, aircraft takeoffs or related aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property: *Provided*, That any such lease of real property for aircraft manufacturing or aircraft industrial purposes or to any manufacturer of aircraft or aircraft parts or for any other business, manufacturing or industrial purpose or operation relating to, identified with or in any way dependent upon the use, operation or maintenance of the airport may be made for any period not to exceed seventy-five years: *And provided further*, That any such lease of real property made for a longer period than Authorization.

Leases dependent on use, operation or maintenance of airport.

Leases over 10 years.

ten years shall contain provisions requiring the municipality and the lessee to permit the rentals for each five year period thereafter, to be readjusted at the commencement of each such period, if written request for such readjustment is given by either party to the other at least thirty days before the commencement of the five year period in respect of which such readjustment is requested. If in such event the parties cannot agree upon the rentals for such five year period they shall submit to have the disputed rentals for such five year period adjusted by arbitration. The lessee shall pick one arbitrator and the governing body of the municipality one, and the two so chosen shall select a third, and such board of arbitrators, after a review of all pertinent facts may increase or decrease such rentals, or continue the previous rate thereof.

Same;
arbitration of
rental read-
justment.

Disposition
of proceeds
of sale.

The proceeds of sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the bond sinking fund. In the event all the proceeds of sale are not needed to pay the principal of bonds remaining unpaid, the remainder shall be paid into the airport fund of the municipality. The proceeds of sales of property the purchase price of which was paid from appropriations of tax funds shall be paid into the airport fund of the municipality.

Passed the Senate February 23, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 179.

[S. B. 285.]

APPROPRIATION—BOARD OF STATE LAND
COMMISSIONERS.

AN ACT providing for the appropriation to the board of state land commissioners for the current biennium; and declaring an emergency.

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

SECTION 1. For the biennium ending March 31, 1953, there is hereby appropriated out of the general fund to the board of state land commissioners the sum of five thousand nine hundred seventy-nine and 76/100 dollars, or so much thereof as may be necessary, for salaries and wages and operations. ^{Appropriation.}

SEC. 2. This act is necessary for the support of the state government, and shall take effect immediately. ^{Emergency.}

Passed the Senate February 19, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 180.

[S. B. 44.]

CITIES UNDER 300,000 POPULATION—BUDGETS.

AN ACT relating to budgets and expenditures in certain class cities; amending sections 35.33.040, 35.33.100, and 35.33.150, RCW; and declaring an emergency.

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

Amendment. SECTION 1. Section 35.33.040, RCW, as derived from section 2, chapter 158, Laws of 1923, is amended to read as follows:

Classification of appropriations and expenditures. All estimates, appropriations and expenditures shall be classified under the general classes of:

- (1) Salaries and wages;
- (2) Maintenance and operation;
- (3) Capital outlay;
- (4) Interest and debt redemption;
- (5) Expenditures proposed to be made from bond or warrant issues not yet authorized.

Salaries and wages. Within the general class of "salaries and wages" each salary shall be set forth separately, together with the title or position of the recipient. Wages for day labor may be given in totals according to the general purpose or object for which to be expended but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures

Maintenance and operation. coming under the general class of "maintenance and operation" shall be classified according to the standard classification established by said division of municipal corporations. Expenditures for "capital outlay" shall set forth and describe each proposed

Capital outlay. object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately and for each series or issue of bonds and requirement for warrant redemption and interest shall be set out in a like

manner. The total amount of emergency warrants issued during the preceding fiscal year shall be set out separately together with a statement showing each emergency and the amount of warrants issued therefor.

If a city rejects bids on a capital outlay project and proceeds to construct same by force account, it may transfer from the budget classification capital outlay to the classification salary and wages such funds as are necessary to pay salaries and wages in completing the project.

Capital
outlay
construction
by force
account.

SEC. 2. Section 35.33.100, RCW, as derived from section 6, chapter 158, Laws of 1923, is amended to read as follows:

Amendment.

All emergency expenditures shall be paid from any available funds or by the issuance of emergency warrants. If emergency warrants are issued, they shall be paid from any moneys on hand in the city treasury in the fund properly chargeable with such expenditure.

Emergency
expenditures.

If at any time there is insufficient money on hand in the fund with which to pay any emergency warrant, the warrant shall be registered, bear interest and be called in the same manner as other city warrants.

If such emergency expenditures are not paid from available funds during the year in which they were appropriated, the clerk shall include in the annual budget to be submitted to the city commission or mayor the total amount of emergency warrants issued during the preceding fiscal year; and at the time the final budget is adopted the city commission or council shall include in its tax levies a levy sufficient to reimburse the fund or funds out of which the emergency warrants were paid or shall budget an item from any revenue source available, for the fund or funds: *Provided*, That any or all of

such warrants may be funded into bonds in any manner authorized by law if deemed advisable.

Amendment.

SEC. 3. Section 35.33.150, RCW, as derived from section 6, chapter 158, Laws of 1923, is amended to read as follows:

Unexpended appropriations.

All appropriations, except those in special funds established by ordinance or those earmarked by state law to be used only for the purpose or purposes specified by the state law, shall lapse at the end of the fiscal year, but the accounts shall remain open for twenty days thereafter for the payment of claims incurred prior to the close of such year. Any claim presented after the twentieth day following the close of a fiscal year shall not be paid from the appropriations for that year but shall be provided for in the next ensuing budget: *Provided*, That this shall not prevent payment upon uncompleted improvements in progress at the close of the fiscal year.

Emergency.

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

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 181.

[S. B. 110.]

NATIONAL DEFENSE FACILITIES ACT—ACCEPTANCE
BY STATE.

AN Act accepting the requirements of the "National Defense Facilities Act" to provide for acquisition, construction, expansion, rehabilitation or conversion of facilities necessary for the administration and training of units of the state military department and reserve components of the armed forces of the United States; and declaring an emergency.

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

SECTION 1. The legislature hereby expresses its intention to secure to this state the benefits of the act of Congress entitled the "National Defense Facilities Act" (64 Stat. 829, U.S.C. Title 50, section 883), and the state military department 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 for the acquisition, construction, expansion, rehabilitation or conversion of facilities necessary for the administration and training of units of the state military department and reserve components of the armed forces of the United States. The provisions of the said act of Congress are hereby accepted by this state and this state will observe and comply with the requirements thereof.

State
military
department
to cooperate
with U. S.
representa-
tives.

Acceptance.

Note: See also Sec. 4 of Ch. 277, *infra*.

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

Emergency.

Passed the Senate February 21, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 182.

[S. B. 232.]

DEFICIENCY APPROPRIATION—MOTOR VEHICLE EX-
CISE FUND TRANSFERS TO CITIES AND TOWNS.

AN ACT making a deficiency appropriation for transfers and distribution to cities and towns as required under chapter 82.44, RCW; 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 thirty-second session of the legislature, in extraordinary session, and to carry out the provisions of chapter 82.44, RCW, relating to transfers and distribution of motor vehicle excise taxes to cities and towns, there is hereby appropriated to the state treasurer, out of moneys in the motor vehicle excise fund the sum of two million seven hundred seventy-eight thousand three hundred forty-five dollars and ninety-three cents for the biennium ending March 31, 1953.

Emergency.

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

Passed the Senate February 27, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 183.

[S. B. 344.]

EXPRESS HIGHWAY—TACOMA TO EVERETT
VIA SEATTLE.

AN ACT authorizing study and, if feasible, construction by the Washington toll bridge authority of a toll road from the vicinity of Tacoma through Seattle to the vicinity of Everett; appropriating funds therefor; and declaring an emergency.

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

SECTION 1. The Washington toll bridge authority is hereby authorized to study and if feasible, after approval by the state highway commission, to locate, construct, finance and operate as a toll road, until paid for, an express highway from the vicinity of Tacoma through Seattle to the vicinity of Everett. Right-of-way shall be acquired as a limited access facility.

Authoriza-
tion to study,
construct
and operate
as toll road.

Limited
access
facility.

SEC. 2. The toll road, when completed, shall become part of the state highway system but may be operated as a toll highway by the Washington toll bridge authority until such time as all costs of investigation, financing, acquisition of property, construction, maintenance, management, operation, repayment of advances from the motor vehicle fund, and obligations incurred under section 47.56.250, RCW, and chapter 16, Laws of 1945, have been fully paid.

Operation as
toll highway.

SEC. 3. The Washington toll bridge authority shall have the same powers, duties and functions with respect to toll roads as it now has with respect to toll bridges and all the provisions of chapter 47.56, RCW, shall apply to and govern toll roads in so far as is reasonably consistent and applicable, except as otherwise provided in this act.

Washington
toll bridge
authority
powers and
duties as to
toll roads.

Appropriation from motor vehicle fund.

SEC. 4. There is hereby appropriated from the motor vehicle fund to the authority revolving fund the sum of five hundred thousand dollars.

Appropriation from authority revolving fund.

SEC. 5. There is hereby appropriated from the authority revolving fund to the Washington toll bridge authority the sum of five hundred thousand dollars or so much thereof as may be necessary, to carry out the provisions of section 1.

Vetoed

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

Passed the Senate February 19, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953, with the exception of section 6, which is vetoed.

CHAPTER 184.

[S. B. 390.]

STATE GOVERNMENT—FISCAL YEAR—FISCAL BIENNIUM—REPORTS.

AN ACT relating to state budgetary and fiscal affairs; defining the fiscal year; specifying the fiscal years to be covered in certain reports; amending sections 1.16.020 and 43.86.140, RCW.

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

Amendment.

SECTION 1. Section 43.86.140, RCW, as derived from section 1, chapter 9, Laws of 1925, is amended to read as follows:

"Department" defined.

The term "department" as used in this chapter includes every elective office of the state government, every state department, institution, board, commission, committee, or other administrative unit expending state funds.

The term "fiscal year" means the year beginning July 1st and ending on the following June 30th. "Fiscal year" defined.

SEC. 2. Section 1.16.020, RCW, as derived from section 1, chapter 86, Laws of 1923, is amended to read as follows: Amendment.

The fiscal biennium of the state shall commence on the first day of July in each odd-numbered year and end on the thirtieth day of June of the next succeeding odd-numbered year. Fiscal biennium of state defined.

SEC. 3. All biennial reports to the legislature and the governor shall cover the period comprising the first full fiscal year of the then current biennium and the last full fiscal year of the biennium immediately preceding: *Provided*, That the biennial reports to the thirty-fourth legislature shall cover the two year period commencing July 1, 1952 and ending June 30, 1954. All annual reports to the governor shall cover the full fiscal year immediately preceding the date of said report: *Provided, further*, That reports required to be so filed in the calendar year 1954 shall cover a fiscal year commencing July 1, 1953, and ending June 30, 1954, and sections 1 and 2 thereof shall take effect July 1, 1955. Biennial reports to legislature and governor; period covered. Annual reports to governor; period covered.

Passed the Senate March 4, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 185.

[S. B. 440.]

ATTACHMENT OF OBJECTS TO UTILITY POLES.

AN ACT relating to the safety of electrical workers; and defining a crime.

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

Attachment of specific objects prohibited.

SECTION 1. It shall be unlawful to attach to utility poles any of the following: advertising signs, posters, vending machines, or any similar object which presents a hazard to, or endangers the lives of, electrical workers. Any attachment to utility poles shall only be made with the permission of the utility involved, and shall be placed not less than twelve feet above the surface of the ground.

Limitation on permitted attachments.

Penalty.

SEC. 2. Every person violating the provisions of section 1 of this act shall be guilty of a misdemeanor.

Passed the Senate March 4, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 186.

[S. B. 87.]

APPROPRIATION—SUPPLIES FURNISHED STATE—
BELATED CLAIMS.

AN ACT relating to state government, appropriating funds to the state auditor for the payment of belated claims for supplies furnished state departments and institutions and declaring an emergency.

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

SECTION 1. There is appropriated to the state auditor from the general fund the sum of two hundred thousand dollars, or so much thereof as shall be necessary, to be used in paying claims for supplies furnished to the several departments and institutions of the state which cannot be paid from original appropriations to such departments or institutions by reason of the failure of claimants to present vouchers on or before the end of the respective biennial fiscal periods: *Provided*, That in no event shall such claims be paid in excess of the unexpended balance of such original appropriations: *Provided further*, That in the event such original appropriation was from a fund other than the general fund, the state auditor shall certify such amounts paid hereunder to the next regular session of the legislature for reimbursement to the general fund.

Appropriation.

Claims in excess of unexpended balance.

Reimbursement of general fund.

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

Emergency.

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 187.

[S. B. 67.]

STATE OFFICE BUILDING AT OLYMPIA.

AN ACT relating to state government; authorizing the issuance of bonds for the construction of a new office building; prescribing purposes for which the proceeds shall be used; defining powers of the state capitol committee; amending sections 1, 2 and 7, chapter 22, Laws of 1951 (uncodified); making an appropriation; and declaring an emergency and an effective date.

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

Amendment. SECTION 1. Section 1, chapter 22, Laws of 1951 (uncodified), is amended to read as follows:

Bonds; issuance. The state capitol committee may issue coupon or registered bonds of the state in an amount not to exceed four million three hundred thousand dollars.

Interest. The bonds shall bear interest at a rate not to exceed four percent per annum, both principal and interest

Source of retirement funds. to be payable only from revenues hereafter received from leases and contracts of sale heretofore or hereafter made of lands, timber, and other products from the surface or beneath the surface of the lands granted to the state by the United States pursuant to the act of congress approved February 22, 1889, for capitol building purposes.

Amendment. SEC. 2. Section 2, chapter 22, Laws of 1951 (uncodified), is amended to read as follows:

Sale of bonds. Such bonds may be sold in such manner and in such amount, in such denominations, and at such times as the capitol committee shall determine, at the best price obtainable, but not for a sum so low as to make the net interest return to the purchaser exceed four percent per annum as computed by standard tables upon such sums.

Amendment. SEC. 3. Section 7, chapter 22, Laws of 1951 (uncodified), is amended to read as follows:

Proceeds of the bonds issued hereunder shall be expended by the state capitol committee in the selection and acquisition, by purchase or condemnation, of suitable grounds adjacent to the present capitol grounds, in the construction thereon of a modern office-type building and in furnishing the same. Said building shall be reinforced concrete construction, but devoid of stone facing or decorative features. The building shall contain not less than one hundred ten thousand square feet of floor space and shall include an auditorium or hearing room of reasonable size. Provision shall be made for adequate garage and parking facilities. The plans for the building shall make provision for the later addition if necessary of another wing to the building.

State office building; bond proceeds for.

Style.

Floor space.

Auditorium or hearing room.

Garage and parking facilities.

Additional wing.

The public printer, and such other state agencies, departments, and offices, as may from time to time be assigned by the director of public institutions, shall be housed in said building. In selecting plans for the construction of the building and use of the grounds, the committee shall consider recommendations of the director of public institutions for the purpose of coordinating such plans with the over-all office space needs of the various state departments.

Use of building.

Recommendations of director of public institutions.

SEC. 4. There is appropriated to the state capitol committee from the capitol building construction fund for the biennium ending March 31, 1955, for the purposes of carrying out the provisions of chapter 22, Laws of 1951, as amended by this act, the sum of two million one hundred fifty-nine thousand three hundred thirty-nine dollars and two cents, or so much thereof as may be necessary, being the unexpended balance of the amount appropriated by said chapter 22, Laws of 1951, for the biennium ending March 31, 1953. There is further appropriated to the state capitol committee from the capitol building construction fund for the purposes of carrying out the provisions of chapter 22, Laws of 1951, as amended by

Appropriations.

this act, the additional sum of one million eight hundred fifty thousand dollars, or so much thereof as may be necessary.

Effective
date.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions and shall take effect April 1, 1953.

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 188.

[S. B. 91.]

INQUESTS, AUTOPSIES AND POST MORTEMES—STATE TOXICOLOGICAL LABORATORY.

AN ACT relating to jurisdiction over inquests, autopsies and post-mortems in certain cases; prescribing the powers and duties of certain officers; providing certain procedures; defining crimes and prescribing certain penalties; determining responsibility for certain costs; amending sections 68.08-.010, 68.08.100, 36.24.020, 36.24.070, and 70.58.180, RCW; adding new sections to chapter 68.08, RCW; and declaring an emergency.

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

Amendment.

SECTION 1. Section 68.08.010, RCW, as derived from section 3, chapter 90, Laws of 1917, is amended to read as follows:

Dead bodies;
jurisdiction
of coroner.

The jurisdiction of bodies of all deceased persons who come to their death suddenly without medical attendance, or where the circumstances of death indicate death was caused by unnatural or unlawful means, or suspicious circumstances, or bodies upon which a coroner's autopsy or post-mortem or coroner's inquest is to be held, or dead bodies not claimed by relatives or friends, is hereby vested in the county coroner, which bodies may be placed in

Placement
in morgue.

the morgue under such rules as are adopted by him with the approval of the county commissioners, having jurisdiction, providing therein how the bodies shall be brought to and cared for at the morgue and held for the proper identification where necessary.

SEC. 2. Section 68.08.100, RCW, as derived from section 237, chapter 249, Laws of 1909, is amended to read as follows: Amendment.

The right to dissect a dead body shall be limited to cases specially provided by statute or by the direction or will of the deceased; cases where a coroner is authorized to hold an inquest upon the body, and then only as he may authorize dissection; and cases where the spouse or next of kin charged by law with the duty of burial shall authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized: *Provided*, That the coroner, in his discretion, may make or cause to be made by a competent pathologist, toxicologist, or physician, an autopsy or post-mortem in all cases in which death occurred by violence, or suspicious circumstances, or where an inquest is to be held, or where death occurred in prison, jail or while serving a sentence, or where death occurred suddenly and without medical attendance, or from unnatural causes, or under circumstances indicating the possibility of death by the hand of the deceased or through the instrumentality of some other person. Every person who shall make, cause, or procure to be made any dissection of a body, except as above provided, shall be guilty of a gross misdemeanor. Dead bodies; dissection.

Autopsies and post-mortems.

Penalty for unauthorized dissection.

SEC. 3. Section 36.24.020, RCW, as derived from section 2777, Code of 1881, is amended to read as follows: Amendment.

Any coroner, in his discretion, may hold an inquest if he suspects that the death of a person was unnatural, or violent, or resulted from unlawful Coroner's inquest; when authorized.

Traffic deaths. means, or from suspicious circumstances, or was of such a nature as to indicate the possibility of death by the hand of the deceased or through the instrumentality of some other person: *Provided*, That, except under suspicious circumstances, no inquest shall be held following a traffic death.

Jury. The coroner shall summon six good and lawful persons to serve as jurors and to hear all the evidence concerning the death and to inquire into and render a true verdict on the cause of death.

Prosecuting attorneys. The prosecuting attorney having jurisdiction shall be notified in advance of any such inquest to be held, and at his discretion may be present at and assist the coroner in the conduct of the same. The coroner may adjourn the inquest from time to time as he may deem necessary.

Adjournments.

Costs. The costs of inquests shall be borne by the county in which the inquest is held.

Amendment. SEC. 4. Section 36.24.070, RCW, as derived from section 2782, Code of 1881, is amended to read as follows:

Coroner's inquest; verdict. After hearing the testimony, the jury shall render its verdict and certify the same in writing signed by the jurors, and setting forth who the person killed is, if known, and when, where and by what means he came to his death; or if he was killed, or his death was occasioned by the act of another by criminal means, who is guilty thereof, if known.

Amendment. SEC. 5. Section 70.58.180, RCW, as derived from section 3, chapter 159, Laws of 1945, is amended to read as follows:

Death or stillbirth when no physician in attendance; notice to coroner or prosecuting attorney. If the death occurred without medical attendance, the funeral director or person in charge of interment shall notify the coroner, or prosecuting attorney if there is no coroner in the county. If the circumstances suggest that the death or still-birth was caused by unlawful or unnatural causes or if there is

no local health officer with jurisdiction, the coroner, or if none, the prosecuting attorney shall complete and sign the certification, noting upon the certificate that no physician was in attendance at the time of death. In case of any death without medical attendance in which there is no suspicion of death from unlawful or unnatural causes, the local health officer or his deputy, the coroner and if none, the prosecuting attorney, shall complete and sign the certification, noting upon the certificate that no physician was in attendance at the time of death, and noting the cause of death without the holding of an inquest or performing of an autopsy or post-mortem, but from statements of relatives, persons in attendance during the last sickness, persons present at the time of death or other persons having adequate knowledge of the facts.

Preparation
of death
certificate.

The cause of death, the manner and mode in which death occurred, as noted by the coroner or if none, the prosecuting attorney or the health officer and incorporated in the death certificate filed with the bureau of vital statistics of the board of health shall be the legally accepted manner and mode by which the deceased came to his or her death and shall be the legally accepted cause of death.

Legal effect
of death
certificate.

SEC. 6. There is added to chapter 68.08, RCW, a new section to read as follows:

New section.

In an industrial death where the cause of death is unknown, and where the department of labor and industries is concerned, said department in its discretion, may request the coroner in writing to perform an autopsy to determine the cause of death. The coroner shall be required to promptly perform such autopsy upon receipt of the written request from the department of labor and industries.

Autopsy
where
industrial
death.

SEC. 7. There is added to chapter 68.08, RCW, a new section to read as follows:

New section.

Cost of autopsy.

The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the said department shall bear the cost of such autopsy.

New section.

SEC. 8. There is added to chapter 68.08, RCW, a new section to read as follows:

Embalming or cremation of dead bodies subject to autopsy or post-mortem.

No dead body upon which the coroner, or prosecuting attorney, if there be no coroner in the county, may perform an autopsy or post-mortem, shall be embalmed or cremated without the consent of the coroner having jurisdiction, and failure to obtain such consent shall be a misdemeanor: *Provided*, That such autopsy or post-mortem must be performed within five days, unless the coroner shall obtain an order from the superior court extending such time.

New section.

SEC. 9. There is added to chapter 68.08, RCW, a new section to read as follows:

Reports and records of autopsies and post-mortems confidential.

Reports and records of autopsies or post-mortems shall be confidential, except to the prosecuting attorney or law enforcement agencies having jurisdiction, or to the department of labor and industries in cases in which it has requested the autopsy.

New section.

SEC. 10. There is added to chapter 68.08, RCW, a new section to read as follows:

Coroner's power to cause specific analysis if autopsy or post-mortem performed.

In any case in which an autopsy or post-mortem is performed, the coroner, upon his own authority or upon the request of the prosecuting attorney or other law enforcement agency having jurisdiction, may make or cause to be made an analysis of the stomach contents, blood, or organs, or tissues of a deceased person and secure professional opinions thereon and retain any specimens or organs of the deceased which in his discretion are desirable or needful for anatomic, bacteriological, chemical or toxicological ex-

amination or upon lawful request are needed or desired for evidence to be presented in court. Costs shall be borne by the county.

Costs.

SEC. 11. There is added to chapter 68.08, RCW, a new section to read as follows:

New section.

Autopsy or post-mortem may be performed in any case in which the deceased's spouse, parent, child, brother or sister, or any other kin or person having the responsibility for burial may authorize the autopsy or post-mortem to be performed.

Who may authorize autopsy or post-mortem.

SEC. 12. There is added to chapter 68.08, RCW, a new section to read as follows:

New section.

Any party by showing just cause may petition the court to have autopsy made and results thereof made known to said party at his own expense.

Petition to court for autopsy.

SEC. 13. There shall be established at the University of Washington Medical School a state toxicological laboratory under the direction of a competent toxicologist whose duty it will be to perform all necessary toxicologic procedures requested by all coroners and prosecuting attorneys. The facilities of the police school of the Washington State College and the services of its professional staff shall be made available to the coroners and the prosecuting attorneys in their investigations under this chapter. This laboratory shall be deemed to be within the meaning of medical and biological research as defined in RCW 43.66.080, and funds for this purpose not to exceed twenty-five thousand dollars shall be provided for setting up such laboratory and an additional amount not to exceed fifty thousand dollars per biennium may be provided for salaries for staff of said laboratory, and the funds so provided may take priority over disbursements of any other sums from said medical and biological research fund.

State toxicological laboratory established.

Washington State College police school facilities available to coroners and prosecuting attorneys.

Funds for state toxicological laboratory.

SEC. 14. This act is necessary for the immediate

Emergency.

preservation of the public peace, health and safety, and shall take effect immediately.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 189.

[S. B. 117.]

PROPERTY TAXES—EXCESS LEVIES.

AN ACT relating to the authorization of excess property tax levies by certain taxing districts; amending section 84.52-.052, RCW; and declaring an emergency.

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

Amendment.

SECTION 1. Section 84.52.052, RCW, as derived from section 3, chapter 23, Laws of 1951, Second Extraordinary Session, is amended to read as follows:

Excess levy; general obligation bonds outstanding Dec. 6, 1934.

The limitations imposed by RCW 84.52.050 to 84.52.056, inclusive, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued by or through the agency of the state, or any county, city, town, or school district, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park dis-

Warrants outstanding Dec. 6, 1932.

trict, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city, or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 to 84.52.056, inclusive, when authorized so to do by the electors of such county, school district, metropolitan park district, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes," and those opposed thereto to vote "No": *Provided*, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election: *Provided further*, That the total number of persons voting on an excess levy for current operating purposes at any such special election of any school district prior to November 3, 1954, must constitute not less than forty percent of the voters in said taxing

Special
elections.

district who voted at the last preceding general election in such district.

Emergency.

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

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 190.

[S. B. 119.]

SECOND CLASS CITIES—POWERS—PARK PROPERTIES.

AN ACT relating to second class cities; increasing the powers of such cities with respect to park property; and amending section 35.23.010, RCW.

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

Amendment.

SECTION 1. Section 35.23.010, RCW, as derived from section 1, chapter 241, Laws of 1907, is amended to read as follows:

Rights, powers and privileges.

Every city of the second class shall be entitled "City of....." (naming it), and by such name shall have perpetual succession; may sue and be sued in all courts and in all proceedings; shall have and use a common seal which it may alter at pleasure; may acquire, hold, lease, use and enjoy property of every kind and control and dispose of it for the common benefit; and, upon making a finding that any property acquired for park purposes is not useful for such purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, may, with the consent of the dedicator or donor, his heirs, successors or assigns, exchange such property for other property to be dedicated for park purposes and make, execute and

Exchange of park property.

deliver proper conveyances to effect the exchange. In any case where owing to death or lapse of time there is neither donor, heir, successor, nor assigns to give consent to the exchange, then this consent may be executed by the grantee. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes.

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 191.

[S. B. 123.]

UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT.

AN ACT relating to uniform enforcement of foreign judgments act.

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

SECTION 1. As used in this act:

Definitions.

(a) "Foreign judgment" means any judgment, decree or order of a court of the United States or of any state or territory which is entitled to full faith and credit in this state.

"Foreign judgment."

(b) "Register" means to file a foreign judgment in a court of this state.

"Register."

(c) "Levy" means to take control of or create a lien upon property under any judicial writ or process whereby satisfaction of a judgment may be enforced against such property.

"Levy."

(d) "Judgment debtor" means the party against whom a foreign judgment has been rendered.

"Judgment debtor."

SEC. 2. On application made within the time allowed for bringing an action on a foreign judgment

Registration of foreign judgment; authorized.

in this state, any person entitled to bring such action may have a foreign judgment registered in any court of this state having jurisdiction of such an action.

Petition.

SEC. 3. A verified petition for registration shall set forth a copy of the judgment to be registered, the date of its entry and the record of any subsequent entries affecting it (such as levies of execution, payments in partial satisfaction and the like) all authenticated in the manner authorized by the laws of the United States or of this state, and a prayer that the judgment be registered. The clerk of the registering court shall notify the clerk of the court which rendered the original judgment that application for registration has been made, and shall request him to file this information with the judgment.

Notice to clerk of foreign court.

Service of summons.

SEC. 4. At any time after registration the petitioner shall be entitled to have summons served upon the judgment debtor as in an action brought upon the foreign judgment, in any manner authorized by the law of this state for obtaining jurisdiction of the person.

Forum without jurisdiction of judgment debtor; notice to last known address.

SEC. 5. If jurisdiction of the person of the judgment debtor can not be obtained, a notice clearly designating the foreign judgment and reciting the fact of registration, the court in which it is registered, and the time allowed for pleading, shall be sent by the clerk of the registering court by registered mail to the last known address of the judgment debtor. Proof of such mailing shall be made by certificate of the clerk.

Levy on property of judgment debtor.

SEC. 6. At any time after registration and regardless of whether jurisdiction of the person of the judgment debtor has been secured or final judgment has been obtained, a levy may be made under the registered judgment upon any property of the judgment debtor which is subject to execution or other judicial process for satisfaction of judgment.

SEC. 7. If the judgment debtor fails to plead within sixty days after jurisdiction over his person has been obtained, or if the court after hearing has refused to set the registration aside, the registered judgment shall become a final personal judgment of the court in which it is registered.

Registered judgment as final personal judgment.

SEC. 8. Any defense, set-off, counter-claim, or cross-complaint which under the law of this state may be asserted by the defendant in an action on the foreign judgment may be presented by appropriate pleadings and the issues raised thereby shall be tried and determined as in other civil actions. Such pleadings must be filed within sixty days after personal jurisdiction is acquired over him or within sixty days after the mailing of the notice prescribed in section 5.

Defenses, set-off, counter-claims and cross-complaints.

SEC. 9. If the judgment debtor shows that an appeal from the original judgment is pending or that he is entitled and intends to appeal therefrom, the court shall, on such terms as it thinks just, postpone the trial for such time as appears sufficient for the appeal to be concluded, and may set aside the levy upon proof that the defendant has furnished adequate security for satisfaction of the judgment.

Appeal from original judgment.

SEC. 10. An order setting aside a registration constitutes a final judgment in favor of the judgment debtor.

Order setting aside a registration.

SEC. 11. An appeal may be taken by either party from any judgment sustaining or setting aside a registration on the same terms as an appeal from a judgment of the same court.

Appeal from judgment on registration proceedings.

SEC. 12. If personal jurisdiction of the judgment debtor is not secured within sixty days after the levy and he has not, within sixty days after the mailing of the notice prescribed by section 5, acted to set aside the registration, or to assert a set-off, counter-claim, or cross-complaint, the registered

Final judgment quasi in rem.

judgment shall be a final judgment *quasi in rem* of the court in which it is registered, binding upon the judgment debtor's interest in property levied upon, and the court shall enter an order to that effect.

Sale under
levy.

SEC. 13. Sale under the levy may be held at any time after final judgment, either personal or *quasi in rem*, but not earlier except as otherwise provided by law for sale under levy on perishable goods. Sale and distribution of the proceeds shall be made in accordance with the law of this state.

Interest and
costs.

SEC. 14. When a registered foreign judgment becomes a final judgment of this state, the court shall include as part of the judgment interest payable on the foreign judgment under the law of the state in which it was rendered, and the cost of obtaining the authenticated copy of the original judgment. The court shall include as part of its judgment court costs incidental to the proceeding in accordance with the law of this state.

Satisfaction
of judgments.

SEC. 15. Satisfaction, either partial or complete, of the original judgment or of a judgment entered thereupon in any other state shall operate to the same extent as satisfaction of the judgment in this state, except as to costs authorized by section 14.

Judgment
creditor's
former rights
preserved.

SEC. 16. The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under this act remains unimpaired.

Construction
of act.

SEC. 17. 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.

Citation
of act.

SEC. 18. This act may be cited as the Uniform Enforcement of Foreign Judgments Act.

Passed the Senate February 18, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 192.

[S. B. 389.]

ADDITIONAL BRIDGE ACROSS LAKE WASHINGTON.

AN ACT relating to an additional bridge across Lake Washington; making an appropriation; and declaring an emergency.

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

SECTION 1. The Washington toll bridge authority is hereby directed to study, make surveys and, if found feasible, construct an additional bridge, including approaches thereto, across Lake Washington. The authority shall hold public hearings to assist in the determination of the feasibility and location of such an additional bridge and in conjunction therewith shall consider the preservation of the aesthetic and recreational values of Lake Washington.

Study, surveys and construction authorized.

Hearings.

SEC. 2. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority the sum of two hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of this act, which sum shall be considered as a loan from the motor vehicle fund to be repaid to said fund on the sale of bonds issued in connection therewith.

Appropriation.

SEC. 3. The approaches referred to in section 1 of this act shall include all thoroughfares, tunnels, overpasses and underpasses necessary for the orderly and satisfactory flow of traffic between the additional Lake Washington bridge and the main business district of the city of Seattle, and the collection of tolls shall not be discontinued on the additional bridge until all such approaches have been constructed and paid for.

Approaches.

Collection of tolls.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health or safety, } Vetoed

Vetoed

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

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953, with
the exception of section 4, which is vetoed.

CHAPTER 193.

[S. B. 206.]

CITY AND TOWN STREETS AS PART OF STATE
HIGHWAYS—JURISDICTION.

AN ACT relating to franchises upon public streets and highways
and amending section 47.24.020, RCW.

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

Amendment.

SECTION 1. Section 47.24.020, RCW, derived from
section 61, chapter 187, Laws of 1937, as last amended
by section 5, chapter 220, Laws of 1949, is hereby
amended to read as follows:

The jurisdiction, control and duty of the state and
city and [or] town with respect to such streets shall
be as follows:

Grades.

(1) The director shall have no authority to
change or establish any grade of any such street
without approval of the governing body of such city
or town;

Exclusive
jurisdiction
of city or
town.

(2) The city and [or] town shall exercise full re-
sponsibility for and control over any such street
beyond the curbs, and if no curb is installed beyond
the portion of the highway used for highway pur-
poses;

Signs,
banners and
decorations.

(3) The director shall have authority to prohibit
the suspension of signs, banners or decorations above
the portion of such street between the curbs or por-
tion used for highway purposes up to a vertical

height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;

Underground facilities.

(5) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

Opening street surfaces.

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway;

Illumination and cleaning.

(7) The director shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the director, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the director and the governing body of the city or town;

Storm sewers.

(8) Cities and towns shall have exclusive right to grant franchises over, beneath and upon such streets, but the state highway commission shall be authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town shall have granted on such street: *Provided*, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the director, but the director shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

Franchises; power to grant.

Enforcement.

Transportation of passengers in motor vehicles.

Public utilities.

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of the street damaged or injured by it;

Overload and overwidth permits.

(10) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the director;

Traffic control and parking; regulation and enforcement.

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted shall be subject to the approval of the director before becoming effective. Traffic control and parking regulations heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the director within one year after March 21, 1949;

Route markers and street signs.

(12) The director shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

Traffic control signals, signs and devices.

(13) The director shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices in cities having a population of fifteen thousand or less according to the latest federal census. Cities and towns having a population in excess of fifteen thousand according to the latest federal census shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the director for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices;

Parking meters.

(14) All revenue from parking meters placed on such streets shall belong to the city or town;

Rights-of-way.

(15) Rights-of-way for such streets shall be acquired by either the city or town or by the state as

shall be mutually agreed upon. Costs of acquiring rights-of-way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all rights-of-way so acquired shall vest in the city or town: *Provided*, That no vacation, sale, or rental of any unused portion of any such street shall be made by the city or town without the approval of the director; and all revenue derived from sale, vacation or rental of such rights-of-way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared.

Passed the Senate March 12, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 194.

[S. B. 209.]

METROPOLITAN PARK DISTRICTS—GRANT OF PROPERTY, FISCAL AID, BY CITIES.

AN ACT relating to cities within or comprising a metropolitan park district and to the powers of such cities and districts; and amending section 35.61.290, RCW.

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

SECTION 1. That section 35.61.290, RCW, as derived from sections 18 and 19, chapter 264, Laws of 1943, is amended to read as follows: Amendment.

Any city within or comprising any metropolitan park district may turn over to the park district any lands which it may own, or any street, avenue, or public place within the city for playground, park or parkway purposes, and thereafter its control and management shall vest in the board of park com- City aid; property grants.

missioners: *Provided*, That the police regulations of such city shall apply to all such premises.

Financial aid.

At any time that any such metropolitan park district is unable, through lack of sufficient funds, to provide for the continuous operation, maintenance and improvement of the parks and playgrounds and other properties or facilities owned by it or under its control, and the legislative body of any city within or comprising such metropolitan park district shall determine that an emergency exists requiring the financial aid of such city to be extended in order to provide for such continuous operation, maintenance and/or improvement of parks, playgrounds facilities, other properties, and programs of such park district within its limits, such city may grant or loan to such metropolitan park district such of its available funds, or such funds which it may lawfully procure and make available, as it shall find necessary to provide for such continuous operation and maintenance and, pursuant thereto, any such city and the board of park commissioners of such district are authorized and empowered to enter into an agreement embodying such terms and conditions of any such grant or loan as may be mutually agreed upon.

Acceptance
of property
grants.

The board of metropolitan park commissioners may accept public streets of the city and grounds for public purposes when donated for park, playground, boulevard and park purposes.

Passed the Senate February 19, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 195.

[S. B. 281.]

BUSINESS AND OCCUPATIONS TAX—EXTRACTING OIL
FROM COPRA.

AN ACT relating to revenue and taxation; adding a new section to chapter 82.04, RCW; and amending section 82.04.290, RCW.

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

SECTION 1. There is hereby added a new section New section.
to chapter 82.04, RCW, to read as follows:

Upon every person engaged within this state in Business of
extracting oil
from copra.
the business of extracting oil from copra; as to such persons, the amount of tax with respect to such business shall be equal to the value of the oil so extracted plus the by-products from such copra multiplied by the rate of one-thirty second of one percent.

SEC. 2. Section 82.04.290, RCW, as derived from Amendment.
section 1, chapter 5, Laws of 1950, Extraordinary Session, is amended to read as follows:

Upon every person engaging within this state in Unspecified
businesses or
service
activities.
any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.280 and the above section; 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 percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale."

Passed the Senate March 6, 1953.

Passed the House March 12, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 196.

[S. B. 228.]

PRECINCT COMMITTEEMAN—ELECTION—TERM—
VACANCIES.

AN ACT relating to the election of precinct committeeman; prescribing certain voting procedures; providing for filling of vacancies; defining powers and duties of certain officers; and amending section 29.42.050, RCW.

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

Amendment.

SECTION 1. Section 29.42.050, RCW, as derived from section 1, chapter 178, Laws of 1943, is amended to read as follows:

Filing re-
quirements.

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committeeman except that the filing period for this office alone shall be extended to and including the seventh day following the state primaries and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election and the one receiving the highest number of votes shall be declared elected. The term of office of precinct committeeman shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation or disqualification of the incumbent, or because of failure to elect, the respective county chairman of the county central committee shall be empowered to fill such vacancy by appointment: *Provided*, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: *Provided further*, That when a vacancy in the office of precinct committeeman exists because of failure to elect at a state general election, such vacancy shall not be

Elect at
general
election.

Term of
office.

Vacancy.

filled until after the organization meeting of the county central committee and the new county chairman selected as provided by RCW 29.42.030.

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 197.

[S. B. 248.]

INSURANCE.

AN ACT relating to insurance; and amending sections 48.06.070, 48.06.110, 48.07.090, 48.08.010, 48.11.070, 48.17.450, 48.17.500, 48.17.510, 48.17.520, 48.24.030, 48.24.060, 48.24.070, 48.24.190, 48.36.070, 48.36.360 and 48.36.380, RCW.

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

SECTION 1. Section 48.06.070, RCW, as derived from section .06.07, chapter 79, Laws of 1947, is amended to read as follows: Amendment.

Every solicitation permit issued by the commissioner shall: Solicitation permits.

(1) Be for a period of not over two years, subject to the right of the commissioner to grant a reasonable extension for good cause. Duration.

(2) State the securities for which subscriptions are to be solicited, the number, classes, par value, and selling price thereof, or identify the insurance contract for which applications and advance premiums or deposits are to be solicited. Identification of securities or contracts.

(3) Limit the portion of funds received on account of stock or syndicate subscriptions, if any are proposed to be taken, which may be used for promotion and organization expenses to such amount as he deems adequate, but in no event to exceed fifteen percent of such funds as and when actually received. Limitation of promotion and organization expense for stock or syndicate subscriptions.

Limitation of promotion and organization expense of mutual or reciprocal insurers.

(4) If to be a mutual or reciprocal insurer, limit the portion of funds received on account of applications for insurance which may be used for promotion or organization expenses to a reasonable commission upon such funds, giving consideration to the kind of insurance and policy involved and to the costs incurred by insurers generally in the production of similar business, and provide that no such commission shall be deemed to be earned nor be paid until the insurer has received its certificate of authority and the policies applied for and upon which such commission is to be based, have been actually issued and delivered.

Other information.

(5) Contain such other information required by this chapter or reasonable conditions relative to accounting and reports or otherwise as the commissioner deems necessary.

Amendment.

SEC. 2. Section 48.06.110, RCW, as derived from section .06.11, chapter 79, Laws of 1947, is amended to read as follows:

Solicitation permits; bond.

(1) The commissioner shall not issue a solicitation permit until the person applying therefor files with him a corporate surety bond in the penalty of ten thousand dollars, in favor of the state and for the use and benefit of the state and of subscribers and creditors of the proposed organization.

Conditions.

The bond shall be conditioned upon the payment of costs incurred by the state in event of any legal proceedings for liquidation or dissolution of the proposed organization before completion of organization or in event a certificate of authority is not granted; and upon a full accounting for funds received until the proposed insurer has been granted its certificate of authority, or until the proposed corporation or syndicate has completed its organization as defined in the solicitation permit.

Deposit in lieu of bond.

(2) In lieu of filing such bond, the person may deposit with the state treasurer through the com-

missioner ten thousand dollars in cash or in United States government bonds at par value, to be held in trust upon the same conditions as required for the bond.

(3) The commissioner may waive the requirement for a bond or deposit in lieu thereof if the permit provides that: Waiver.

(a) The proposed securities are to be distributed solely and finally to those few persons who are the active promoters intimate to the formation of the insurer, or other corporation or syndicate, or Grounds for waiver.

(b) The securities are to be issued in connection with subsequent financing as provided in RCW 48.06.180.

(4) Any bond filed or deposit or remaining portion thereof held under this section shall be released and discharged upon settlement or termination of all liabilities against it. Release and discharge of bond or deposit.

SEC. 3. Section 48.07.090, RCW, as derived from section .07.09, chapter 79, Laws of 1947, is amended to read as follows: Amendment.

(1) No incorporated domestic insurer shall make any contract whereby any person is granted or is to enjoy in fact the control and management, or the controlling or preemptive right to produce substantially all insurance business for the insurer, unless such contract is filed with and approved by the commissioner. The contract shall be deemed approved unless disapproved by the commissioner within thirty days after date of filing. Any disapproval shall be delivered to the insurer in writing, stating the grounds therefor. Surrender of management and exclusive agency contracts; approval required.

(2) The commissioner shall not approve any contract referred to in subsection (1) which: Grounds for disapproval.

(a) Subjects the insurer to excessive charges for expenses or commissions; or

(b) does not contain fair and adequate standards of performance; or

(c) is to extend for an unreasonable length of time; or

(d) contains other inequitable provisions or provisions which may jeopardize the security of policyholders.

Amendment.

SEC. 4. Section 48.08.010, RCW, as derived from section .08.01, chapter 79, Laws of 1947, is amended to read as follows:

Increase of capital stock; amendment to articles of incorporation.

(1) Increase of the capital stock of a domestic stock insurer shall be by amendment to its articles of incorporation.

By stock dividends.

(2) If the increased capital stock is to be distributed as a stock dividend, such increased capital stock may be fully paid in out of any available surplus funds as is provided in RCW 48.08.030, and such payment shall be effected by a transfer on the insurer's books from its surplus account to its capital account.

Certificate of increased capital fully paid.

(3) When the increased capital has been fully paid in, a certificate to such effect shall be made in quadruplicate under oath and the corporate seal by the insurer's president and secretary and filed in the public offices named in RCW 48.07.070.

Amendment.

SEC. 5. Section 48.11.070, RCW, as derived from section .11.07, chapter 79, Laws of 1947, is amended to read as follows:

"General casualty insurance" defined. Vehicle insurance.

"General casualty insurance" includes vehicle insurance as defined in RCW 48.11.060, and in addition is insurance:

Legal liability.

(1) Against legal liability for the death, injury, or disability of any human being, or for damage to property.

Medical expenses.

(2) Of medical, hospital, surgical and funeral benefits to persons injured, irrespective of legal liability of the insured, when issued with or supplemental to insurance against legal liability for the death, injury or disability of human beings.

(3) Of the obligations accepted by, imposed upon, or assumed by employers under law for workmen's compensation.

Workmen's compensation.

(4) Against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation or wrongful conversion, disposal or concealment, or from any attempt of any of the foregoing; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances or any other valuable papers or documents, resulting from any cause, except while in the custody or possession of and being transported by any carrier for hire or in the mail.

Burglary, theft, conversion, etc.

(5) Upon personal effects against loss or damage from any cause.

Personal effects.

(6) Against loss or damage to glass, including its lettering, ornamentation and fittings.

Glass.

(7) Against any liability and loss or damage to property resulting from accidents to or explosions of boilers, pipes, pressure containers, machinery, or apparatus and to make inspection of and issue certificates of inspection upon elevators, boilers, machinery, and apparatus of any kind.

Accidents or explosions of boilers, etc.

(8) Against loss or damage to any property caused by the breakage or leakage of sprinklers, water pipes and containers, or by water entering through leaks or openings in buildings.

Water damage.

(9) Against loss or damage resulting from failure of debtors to pay their obligations to the insured (credit insurance).

Credit insurance.

(10) Against any other kind of loss, damage, or liability properly the subject of insurance and not within any other kind or kinds of insurance as defined in this chapter, if such insurance is not contrary to law or public policy.

Other kinds of loss, damage or liability.

SEC. 6. Section 48.17.450, RCW, as derived from section .17.45, chapter 79, Laws of 1947, is amended to read as follows:

Amendment.

Agents, brokers and adjusters; place of business required.

Every licensed agent, broker, and adjuster, other than an agent licensed for life or disability insurances only, shall have and maintain in this state, or, if a nonresident agent or nonresident broker, in the state of his domicile, a place of business accessible to the public. Such place of business shall be that wherein the agent principally conducts transactions under his licenses. The address of his place of business shall appear on all licenses of the licensee, and the licensee shall promptly notify the commissioner of any change thereof. If the licensee maintains more than one place of business in this state, he shall obtain a duplicate of his license or licenses for each additional such place, and shall pay the full fee therefor.

License to indicate place of business.

Amendment.

SEC. 7. Section 48.17.500, RCW, as derived from section .17.50, chapter 79, Laws of 1947, is amended to read as follows:

Expiration date of one year licenses.

(1) Agents' licenses for life, or life and disability, or disability insurances only, and all brokers', solicitors', and adjusters' licenses shall expire as at 12:01 a. m. o'clock on the first day of April next following date of issuance.

Expiration date of three year licenses.

(2) Agents' licenses for all other kinds of insurance or combinations thereof shall expire as at 12:01 a. m. o'clock on the first day of April three years after the first day of April nearest to the date of issuance of the license.

Request for renewals.

(3) Subject to the right of the commissioner to suspend, revoke, or refuse to renew any license as provided in this code, any such license may be renewed into another like period by filing with the commissioner on or before the expiration date a written request, by or on behalf of the licensee, for such renewal accompanied by payment of the renewal fee as specified in RCW 48.14.010. An agent or broker shall make and file renewal requests on behalf of his solicitors.

(4) If request and fee for renewal of license is filed with the commissioner prior to expiration of the existing license, the licensee may continue to act under such license, unless sooner revoked or suspended, until the issuance of renewal license or until the expiration of five days after the commissioner has refused to renew the license and has mailed notice of such refusal to the licensee. Any request for renewal not so filed until after date of expiration may be considered by the commissioner as an application for a new license.

Conduct of business during renewal period.

Late renewal requests.

(5) As to all licenses where renewal must be applied for by the licensee, if request for renewal of license or payment of the license fee is not received by the commissioner prior to expiration date as required under subsection (3) the applicant for renewal of license shall pay to the commissioner and the commissioner shall collect, in addition to the regular license fee, a surcharge for such license as follows: For the first thirty days or part thereof of delinquency the surcharge shall be five dollars; for all delinquencies extending more than thirty days, the surcharge shall be ten dollars. This subsection shall not be deemed to exempt any person from any penalty provided by law for transacting business without a valid and subsisting license, or affect the commissioner's right, at his discretion, to consider such delinquent application as one for a new license.

Penalty for late renewal request by licensee.

Other penalties not affected.

SEC. 8. Section 48.17.510, RCW, as derived from section .17.51, chapter 79, Laws of 1947, is amended to read as follows:

Amendment.

(1) The commissioner may issue an agent's or broker's temporary license in the following circumstances:

Issuance of temporary agent's or broker's license.

(a) To applicants for licensing as agent of a life insurer, and pending completion of the course of instruction and examination provided for in RCW 48.17.140.

(b) To the surviving spouse or next of kin or to the administrator or executor, or the employee of the administrator or executor, of a licensed agent or broker becoming deceased.

(c) To the spouse, next of kin, employee, or legal guardian of a licensed agent or broker becoming disabled because of sickness, insanity, or injury.

(d) To a surviving member of a firm or surviving officer or employee of a corporation licensed as agent or broker upon the death of an individual designated in the firm or corporation's license to exercise powers thereunder.

Qualification. (2) An individual to be eligible for any such temporary license must be qualified as for a permanent license except as to experience, training, or the taking of any examination.

Fee. (3) Any fee paid to the commissioner for issuance of a temporary license as specified in RCW 48.14.010 shall be credited toward the fee required for a permanent license which is issued to replace the temporary license prior to the expiration of such temporary license.

Amendment. SEC. 9. Section 48.17.520, RCW, as derived from section .17.52, chapter 79, Laws of 1947, is amended to read as follows:

Temporary agent's or broker's license; duration. (1) No such temporary license shall be effective for more than ninety days in any twelve month period, subject to extension for an additional period of not more than ninety days at the commissioner's discretion and for good cause shown. The commissioner may refuse so to license again any person who has previously been so licensed.

Renewals may be refused.

Limitation where death or disability of agent.

(2) An individual requesting temporary agent's license on account of death or disability of an agent, shall not be so licensed for any insurer as to which such agent was not licensed at the time of death or commencement of disability.

(3) No person writing or renewing any "controlled business," as defined in this chapter, under any temporary license, shall be entitled to receive any commission or other compensation on account thereof unless and until prior to the expiration of the temporary license such person fully qualifies for and receives a permanent license in replacement of the temporary license. Otherwise, the licensee under such temporary license may exercise the same powers as under a like permanent license.

Persons writing or renewing "controlled business."

SEC. 10. Section 48.24.030, RCW, as derived from section .24.03, chapter 79, Laws of 1947, is amended to read as follows:

Amendment.

(1) Insurance under any group life insurance policy issued pursuant to RCW 48.24.020, or 48.24.050 or 48.24.070 may, if seventy-five percent of the then insured employees or labor union members elect, be extended to insure the spouse and minor children, or any class or classes thereof, of each such insured employee or member who so elects, in amounts in accordance with a plan which precludes individual selection by the employees or members or by the employer or labor union or trustee, and which insurance on the life of any one family member shall not be in excess of fifty percent of the insurance on the life of the insured employee or member or the amount shown in the schedule below, whichever is less:

Group life insurance; dependents of employees, labor union groups and trustee groups.

Age of family member at death	Maximum insurance
Under 6 months.....	\$100
6 months and under 2 years.....	\$200
2 years and under 3 years.....	\$400
3 years and under 4 years.....	\$600
4 years and under 5 years.....	\$800
5 years and over	\$1,000

Premiums for the insurance on such family members shall be paid by the policyholder, either from

Premiums.

the employer's funds or funds contributed by him, trustee's funds, or labor union funds, and/or from funds contributed by the insured employees or members, or from both.

Conversion right of spouse.

(2) Such a spouse insured pursuant to this section shall have the same conversion right as to the insurance on his or her life as is vested in the employee or member under this chapter.

Amendment.

SEC. 11. Section 48.24.060, RCW, as derived from section .24.06, chapter 79, Laws of 1947, is amended to read as follows:

Group life insurance; public employees.

The lives of a group [of] public employees may be insured under a policy issued to the departmental head or to a trustee, or issued to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employees eligible for membership in such classes, which department head or trustee or association shall be deemed the policyholder, to insure such employees for the benefit of persons other than the policyholder or any of its officials, subject to the following requirements:

Persons eligible.

(1) The persons eligible for insurance under the policy shall be all of the employees of the department or members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

Premium payments.

(2) The premium for the policy shall be paid by the policyholder, in whole or in part either from salary deductions authorized by, or charges collected from, the insured employees or members specifically for the insurance, or from the association's own funds, or from both. Any such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed

in force unless and until at least seventy-five percent of the then eligible employees or association members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make any required deductions from salary.

75% must be covered.

(3) Charges to the insured employees or members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members regardless of attained age.

Determination of charges.

(4) The policy must cover at least twenty-five persons at date of issue.

Minimum policy coverage.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or members or by the association. Such amounts shall in no event exceed three thousand dollars in the case of any employee or member, and shall not exceed five hundred dollars in the case of retired employees or members and persons over age sixty-five.

Amounts of coverage.

As used herein, "public employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them.

"Public employees" defined.

SEC. 12. Section 48.24.070, RCW, as derived from section .24.07, chapter 79, Laws of 1947, is amended to read as follows:

Amendment.

The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers in the same industry, or by one or more labor unions, or by one or more employers in the same industry and one or more labor unions, or by one or more employers and

Trustee groups.

one or more labor unions whose members are in the same or related occupations or trades, which trustees shall be deemed the policyholder, to insure employees or members for the benefit of persons other than the employers or the unions, subject to the following requirements:

Persons eligible.

(1) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include the individual proprietor or partners if an employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are connected with such trusteeship. The policy may provide that the term "employees" shall include retired employees.

Premium payments.

(2) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employers of the insured persons. Such funds may be derived by the employers in part from contributions by the employees insured. The policy must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

Minimum of persons covered.

(3) The policy must cover at least one hundred persons at date of issue.

Amounts of insurance.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions. No policy may be issued which provides insurance on any person which together with any other insurance under any group life insurance policies issued to the trustees exceeds ten thousand dollars; except, that this limitation shall not apply to amounts of group insurance

issued in connection with a pension plan which does not exceed the amount required at normal retirement date to provide the pension specified by the plan.

SEC. 13. Section 48.24.190, RCW, as derived from section .24.19, chapter 79, Laws of 1947, is amended to read as follows: Amendment.

There shall be a provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured individuals, every individual insured thereunder at the date of such termination, other than a child insured pursuant to RCW 48.24.030, whose insurance terminates and who has been so insured for at least five years prior to such termination date shall be entitled to have issued to him by the insurer an individual policy of life insurance, subject to the same conditions and limitations as are provided by RCW 48.24.180, except that the group policy may provide that the amount of such individual policy shall not exceed the smaller of (a) the amount of the individual's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which he is or becomes eligible under any group policy issued or reinstated by the same or another insurer within thirty-one days of such termination and (b) two thousand dollars. Group life; conversion on termination of policy.

SEC. 14. Section 48.36.070, RCW, as derived from section 30, chapter 190, Laws of 1949, is amended to read as follows: Amendment.

Any society may admit to beneficiary membership any person not less than sixteen and not more than sixty-five years of age, who has been examined by a legally qualified practicing physician and whose examination has been supervised and approved in accordance with the laws of the society: *Provided*, That any beneficiary member of such society who Fraternal benefit societies; qualifications for membership.

shall apply for a certificate providing for disability benefits, need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members, or from admitting any person to beneficiary membership who is not less than sixteen nor more than sixty-five years of age, without medical examination: *Provided*, That such person so admitted shall have made a declaration of insurability acceptable to the society: *And provided further*, That the amount of the certificate issued to such person admitted without medical examination shall not exceed the sum of five thousand dollars.

Certificate amount limited if issued without medical examination.

Amendment.

SEC. 15. Section 48.36.360, RCW, as derived from section .32.36, chapter 79, Laws of 1947, is amended to read as follows:

Fraternal benefit societies; juvenile benefits; interest rate used in computation of reserves.

In the case of juvenile certificates issued after one year from the effective date of this section the rate of interest used in the computation of reserves shall not exceed three per centum per annum and:

Benefit and rate tables.

Life insurance benefits and the rates therefor shall be valued according to the American Men Ultimate Table of Mortality, with Bowermen's or Davis' Extension thereof or with the consent of the commissioner, the Commissioners' 1941 Standard Ordinary Mortality Table, or the Commissioners' 1941 Standard Industrial Table of Mortality.

Surplus in excess of reserve and other liabilities.

Provided, That contributions may be waived, or returns may be made from any surplus held in excess of reserve and other liabilities, as provided in the bylaws: *Provided further*, That extra contributions shall be made if the reserves hereafter provided for become impaired.

Impaired reserve.

Amendment.

SEC. 16. Section 48.36.380, RCW, as derived from section .32.38, chapter 79, Laws of 1947, is amended to read as follows:

Annual report.

A statement of all business transacted on account of juvenile benefit insurance shall be included

by any society in its annual report to the commissioner.

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 198.

[H. B. 174.]

PORT DISTRICTS—ELECTIONS OF COMMISSIONERS AT LARGE.

AN ACT relating to port districts, providing for certain commissioners at large, and amending sections 53.12.120 and 53.12.130, RCW.

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

SECTION 1. Section 53.12.120, RCW, as derived from section 3, chapter 92, Laws of 1911, as last amended by section 2, chapter 62, Laws of 1913, is amended to read as follows: Amendment.

In port districts having a population of five hundred thousand or more, in accordance with the latest United States census, there shall be submitted to the voters of the district, at the first general election after the effective date of this act, the proposition of increasing the number of commissioners to five. At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is adopted, the commission in that port district shall consist of one commissioner from each of the three commissioner districts, and two commissioners elected at large. The two commissioners at large must have been residents of the district for three years and shall be nominated and elected at the same time and

Adoption of increase of commissioners in districts over 500,000 population.

Composition of commission.

Qualifications, nomination, and election of commissioners at large.

in the same manner as the other commissioners, except that their nomination petitions may be signed by electors residing in any part of the district and they shall be designated on their petitions and on the ballots as commissioners at large.

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

Amendment.

SEC. 2. Section 53.12.130, RCW, as derived from section 3, chapter 92, Laws of 1911, as last amended by section 2, chapter 62, Laws of 1913, is amended to read as follows:

Election of commissioners at large.

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

Terms of office.

Election of successors.

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

Passed the House February 26, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 199.

[H. B. 426.]

COUNTY ROADS IN RECLAMATION AREAS OF
COLUMBIA BASIN.

AN ACT relating to establishment of county roads in reclamation
areas of the Columbia Basin Project.

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

SECTION 1. When plats or blocks of farm units
have been or are filed under the provisions of chapter
89.12, RCW, which contain a system of county roads,
or when a supplemental plat of a system of county
roads to serve such a plat is filed in connection there-
with, the filing period and formal approval by the
board of county commissioners shall constitute es-
tablishment as county roads: *Provided*, That the
board of county commissioners have obtained the
individual rights-of-way by deed or as otherwise
provided by law.

Establish-
ment of
county roads
procedure.

Passed the House February 21, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 200.

[S. B. 131.]

STATE EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to state employees' retirement system; amending sections 41.40.010, 41.40.070, 41.40.080, 41.40.100, 41.40.120, 41.40.150, 41.40.160, 41.40.170, 41.40.180, 41.40.190, 41.40.220, 41.40.250, 41.40.270, 41.40.290, 41.40.320, 41.40.330, 41.40.360, 41.40.410, 41.40.420, RCW; repealing section 41.40.140, RCW; adding six new sections to chapter 41.40, RCW, and declaring an emergency.

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

Amendment. SECTION 1. Section 41.40.010, RCW, as derived from section 1, chapter 50, Laws of 1951, is amended to read as follows:

Definitions. As used in this chapter, unless a different meaning is plainly required by the context:

"Retirement system." (1) "Retirement system" means the state employees' retirement system provided for in this chapter.

"Retirement board." (2) "Retirement board" means the board provided for in this chapter to administer said retirement system.

"State treasurer." (3) "State treasurer" means the treasurer of the state of Washington.

"Employer." (4) "Employer" means every branch, department, agency, commission, board, and office of the state and any political subdivision of the state admitted into the retirement system.

"Member." (5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

"Original member." (6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement

system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who becomes a member through the admission of an employer into the retirement system on or after April 1, 1953, and prior to April 1, 1955, provided, such person has been in the regular employ of the employer for at least six months of the twelve month period preceding the said admission date;

(7) "New member" of this retirement system means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section. "New member."

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer. "Compensation earnable."

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state "Service."

employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee.

"Prior service."

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

"Membership service."

(11) "Membership service" means:

(a) In the case of any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1955, all service rendered after October 1, 1947;

(b) In the case of all other members, all service as a member.

"Beneficiary."

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

"Regular interest."

(13) "Regular interest" means such rate as the retirement board may determine, such rate not to be lower than one percent per annum nor more than four percent per annum compounded annually.

"Accumulated contributions."

(14) "Accumulated contributions" means the sum of all contributions for the purchase of annuities standing to the credit of a member in his individual account together with regular interest thereon.

"Average final compensation."

(15) "Average final compensation" means the average compensation earnable by a member during his last five years of service as an employee, or for any consecutive five year period of service, whichever is the greater; or if he has less than five years of service then the average compensation earnable by him during his total years of service.

"Final compensation."

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

"Annuity."

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments. "Pension."

(19) "Retirement allowance" means the sum of the annuity and the pension. "Retirement allowance."

(20) "Annuity reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any annuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter. "Annuity reserve."

(21) "Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter. "Pension reserve."

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120. "Employee."

(23) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40.330, other than contributions to the retirement system expense fund. "Contributions for the purchase of annuities."

(24) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board. "Actuarial equivalent."

SEC. 2. Section 41.40.070, RCW, as derived from section 4, chapter 240, Laws of 1949, is amended to read as follows: Amendment.

(1) The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to invest same in bonds or other obligations issued directly by or fully guaranteed by the federal government or any agency thereof, of the state Investment of funds; bonds and other obligations.

of Washington or of any county, city, village, or school district of the state, or of any other legally constituted taxing subdivision within the state, or in revenue bonds issued by the state of Washington or any of its political subdivisions or instrumentalities, or in general obligation and revenue bonds issued by any state of the United States, or in any duly constituted authority or agency of such state, or in the general obligation or revenue bonds of any political subdivision of any state of the United States that are legal for investment by mutual savings banks in the state of Washington. All such bonds, or other obligations, shall be purchased at current market price and all such purchases shall be authorized by a resolution adopted by the retirement board. The retirement board may purchase out of the several funds hereinbefore created, appropriate contracts of life insurance or annuity from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases shall in the judgment of said retirement board be appropriate or necessary to carry out the purposes of this chapter.

Contracts
of life
insurance
or annuity.

Bank
deposits.

(2) For the purpose of meeting disbursements for annuities and other payments in excess of the receipts, there shall be kept available by the retirement board an amount, not exceeding ten percent of the total amount in the funds provided for by this chapter, on deposit in the state treasury.

Amendment.

SEC. 3. Section 41.40.080, RCW, as derived from section 5, chapter 240, Laws of 1949, is amended to read as follows:

State
treasurer
custodian of
funds.

(1) All bonds or other obligations purchased according to RCW 41.40.070 shall be forthwith placed in the hands of the state treasurer, who is hereby designated as custodian thereof, and it shall be his duty to collect the principal thereof and the interest thereon as the same becomes due and payable, and place the same when so collected into the retirement

system's funds herein provided for bonds or other obligations. The retirement board may sell any of the said bonds, or other obligations upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of such bonds or other obligations by the state treasurer.

Board may sell bonds or obligations.

(2) The state treasurer shall be the custodian of all other funds of the retirement system and all disbursements therefrom shall be paid by the state auditor upon vouchers duly authorized by the retirement board and bearing the signature of the duly authorized officer of the retirement board.

Disbursements by voucher.

(3) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the retirement system expense fund.

Treasurer to deposit according to law.

Interest credited to retirement fund or retirement system expense fund.

(4) There is hereby established in the state treasury two separate funds, namely:

Funds established.

(a) The retirement system fund, into which shall be paid all moneys received by the retirement board and from which shall be paid all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by members to the retirement system expense fund as provided in RCW 41.40.330 and contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board;

Retirement system fund.

Retirement
system
expense
fund.

(b) The retirement system expense fund, from which shall be paid the expenses of the administration of the retirement system.

Board to
request
appropriation
for admin-
istrative
costs.

(5) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium.

Employers to
reimburse
retirement
system
expense fund
for admin-
istrative
costs.

(6) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall, after crediting the estimated amount to be collected as employees' contributions, ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of the number of the employer's members bears to the total number of members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

Board to bill
employers
monthly.

(7) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement system expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a basis directly proportional to the ratio the number of the said employer's members bears to the total number of members in the system: *Provided*, That the retirement board may at its discretion establish a system of billing based upon calendar year quarters in which event

Quarterly
billing
permitted.

the said billing shall be at the end of each such quarter.

SEC. 4. Section 41.40.100, RCW, as derived from section 6, chapter 240, Laws of 1949, is amended to read as follows: Amendment.

For the purpose of the internal accounting record of the retirement board and not the segregation of moneys on deposit with the state treasurer there are hereby created the employees' savings fund, the benefit account fund, the income fund and such other funds as may from time to time be required. Retirement board internal accounting funds created.

(1) The employees' savings fund shall be the fund in which shall be accumulated the contributions from the compensation of members for the purchase of annuities. The retirement board shall provide for the maintenance of an individual account with each member of the retirement system showing the amount of the member's contributions together with interest accumulations thereon. The contributions of a member returned to him upon his withdrawal from service, or paid in event of his death, as provided in this chapter, shall be paid from the employees' savings fund. Any accumulated contributions forfeited by failure of a member, or his estate, to claim the same as provided for in this chapter shall be transferred from the employees' savings fund to the income fund. The accumulated contributions of a member, upon the commencement of his annuity payments, shall be transferred from the employees' savings fund to the benefit account fund. Employees' savings fund; deposits.
Individual accounts to be kept.
Returned contributions paid from fund.
Transfers to income fund.
Transfers to benefit account fund.

(2) The benefit account fund shall be the fund in which shall be accumulated the reserves for the payment of all pensions and in which shall be held the reserves for annuity payments and death benefits, if any, in respect of any beneficiary receiving annuity payments. The amounts contributed by the employer to provide pension benefits shall be credited to the benefit account fund. The benefit account Benefit account fund; deposits.

Payments
from.

Transfers to
employees'
savings fund.

Income fund;
deposits.

Transfers for
special re-
quirements.

Interest to
be credited
annually to
other funds.

Unclaimed
contribu-
tions.

fund shall be the fund from which shall be paid all pensions, and all annuities, or benefits in lieu thereof because of which reserves have been transferred from the employees' savings fund to the benefit account fund. At the time a recipient of a retirement allowance again becomes a member there shall be transferred from the benefit account fund to the employees' savings fund and credited to the individual account of such a member a sum that shall be equal to the then present value of the annuity portion of his retirement allowance, computed upon the interest and mortality basis then in use by the retirement system for the computation of annuities.

(3) An income fund is hereby created for the purpose of crediting regular interest on the amounts in the various other funds with the exception of the retirement system expense fund, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. Transfers for such special requirements shall be made only when the amount in the income fund exceeds the ordinary requirements of such fund as evidenced by a resolution of the retirement board recorded in its minutes. The retirement board shall annually allow regular interest for the preceding year to each of the funds enumerated in subdivisions (1) and (2) of this section, and the amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the retirement board and paid from the income fund: *Provided*, That interest on contributions from members within any one calendar year shall begin on the first day of the calendar year next following and shall be computed at the end of the calendar year. All accumulated contributions standing to the account of a terminated member and unclaimed after the expiration of fifteen years from the date of such termination except as provided in sections RCW 41.40.150 (3) and RCW 41.40.170, shall

thereafter become an integral part of the income fund. All income, interest, and dividends derived from the deposits and investments authorized by this chapter shall be paid into the income fund with the exception of interest derived from sums deposited in the retirement system expense fund. The retirement board is hereby authorized to accept gifts and bequests. Any funds that may come into the possession of the retirement system in such manner, or any funds which may be transferred from the employees' savings fund by reason of lack of claimant, or because of a surplus in any fund created by this chapter, or any other moneys the disposition of which is not otherwise provided for herein, shall be credited to the income fund.

Income,
interest and
dividends.

Gifts and
bequests.

Other
deposits.

SEC. 5. Section 41.40.120, RCW, as derived from section 2, chapter 50, Laws of 1951, is amended to read as follows:

Amendment.

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption, with the following exceptions:

Membership.

(1) Persons in positions requiring normally less than five months of uninterrupted service a year;

Exceptions.

Under
5 months.

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

Certain
legislative
employees.

(3) Persons holding elective offices or persons appointed directly by the governor: *Provided*, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such membership may become effective at the start of the term of office: *And provided further*, That any such persons previously

Certain
officers.

Option.

Previously
ineligible
employees.

denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority;

Employees under another system.

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: *Provided, however,* In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: *And provided further,* That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.290;

Agreement between systems.

Recipient of survivor's benefits as secondary payee under optional retirement allowances.

Patient and inmate help.

(5) Patient and inmate help in state charitable, penal and correctional institutions;

Veterans' home members.

(6) "Members" of a state veterans' home or state soldiers' home;

Employed incident to education.

(7) Persons employed by an employer or serving in an institution operated by an employer, primarily as an incident to and in furtherance of their education or training;

Employees of university and state college.

(8) Employees of the University of Washington and the State College of Washington during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to

an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession.

Fee basis services.

SEC. 6. Section 41.40.140, RCW, being section 9, chapter 240, Laws of 1949, is hereby repealed.

Repealing clause.

SEC. 7. Section 41.40.150, RCW, as derived from section 3, chapter 50, Laws of 1951, is amended to read as follows:

Amendment.

Should any member die, or should he separate or be separated from service without leave of absence before attaining age sixty years, or should he become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.290, he shall thereupon cease to be a member: *Provided*, That any member who would have attained sixty years or more by April 1, 1949, who shall be involuntarily separated from service prior to that date, with ten years or more service, shall not thereby lose his right to benefits under this chapter. Should he again become employed by an employer he shall enter the retirement system as a new member and his membership service shall be computed from the date he last became a member, except;

Cessation of membership.

Exception.

Reemployment, effect.

(1) As provided in RCW 41.40.170.

(2) An employee who reenters or has reentered service within ten years from the date of his separation, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of three years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation.

Reemployment within 10 years.

(3) A member separated for reasons beyond his control, who has completed at least fifteen years of service, or who has completed at least ten years of service and is age fifty or older shall remain a mem-

Separation for reasons beyond member's control.

ber during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions he shall thereupon cease to be a member unless the amounts so withdrawn be restored before his retirement age is reached.

Withdrawal of contributions.

Reemployment of retirement allowance recipient.

(4) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to retire or shall be retired if eligible in accordance with RCW 41.40-.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available.

Employee transfers to state agencies without jurisdiction of state employees' retirement system.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or

a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.190 (5) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member unless the amount so withdrawn be restored before his retirement age is reached.

Withdrawal
of contribu-
tions.

SEC. 8. Section 41.40.160, RCW, as derived from section 4, chapter 50, Laws of 1951, is amended to read as follows:

Amendment.

(1) Subject to the provisions of RCW 41.40.150, at retirement the total service credited to a member shall consist of all his membership service and, if he is an original member, all of his certified prior service.

Total service
credit.

(2) Employees of a public utility or other private enterprise heretofore or hereafter acquired by a public agency as a matter of public convenience and necessity, where it is in the public interest to retain the trained personnel of such enterprise, all service to that enterprise shall, upon the acquiring public agency becoming an employer as defined in RCW 41.40.010 (4) be credited on the same basis as if rendered to the said employer: *Provided*, That this shall apply only to those employees who are in the service of the enterprise at the time of acquisition by the public agency and who remain in the service of the acquiring agency until they attain membership in the state employees' retirement system: *Provided*

Acquisition
of private
enterprise
by public
agency.

further, In the event that the acquiring agency is an employer at the time of the acquisition, employer's contributions in connection with members achieving service credit hereunder shall be made on the same basis as set forth in RCW 41.40.360 (4) for an employer admitted after April 1, 1949.

Amendment.

SEC. 9. Section 41.40.170, RCW, as derived from section 12, chapter 240, Laws of 1949, is amended to read as follows:

Credit for military service.

A member of the retirement system who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he has resumed or shall resume employment as an employee within one year from termination thereof, or if he has applied or shall apply for reinstatement of employment and is refused employment for reasons beyond his control within one year from termination of the military service shall upon resumption of service within ten years from termination of military service have his service in such armed forces credited to him as a member of the retirement system: *Provided*, That no such military service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency: *And provided further*, That he restore all withdrawn accumulated contributions, which restoration must be completed within three years of membership service following his first resumption of employment.

Restoration of withdrawn contributions.

Amendment.

SEC. 10. Section 41.40.180, RCW, as derived from section 1, chapter 81, Laws of 1951, is amended to read as follows:

Member aged 60 may retire.

(1) On and after April 1, 1949, any member who has attained age sixty or over may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days, nor more

than ninety days subsequent to the execution and filing thereof, he desires to be retired: *Provided*, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

During war board may extend retirement age.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: *Provided*, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties, the retirement board shall continue such member in service for such period or periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the department, agency, commission board and offices of the state.

Member age 70 shall be retired.

Member possessed of special skill.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board, if he so desires, subject to war measures.

Member of 30 years service.

SEC. 11. Section 41.40.190, RCW, as derived from section 5, chapter 50, Laws of 1951, is amended to read as follows:

Amendment.

Upon retirement from service, as provided for in RCW 41.40.180, a member shall receive a service retirement allowance which shall consist of:

Service retirement allowance.

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

Annuity.

(2) A basic service pension, subject to the provisions of subdivisions (4) and (5) of this section, of one hundred dollars per annum: *Provided*, That the basic service pension shall be allowed in the computation of pension benefits only to the extent

Basic service pension.

that the same when added to a membership service pension as provided by subdivision (3) hereof will not result in a pension benefit in excess of nine hundred dollars per annum and a total pension as provided by subdivision (4) hereof in excess of eighteen hundred dollars per annum; and

Membership
service
pension.

(3) A membership service pension, subject to the provisions of subdivision (5) of this section, which shall be equal to one one-hundred fortieth of his average final compensation for each year or fraction of a year of membership service credited to his service account, not to exceed thirty-five years; and

Prior service
pension.

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts: *Provided*, That if the membership service when added to the prior service exceeds thirty-five years, then the membership service shall be reduced so that the total of membership service and prior service is not greater than thirty-five years. In no event, however, shall any original member upon retirement at age seventy with ten years of service credit receive less than nine hundred dollars per annum as a retirement allowance. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the said nine hundred dollars the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of that amount.

Minimum
years service
of new
member for
annuity
and pension
portions.

(5) To be eligible to receive the annuity portion derived from the member's accumulated contributions under subdivision (1) and the pension portions provided by the employer under subdivisions (2) and (3) of this section, a new member must have at least five years of membership service credited to

his service account, unless he becomes eligible for benefits provided for herein under RCW 41.40.200, 41.40.210 and 41.40.220.

(6) Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180 (2), 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowances paid to members eligible to retire under any other provisions of this act shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.

Accrual date of retirement allowances.

SEC. 12. Section 41.40.220, RCW, as derived from section 16, chapter 240, Laws of 1949, is amended to read as follows:

Amendment.

Upon retirement for disability, as provided in RCW 41.40.200, a member who has not attained age sixty shall receive the following benefits, subject to the provisions of RCW 41.40.310 and 41.40.320:

Duty disability benefits; before age 60.

(1) A disability retirement pension of two-thirds of his average final compensation to his attainment of age sixty, subject to the provisions of RCW 41.40.310. The disability retirement pension provided by the employer shall not exceed eighteen hundred dollars per annum, and

(2) Upon attainment of age sixty, the disabled member shall receive a pension, as provided for in RCW 41.40.190, subdivisions (2), (3), and (4), together with an annuity which shall be the equivalent of the annuity he would have received had he continued contributions to the employees' savings fund; said contributions to be based upon his final compensation at the time of his disability.

After age 60.

Contributions to and balance in employees' savings fund.

(3) During the period a disabled member is receiving a disability pension, as provided for in subdivision (1) of this section, his contributions to the employees' savings fund shall be suspended and his balance in the employees' savings fund, standing to his credit as of the date his disability pension is to begin, shall remain in the employees' savings fund: *Provided*, That if the disabled member should die before attaining age sixty, while a disability beneficiary, upon receipt by the retirement board of proper proof of death, his accumulated contributions standing to his credit in the employees' savings fund, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

Death before age 60.

Amendment.

SEC. 13. Section 41.40.250, RCW, as derived from section 26, chapter 274, Laws of 1947, is amended to read as follows:

Non-duty disability benefits; before age 60.

Upon retirement for disability, as provided in RCW 41.40.230, a member who has not attained age sixty shall receive a disability retirement allowance, subject to the provisions of RCW 41.40.310 and 41.

After age 60.

.40.320. Upon attaining age sixty he shall receive a service retirement allowance as provided for in RCW 41.40.190 except that the annuity portion thereof shall consist of a continuation of the cash refund annuity previously provided to him. His disability retirement allowance prior to age sixty shall consist of:

Composition of disability retirement allowance prior to age 60.

(1) A cash refund annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A pension, in addition to the annuity, equal to one one-hundred fortieth of his average final compensation for each year of service not to exceed thirty-

five years. The pension provided by the employer under this paragraph shall not exceed fifteen hundred dollars per annum; and the total disability retirement allowance, consisting of subdivisions (1) and (2) of this section, shall not exceed eighteen hundred dollars per annum, or one-half of the retiring member's average final compensation whichever is the smaller. If the recipient of a retirement allowance under this section shall die before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representatives.

Death of recipient.

SEC. 14. Section 41.40.270, RCW, as derived from section 1, chapter 141, Laws of 1951, is amended to read as follows:

Amendment.

Should a member die before the date of his retirement the amount of the accumulated contributions standing to his credit in the employees' savings fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representatives: *Provided*, That this section, unless elected, shall not apply to any member who shall have heretofore died or who shall hereafter die while still in service at an attained age of seventy years or more as provided for in RCW 41.40.290 when said member has elected option II or has a surviving spouse.

Death before retirement date; accumulated contributions payable to whom.

Deceased member 70 years old or more.

Note: This section also amended by section 1, chapter 201, *infra*.

SEC. 15. Section 41.40.290, RCW, as derived from

Amendment.

section 1, chapter 10, Laws of 1951, Second Extraordinary Session, is amended to read as follows:

Election of optional allowances; authorized.

Except as provided by RCW 41.40.250, any member may elect, in accordance with the provisions of this section and in lieu of a regular retirement allowance payable throughout life with termination at death, to receive as an optional retirement allowance the actuarial equivalent, at the time of his retirement, of his regular retirement allowance in accordance with the provisions of options I, II, and III, as hereinafter set forth: *Provided*, That any member who, after June 6, 1951, and prior to December 1, 1951, attempted to make an election of option but which election was invalid under laws then in force either because of failure (1) to file written election of option within twelve months before date of his retirement, or (2) to pass a satisfactory health examination at the time of making such election, shall nevertheless be deemed to have made a valid election of option. No election of an optional retirement allowance shall be effective in case the member making such election dies before his actual retirement date: *Provided, however*, That any option selected in writing by any member who shall have heretofore died or who shall hereafter die while still in service at an attained age of seventy years or more shall be effective and in any such case if no such option shall have been selected, then option II shall automatically be given effect as if in fact selected for the benefit of the surviving spouse, unless such spouse shall elect to take payment under RCW 41.40.270.

Prior elections validated.

Death of elector prior to retirement date.

Death of member 70 years old or more.

Option I.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by

written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representatives; or

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

Note: This section also amended by section 2, chapter 201, *infra*.

SEC. 16. Section 41.40.320, RCW, as derived from section 10, chapter 50, Laws of 1951, is amended to read as follows: Amendment.

A disability beneficiary who has been or shall be reinstated to active service shall from the date of such restoration again become a member of the retirement system; and he shall contribute to the retirement system in the same manner as prior to his disability retirement. Any prior service and membership service, on the basis of which his retirement allowances were computed at the time of his retirement, shall be restored to full force and effect, and, except in the case of retirement for nonduty disability as provided in RCW 41.40.230, he shall be given membership service for the period of time he was out of service due to such disability. Disability beneficiary returned to service.

SEC. 17. Section 41.40.330, RCW, as derived from section 11, chapter 50, Laws of 1951, is amended to read as follows: Amendment.

(1) Beginning October 1, 1947, each employee who is a member of the retirement system shall con-

Employee contributions; to employees' savings fund.

To retirement system expense fund.

5% contribution after April 1, 1953.

Payroll officer to make deduction.

Determination of amount earnable.

tribute five percent of that part of his compensation earnable, not in excess of thirty-six hundred dollars in a calendar year, except as provided herein and in subdivision (2) hereof, to the employees' savings fund, and shall contribute one dollar and fifty cents per annum to the retirement system expense fund: *Provided, however,* That beginning January 1, 1950, such retirement system expense fund contribution shall be increased to the amount of two dollars and fifty cents per annum and shall be made by semiannual payments of one dollar and twenty-five cents beginning January 1, 1950, and thereafter each employee entering membership shall contribute the sum of one dollar and twenty-five cents to the retirement system expense fund for the fractional portion of the semiannual period during which he enters or reenters membership: *And provided further,* That each employee shall upon resumption of contributing membership contribute his regular payments to the retirement system expense fund for any period of leave of absence from employment, except for military leave of absence as provided in RCW 41.40.170. On and after April 1, 1953, each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system, an amount equal to five percent of such member's compensation earnable, as provided by this section. In determining the amount earnable by a member in a payroll period, the retirement board and the employer may consider the rate of compensation payable to such member on the first day of the payroll period as continuing through such payroll period, and deductions may be

omitted from such compensation for any period less than a full payroll period, if an employee was not a member on the first day of the payroll period.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to this account in the employees' savings fund, a prospective retirement allowance not to exceed one-half of his prospective average final compensation.

Increase of contributions authorized.

SEC. 18. Section 41.40.360, RCW, as derived from section 12, chapter 50, Laws of 1951, is amended to read as follows:

Amendment.

(1) The contributions by the employer for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "membership service contribution," a percentage of such compensation to be known as the "prior service contribution" and in the case of employers admitted to the retirement system after April 1, 1949, a percentage of such compensation to be known as the "additional contribution." The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation. Until the end of the biennium in which the first actuarial valuation is completed the membership service contribution rate shall be four percent, and the prior service contribution rate shall be one percent.

Employer contributions.

Membership service contribution.

Prior service contribution.

Additional contribution.

Rates.

(2) After the completion of each actuarial valuation subsequent to April 1, 1949, the retirement board shall redetermine the membership service contribution rate and such redetermined contribution rate shall become effective in the ensuing biennium. Until the prior service contributions shall have been discontinued such membership contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all mem-

Redetermination of membership service contribution rate.

Determination until discontinuance of prior service contributions.

bers in the retirement system at the date of such valuation which is required, together with all funds (other than funds allocated to prior service pensions) currently standing to the credit of the benefit account fund, to provide for the payment of

(a) All future pension benefits (other than prior service benefits) to such members, and

(b) All future benefits (other than prior service benefits) in respect of beneficiaries then receiving retirement allowances or pensions.

Determina-
tion after
discon-
tinuance of
prior service
contribu-
tions.

After the prior service contributions have been discontinued such membership contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the retirement system at the date of such valuation which is required, together with all funds currently standing to the credit of the benefit account fund, to provide for the payment of

(a) All future pension benefits to such members, and

(b) All future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

Redetermi-
nation of
prior service
contribution
rate.

(3) Following the completion of the first actuarial valuation after April 1, 1949, the retirement board shall redetermine the prior service contribution rate, and such redetermined contribution rate shall become effective in the ensuing biennium. The prior service contribution rate shall be determined as that percentage of annual compensation of all members in the retirement system at the date of such valuation which is equivalent to four percent of the excess of the liability for prior service pensions over the amount currently in the benefit account fund allocated to prior service pensions. Such redetermined prior service contribution rate shall continue until the amount in the benefit account fund allocated to prior service pensions equals the then outstanding liability for prior service pensions.

(4) Any employer admitted to the retirement system after April 1, 1949, shall make an additional contribution at a rate equal to not less than twenty-five percent of the sum of the membership service contribution rate and the prior service contribution rate until such time as the sum of such additional contributions equals the amount of membership service contributions and prior service contributions which such employer would have been required to contribute between April 1, 1949, and the date of such employer's admission to the retirement system: *Provided*, All additional contributions hereunder and under the provisions of RCW 41.40.160 (2) must be completed within ten years from the date of the employer's admission.

Additional contribution of employers admitted after April 1, 1949.

Completion of additional contributions.

SEC. 19. Section 41.40.410, RCW, as derived from section 13, chapter 50, Laws of 1951, is amended to read as follows:

Amendment.

The employees and appointive and elective officials of any political subdivision of the state may become members of the retirement system by the approval of the local legislative authority. Each such political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.40.080, 41.40.360 and 41.40.370 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. For the purpose of administering and interpreting this chapter the board may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever such terms appear in this chapter. The board may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employ-

Political subdivisions may participate.

Contributions.

Administration.

Member transferring employment.

Accounts of board.

Representation on board.

ment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The board shall keep such accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another. At such time as the membership from political subdivisions is sufficiently large to warrant representation on the board, the retirement board may appoint one county member and/or one member from any of the other political subdivisions to the board in place of two of the state employees' members provided for in this chapter.

Amendment.

SEC. 20. Section 41.40.420, RCW, as derived from section 14, chapter 50, Laws of 1951, is amended to read as follows:

Appeal to superior court, authorized.

Within thirty days after any final decision and order by the retirement board has been communicated to the claimant, such claimant may appeal to the superior court of Thurston county 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 raised before the board. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the executive secretary of the retirement board by personal service or by mailing a copy thereof to the said executive secretary and by filing the notice of appeal together with proof of service thereof with the clerk of the court. The service and the filing together with proof of service of a notice of appeal, all within thirty days, shall be jurisdictional. The executive secretary shall within thirty days after

Proceedings.

Perfection of appeal.

Jurisdictional steps.

receipt of such notice of appeal serve and file on behalf of the retirement board notice of appearance upon the appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The executive secretary shall promptly serve upon the appellant and file with the clerk of the court, a certified copy of the complete record of the hearing before the retirement board which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the supreme court as in other cases.

Duties of executive secretary.

Appeal to supreme court.

SEC. 21. There is hereby added to chapter 41.40, RCW, a new section to read as follows:

New section.

No person age seventy or more shall be employed in a position that would cause the occupant thereof to be eligible to first become a member, except as provided by RCW 41.40.410. No person age seventy or more shall be employed in a position the occupancy of which would restore him to membership.

Employment of persons over age 70 restricted.

SEC. 22. There is hereby added to chapter 41.40, RCW, a new section to read as follows:

New section.

Any person aggrieved by any final decision of the retirement board must before he appeals to the courts, file with the executive secretary of the retirement board by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken, other than those specifically set forth in the notice of hear-

Appeals; notice for hearing before retirement board.

ing or appearing in the records of the retirement system.

New section.

SEC. 23. There is hereby added to chapter 41.40, RCW, a new section to read as follows:

Appeals; hearing before board; time and place.

A hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board.

De novo and summary.

Such hearing shall be *de novo* and summary and no witness' testimony shall be received unless he

Witnesses.

shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless the testimony shall be taken by deposition according to the statutes relating to

Appearance and testimony by board.

superior courts of the state. The retirement board shall be entitled to appear in all such proceedings and introduce testimony in support of the decision.

Oral testimony.

The retirement 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

Powers of board.

record of the hearing. Members of the board and its duly authorized representatives shall have power to administer oaths, to preserve and enforce order during such hearings, to issue subpoenas for and to compel the attendance and testimony of witnesses or the

production of books, papers, documents and other evidence, 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 their office.

New section.

SEC. 24. There is hereby added to chapter 41.40, RCW, a new section to read as follows:

Appeals; hearing before board; contempt procedure.

If any person in proceedings before the 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 neglects to produce, after

having been ordered so to do, any pertinent book, paper, document or other evidence, or refuses to appear after having been subpoenaed, or upon appearing refuses to take the oath as a witness, or after having the oath refuses to be examined according to law, the retirement board or any duly authorized representative thereof shall certify the facts to the superior court having jurisdiction in the place in which the retirement board or its duly authorized representative is sitting, the court 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 contempt committed before the court, or commit such person upon the same conditions as if doing of the forbidden act had occurred with reference to the proceedings, or in the presence of the court.

SEC. 25. There is hereby added to chapter 41.40, RCW, a new section to read as follows: New section.

At the time and place fixed for hearing each party shall present all his evidence with respect to the issues raised in the notice of hearing: *Provided*, That for good cause shown in the record to prevent hardship, the retirement board or its duly authorized representative upon the application of any party may grant continuances from time to time as the circumstances may require. Appeals; hearing before board; evidence, continuances.

SEC. 26. There is hereby added to chapter 41.40, RCW, a new section to read as follows: New section.

The record of the hearing shall be considered by the retirement board and the decision and order of the majority of the members shall be the decision and order of the retirement board. Every such final decision and order rendered by the retirement board shall be in writing and a copy thereof shall be mailed to each party to the appeal and to his attorney of record. Appeals; hearing before board; decision of board.

Effective date.

SEC. 27. 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 as of April 1, 1953.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 201.

[H. B. 223.]

STATE EMPLOYEES' RETIREMENT—ACCUMULATED CONTRIBUTIONS—OPTIONAL ALLOWANCES.

AN ACT relating to the state employees' retirement system, amending sections 41.40.270 and 41.40.290, RCW, and declaring an emergency.

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

Amendment.

SECTION 1. Section 41.40.270, RCW, as derived from section 28, chapter 274, Laws of 1947, as last amended by section 1, chapter 141, Laws of 1951, is amended to read as follows:

Death before retirement date; accumulated contributions payable to whom.

Should a member die before the date of his retirement the amount of the accumulated contributions standing to his credit in the employees' savings fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representatives: *Provided*, That this section, unless elected, shall not apply to any member who shall have heretofore died or who shall hereafter die while still in service at an attained age of sixty years or more as provided for

Deceased member 60 years old or more.

in RCW 41.40.290 when said member has elected option II or has a surviving spouse.

Note: This section also amended by section 14, chapter 200, *supra*.

SEC. 2. Section 41.40.290, RCW, as derived from section 20, chapter 240, Laws of 1949, as last amended by section 1, chapter 10, Laws of 1951, second extraordinary session, is amended to read as follows: Amendment.

Except as provided by RCW 41.40.250, any member may elect, in accordance with the provisions of this section and in lieu of a regular retirement allowance payable throughout life with termination at death, to receive as an optional retirement allowance the actuarial equivalent, at the time of his retirement, of his regular retirement allowance in accordance with the provisions of options I, II, and III, as hereinafter set forth: *Provided*, That any member who, after June 6, 1951, and prior to December 1, 1951, attempted to make an election of option but which election was invalid under laws then in force either because of failure (1) to file written election of option within twelve months before date of his retirement, or (2) to pass a satisfactory health examination at the time of making such election, shall nevertheless be deemed to have made a valid election of option. No election of an optional retirement allowance shall be effective in case the member making such election dies before his actual retirement date: *Provided, however*, That any option selected in writing by any member who shall have heretofore died or who shall hereafter die while still in service at an attained age of seventy years or more shall be effective and in any such case if no such option shall have been selected, then option II shall automatically be given effect as if in fact selected for the benefit of the surviving spouse, unless such spouse shall elect to take payment under RCW 41.40.270: *Provided further*, That any member who shall hereafter die while still in service at an attained age of sixty years and not more than seventy years and

Election of optional allowances; authorized.

Prior elections validated.

Death of elector prior to retirement date.

Death of member 70 years old or more.

Death of member between 60 and 70 years old.

Death of member of 30 or more years service.

who has fifteen or more years of total service or ten or more years of membership service, or who has thirty or more years of total service regardless of age shall have option II automatically given effect as if in fact selected for the benefit of the surviving spouse, unless such spouse shall elect to take payment under RCW 41.40.270.

Option I.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representatives; or

Option II.

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement; or

Option III.

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

Note: This section also amended by section 15, chapter 200, *supra*.

Emergency.

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

Passed the House February 26, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 202.

[S. B. 310.]

STATE EMPLOYEES' RETIREMENT—NONCERTIFICATED
EMPLOYEES OF SCHOOL DISTRICTS.AN ACT authorizing noncertificated employees of school districts
to transfer to Washington State Retirement System.*Be it enacted by the Legislature of the State of
Washington:*

SECTION 1. Any noncertificated employee of a school district who is a member of the Washington state teachers' retirement system may transfer such membership to the state employees' retirement system by written request filed with the secretary-manager and the executive secretary, respectively, of the two systems. Upon the receipt of such request, the transfer of membership to the state employees' retirement system shall be made, together with a transfer of all accumulated contributions credited to such member, and the secretary-manager of the teachers' retirement system shall transmit to the executive secretary of the state employees' retirement system a record of service credited to such member which shall be computed and credited to such member in the state employees' retirement system in the same manner as prior service together with a transfer from the teachers' pension reserve fund of a sum sufficient to pay into the employees' retirement system the employers contribution from the period beginning April 1, 1949, to the date of the transfer, or so much thereof that may be necessary to establish the employee to all rights, benefits and privileges that he would have been entitled to had he been a member of the state retirement system from the beginning of his employment or his eligibility.

Transfer
from
Washington
state
teachers'
retirement
system to
state
employees'
retirement
system;
authorized.
Procedure.

Passed the Senate March 6, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 203.

[H. B. 26.]

APPROPRIATION—LEGISLATURE—FURNISHINGS
AND FIXTURES.

AN ACT relating to furniture and fixtures for the legislative chambers and committee rooms; making an appropriation; and declaring an emergency.

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

Appropriation.

SECTION 1. For the biennium ending March 31, 1953, there is hereby appropriated from the capitol building construction fund to the capitol committee the sum of six thousand eight hundred dollars, or so much thereof as may be necessary, for the installation of lighting fixtures and the purchase of folding tables and chairs for the House and Senate chambers and committee rooms thereof.

Emergency.

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

Passed the House January 23, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 204

[H. B. 311.]

CULL BARTLETT PEARS.

AN ACT relating to cull Bartlett pears; and providing penalties.

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

SECTION 1. No person shall sell as fresh fruit any cull Bartlett pears as defined in regulations adopted and promulgated by the director of agriculture from time to time unless they are packed in one-bushel wooden baskets, ring faced with the pears in the ring face representative of the size and quality of the pears in the basket and the baskets lidded, and the words "Cull Pears" must appear on the top and side of the basket in which they are shipped and upon labels placed upon the basket in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum and other documents referring to said Bartlett pears shall designate them as cull Bartlett pears.

Sale as
fresh fruit.

SEC. 2. No person shall ship or otherwise transport out of the area of production cull Bartlett pears as fresh fruit unless they are found upon inspection by a horticultural inspector to be free of insect damage, pests and disease, and are packed and labeled as herein provided.

Transportation out of
area of
production
as fresh
fruit.

SEC. 3. There is hereby levied upon each and every basket of cull Bartlett pears shipped or transported within the state of Washington out of the area of production as fresh fruit an assessment of five cents per basket, which assessment shall be paid to the Washington state fruit commission prior to the commencement of shipment or transportation. Such five cents per basket shall be used by the Washington state fruit commission for the purpose of conducting promotion and research as to Bartlett pears.

Assessment.

Exceptions
from act.

SEC. 4. This act does not apply to the sale, transportation or shipment of cull Bartlett pears as fresh fruit in quantities of two hundred pounds or less, nor to the shipment of cull Bartlett pears to a by-products or processing plant for the purpose of manufacturing or processing of by-products, nor to the shipment of cull Bartlett pears to be used as stock feed.

Construction.

SEC. 5. This act shall be liberally construed. If any section, sentence, clause or part of this act is for any reason held to be unconstitutional or invalid, as applied to any person or as applied under certain circumstances, such decision shall not affect the remaining portions of this act nor the application of this act to other persons or under other circumstances.

Severability
clause.

Penalty.

SEC. 6. Any violation of this act shall be a misdemeanor.

Passed the House February 27, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 205.

[Sub. H. B. 56.]

LABOR LIENS—RESTAURANT, HOTEL, TAVERN, ETC.
EMPLOYEES.

AN ACT relating to liens for labor of hotel employees and others.

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

SECTION 1. Every person performing labor in the operation of any restaurant, hotel, tavern, or other place of business engaged in the selling of prepared foods or drinks, or any hotel service employee, shall have a lien on the earnings and on all the property of his employer used in the operation of said business to the extent of the monies due him for labor performed within three months next preceding the filing of his claim therefor.

Designation
of lien.

SEC. 2. The lien claimant shall within thirty days after he has ceased to perform such labor, file for record with the auditor of the county in which the labor was performed a notice of claim, containing a statement of his demand, the name of the employer and the name of the person employing him, if known, with a statement of the terms and conditions of his contract, if any, and the time he commenced the employment, and the date of his last service, and shall serve or mail a copy thereof to said employer within said period.

Notice of
claim.

SEC. 3. Service of the notice of claim may be made in the same manner as summons in civil actions.

Service.

SEC. 4. The lien may be enforced within the same time and in the same manner as mechanics' liens are foreclosed.

Foreclosure.

SEC. 5. The lien created herein shall be preferred to any encumbrance which may attach after the commencement of the labor and is also preferred to

Priority.

any encumbrance which may have attached previously to that time, but which was not filed or recorded so as to create constructive notice thereof prior to that time, and of which the lien claimant had no notice.

Passed the House February 5, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 206.

[Sub. H. B. 169.]

JUSTICES OF THE PEACE.

AN ACT relating to justices of the peace, justice court districts, and police judges in certain cities; relating to salaries and civil and criminal venue; amending sections 3.14.010, 3.14-.040, 3.16.002 and 3.20.060, RCW; adding a new section to chapter 3.20, RCW; and repealing section 3.20.130, RCW.

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

Amendment.

SECTION 1. Section 3.14.010, RCW, as derived from section 8, chapter 156, Laws of 1951, is amended to read as follows:

Justice court district committee; established, composition.

There is established in each county a committee which shall be known as the justice court district committee. The following persons shall be members: The presiding judge of the superior court, the members of the board of county commissioners, the prosecuting attorney, one justice of the peace to be selected by the county commissioners, and the county auditor.

Formation of districts; precincts outside cities of 5,000 population or more.

It shall be the duty of the committee to meet prior to January 1, 1954, and again within one year from the date of any official federal or county census, for the purpose of grouping the precincts of the county, other than those lying within or partly within cities of five thousand or more population, into one

or more justice court districts: *Provided*, That incorporated cities or towns having a population of not more than five thousand, together with the adjoining precincts, if any, lying partly within and partly without such cities or towns, may be combined by the district committee with county precincts, and with each other, to form a justice court district.

Incorporated cities under 5,000 population.

Justice court districts shall be established in each county by resolution of the board of county commissioners, in accordance with the findings and recommendations of the committee, before July 1, 1954, and again subsequent to the meetings held pursuant to a federal or county census.

Resolution of board of county commissioners.

When the precincts of one or more cities or towns of less than five thousand population are grouped within one justice court district, the justice of the peace for that district may be appointed the police judge of any such city or town within the district by the proper appointing authority of any such city, regardless of the place of residence, and, in such case, shall have exclusive jurisdiction over violations of the ordinances of said cities or towns.

Police judge in cities under 5,000 population.

SEC. 2. Section 3.20.060, RCW, as derived from section 1, chapter 40, Laws of 1899, as last amended by section 3, chapter 89, Laws of 1941, is amended to read as follows:

Amendment.

All civil actions commenced in a justice court against a defendant, or defendants, residing in a city or town of five thousand or more population shall be brought before a justice of the peace of the city or town in which one or more of the defendants reside. In all other cases the action shall be commenced before either of the nearest two justices of the peace of justice court districts or incorporated cities or towns of the county, or before a justice of the peace of the county seat.

Jurisdiction and venue in civil actions.

SEC. 3. Section 3.20.130, RCW, as derived from section 16, chapter 156, Laws of 1951, is repealed.

Repealing clause.

New section.

SEC. 4. Chapter 3.20, RCW, shall contain a new section to read as follows:

Jurisdiction and venue in criminal actions.

All criminal actions before justices of the peace shall be brought before either of the nearest two justices of the peace to the place where the alleged violation occurred, or upon request of the defendant before a justice of the peace of the county seat.

Amendment.

SEC. 5. Section 3.16.002, RCW, as derived from section 3, chapter 156, Laws of 1951, is amended to read as follows:

Cities of 5,000—20,000 population; salaries.

The salaries of justices of the peace in cities having a population of five thousand but less than twenty thousand shall be two thousand four hundred dollars each per annum, and such justices of the peace may engage in private practice of law: *Provided*,

Practice of law.

Salary raises.

That the county commissioners shall have the power to raise the salaries of such justices of the peace to an amount not to exceed three thousand six hundred dollars each per annum.

Amendment.

SEC. 6. Section 3.14.040, RCW, as derived from section 12, chapter 156, Laws of 1951, is amended to read as follows:

District justices; salaries.

Raises.

The salary of the district justice of the peace shall be two thousand four hundred dollars per year: *Provided*, That the county commissioners shall have the power to raise the salary of the district justice of the peace to an amount not to exceed three thousand six hundred dollars per annum: *Provided further*, That in counties of the sixth and seventh classes, the county commissioners shall have the power to reduce the salary of the district justice of the peace to an amount not less than one thousand two hundred dollars per annum: *Provided further*, That in counties of the eighth and ninth classes, the county commissioners shall have the power to reduce the salary of the district justice of the peace to an amount of not less than six hundred dollars per annum. No justice of the peace of a justice court district shall receive

Counties of 6th and 7th class; salary reduction.

Counties of 8th and 9th class; salary reduction.

Fees.

to his own use fees arising from any legal action in his court, but may engage in another profession, business, or other means of livelihood. Other activities.

Passed the House February 26, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 207.

[Sub. H. B. 331.]

FOOD FISH AND SHELLFISH.

AN ACT relating to the department of fisheries, food fish and shellfish; prescribing the licensing and fees therefor; amending sections of chapters 43.25, 75.08, 75.28, and 75.32, RCW; adding new sections; repealing sections 43.25.050 and 75.32-.075, RCW; and declaring an emergency.

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

SECTION 1. Section 75.28.080, RCW, as derived from section 66, chapter 112, Laws of 1949, as last amended by section 1, chapter 7, Laws of 1951, first extraordinary session, is amended to read as follows: Amendment.

A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking any fish or shellfish, except razor and hard shell clams, from the waters or beaches of the state for commercial purposes. Personal commercial fishing license.

The fee for such license is ten dollars per annum. Fee.

The personal license shall be carried on the person whenever such person is engaged in the taking, landing, or selling of any fish or shellfish: *Provided*, That this section does not apply to those persons engaged solely as employees of any person holding a valid oyster or clam farm license. Carried on person.
Employees of licensed oyster or clam farms excepted.

SEC. 2. Section 75.28.030, RCW, as derived from section 65, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

Issuance of licenses.

The director shall issue licenses herein required to any qualified person, upon the receipt of a lawful application therefor upon a blank to be furnished for that purpose, accompanied by the required fee. Applicants for fishing gear licenses shall indicate at the time of application the species of food fish or shellfish that they intend to take with said gear. The director shall make weekly remittances of the fees collected to the state treasurer.

Fee remitted to state treasurer.

Amendment.

SEC. 3. Section 75.28.310, RCW, as derived from section 72(2), chapter 112, Laws of 1949, is amended to read as follows:

Retail fish dealer's license.

A retail fish dealer's license is required for any business in the state engaged in the selling of fresh, frozen, or cured food fish or shellfish directly to the consumer whether or not such business involves the taking or catching of such food fish or shellfish, and the fee for said license is five dollars per annum for the principal place of business of such retail fish dealer, and five dollars per annum for each branch retail operation or business of such retail fish dealer: *Provided*, That this section shall not apply to businesses primarily engaged in serving food fish or shellfish for consumption on the business premises.

New section.

SEC. 4. Chapter 75.28, RCW, is amended by adding thereto a new section to read as follows:

Custom canning for personal use; license.

A person engaged in canning for hire shellfish or food fish taken by others for their personal use is engaged in the business of custom canning for personal use and shall pay a license fee of thirty-seven dollars and fifty cents per annum: *Provided*, That each and every can or container used in canning or preserving personal use caught fish or shellfish have been embossed in a permanent and legible manner on the lid or cover thereof the words "Personal Use Only—Not for Sale". It shall be unlawful to commingle personal use caught fish or shellfish at any

Identification of containers.

Commingle.

time prior to or during the period of canning or processing.

SEC. 5. Chapter 75.28, RCW, is amended by adding thereto a new section to read as follows: New section.

A license is required for each and every reel purse seine or drum purse seine used in the taking or catching of salmon in the waters of the state for which license there shall be paid a fee of seventy-five dollars. Reel purse seine or drum purse seine salmon license.

SEC. 6. Section 75.32.030, RCW, as derived from section 1 (1), chapter 107, Laws of 1949, as last amended by section 34, chapter 271, Laws of 1951, is amended to read as follows: Amendment.

Canners, curers, freezers, wholesale fish dealers, retail fish dealers or fish by-products manufacturers of food fish or shellfish, except those located within the Columbia river district, shall pay a privilege fee equal to two percent of the primary market value on all fresh or frozen chinook and silver salmon which they receive, handle, deal in, or deal with as original receiver in the state, and they shall pay a privilege fee equal to one percent of the primary market value on all other fresh or frozen food fish and shellfish or parts thereof which they receive, handle, deal in or deal with, as original receiver in the state: *Provided*, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided. Privilege fees.

SEC. 7. Section 75.32.075, RCW, as derived from section 45, chapter 271, Laws of 1951, is repealed. Repealing clause.

SEC. 8. Section 75.32.080, RCW, as derived from section 1 (5), chapter 107, Laws of 1949, as last amended by section 36, chapter 271, Laws of 1951, is amended to read as follows: Amendment.

Catch fees; collection and payment.

The catch fees provided for herein shall be deducted from the payments made by the original receiver to the person catching or landing the food fish or shellfish, and the original receiver shall collect the fees and remit them to the director, and in event he fails to do so he is liable for such fees as he fails to collect and remit.

"Original receiver" defined.

"Original receiver" means the person first receiving, handling, dealing in, or dealing with the fresh or frozen fish or shellfish within the state of Washington as a canner, curer, freezer, retail dealer, wholesale dealer, by-products manufacturer, or branch plant; and the privilege fees provided for herein shall be paid on all fresh or frozen food fish or shellfish handled by the original receivers regardless of where the fish or shellfish were caught: *Provided*, That no tax shall be paid on frozen food fish or frozen shellfish that has been previously landed in another state, territory, or country: *Provided further*, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided.

Privilege fees; collection and payment.

Amendment.

SEC. 9. Section 75.28.020, RCW, as derived from section 63, chapter 112, Laws of 1949, is amended to read as follows:

Qualifications for licenses.

No license provided for in this title shall be issued to any person who is not a citizen of the United States, or who is not a bona fide resident of the United States, or who is not of the age of sixteen years or over; nor shall any license be issued to any corporation unless it is authorized to do business in this state: *Provided*, That all gear licenses, personal licenses and boat licenses issued by the state of Oregon shall be recognized by this state as valid in the concurrent waters of the Columbia river.

Oregon licenses recognized on Columbia river.

SEC. 10. Section 43.25.010, RCW, as derived from section 116, chapter 7, Laws of 1921, as last amended by chapter 112, Laws of 1949, is amended to read as follows: Amendment.

The director of fisheries shall have charge and general supervision of the department of fisheries, and shall exercise all the powers and perform all the duties prescribed by law with respect to food fish and shellfish. Director of fisheries; powers and duties.

No person shall be eligible to appoint as, or to hold the office of, director of fisheries, unless he has general knowledge of commercial fishing conditions and of the fishing industry in this state, and has no financial interest in the fishing industry or any industry directly connected therewith. Qualifications.

SEC. 11. Chapter 75.08, RCW, is amended by adding thereto a new section to read as follows: New section.

The authority of the director under the provisions of this title shall extend to negotiating agreements with the department of defense of the United States, or representatives thereof, for the purpose of coordinating and correlating the control of fishing in the waters of the state over which the department of defense, for national defense purposes, has assumed control, to the end that such waters may be utilized for fishing consistent with the safety of fishermen, personnel of the department of defense, and the public; to promulgate and enforce regulations for restricted fishing in said areas and to provide for such patrol of said areas as may be necessary. Director of fisheries; authority to negotiate with U. S. department of defense.

SEC. 12. Section 43.25.050, RCW, as derived from section 12, chapter 112, Laws of 1949, is repealed. Repealing clause.

SEC. 13. Chapter 43.25, RCW, is amended by adding thereto a new section to read as follows: New section.

The director of fisheries, and all appointees and employees of the department of fisheries who have powers of arrest shall, at the direction of the director Insurance against false arrest.

of fisheries, be insured against actions for false arrest arising from arrests made while in the act of carrying out their assigned duties. The premiums on all such policies issued are to be paid for out of the state of Washington department of fisheries fund.

New section.

SEC. 14. Chapter 43.25, RCW, is amended by adding thereto a new section to read as follows:

Peace officers; compensation insurance.

The director of fisheries shall procure compensation insurance for all employees of the department of fisheries engaged as peace officers, insuring such employees against injury or death incurred in the course of their employment as such peace officers when such employment involves the performance of duties not covered under the workmen's compensation act of the state of Washington. The beneficiaries and the compensation and benefits under such insurance shall be the same as provided in sections 51.32.005 to 51.32.170, RCW, and said insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in sections 51.36.010 and 51.36.020, RCW.

Amendment.

SEC. 15. Section 75.28.370, as derived from section 72 (8), chapter 112, [Laws of] 1949, as last amended by section 33, chapter 271, Laws of 1951, is amended to read as follows:

Branch plant license.

A branch license is required for each branch plant in the state of any wholesale, canning, by-products manufacturing or boat house business enterprise having more than one place of business. One such place shall be designated as headquarters and said license shall be obtained for each and every other place of business or branch plant. The fee for said license is seven dollars and fifty cents per annum.

Fee.

Director may issue and publish regulations.

SEC. 16. Nothing herein shall be construed to restrict or impair the authority of the director of fisheries consistent with and pursuant to the provisions of this act from issuing and publishing such regula-

tions as, after investigation, he may deem necessary to administer this act and to effectuate its purposes, or to administer and effectuate all other acts governing or affecting the department of fisheries, nor shall anything herein be construed to restrict or impair the authority of the director to issue and publish regulations he may find necessary under the provisions of the Pacific marine fisheries compact.

Same:
enforcement
of Pacific
marine
fisheries
compact.

SEC. 17. The several provisions of this act are hereby declared to be separate and severable and if any clause, sentence, paragraph, subdivision, section or part thereof shall, for any reason, be adjudged invalid, or the applicability thereof to any person, circumstance or product adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of the act, and the applicability thereof to other persons, circumstances or products shall not thereby be affected, but such clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Severability
clause.

SEC. 18. This act is necessary for the immediate preservation of the public health, peace and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the House March 4, 1953.

Passed the Senate March 11, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 208.

[H. B. 390.]

VETERANS' BONUS—INCOMPETENTS.

AN ACT providing a manner of payment of the World War II veterans' bonus to incompetent veterans, and amending chapter 73.32, RCW, by adding a new section thereto.

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

New section.

SECTION 1. Chapter 73.32, RCW, as derived from chapter 180, Laws of 1949, is amended by adding thereto a new section to read as follows:

To whom payable.

Where compensation is payable under this chapter to any person who is mentally incompetent at the time application is made, said compensation may be paid to any guardian, committee, conservator, or curator duly appointed, pursuant to the laws of the state of residence of said incompetent to control and manage the person and/or estate of the incompetent, or such compensation may be paid to any chief officer of any state or federal institution having custody of such incompetent: *Provided, however,* The chief officer of any state or federal institution shall use any compensation received pursuant to this section for the personal benefit of the incompetent, exclusive of care and maintenance.

Application procedure.

The guardian, committee, conservator, curator, chief officer or person in charge shall make application for the incompetent's compensation upon the form regularly provided for such purpose pursuant to RCW 73.32.040, and in addition, shall certify under oath that the applicant is the guardian, committee, conservator, curator, chief officer, or person in charge as above set forth, and shall further certify that the compensation received shall be used for the personal benefit of the incompetent as provided herein and in accord with the laws applicable to the administration of their office.

Any compensation paid upon the basis of the above certification shall be complete settlement and satisfaction of any claim made pursuant to the provisions of this chapter as if made to a person not incompetent. Effect of payment.

Passed the House March 7, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 209.

[H. B. 411.]

STATE FOREST LANDS—VALIDATION.

AN ACT relating to state forest lands, validating the title thereto and adding a new section to chapter 76.12, RCW.

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

SECTION 1. A new section is hereby added to chapter 76.12, RCW, to read as follows: New section.

All transfers of lands heretofore made to the state forest board as state forest lands are hereby validated, and all lands heretofore administered by the state forest board as state forest lands are hereby declared to be state forest lands and public lands of the state of Washington. Validation of transfers to state forest board.

Passed the House March 5, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 210.

[H. B. 450.]

SEWER, WATER, COUNTY ROAD IMPROVEMENT DISTRICTS—SEGREGATION OF ASSESSMENTS.

AN ACT relating to the segregation of assessments and charges in sewer districts, water districts and county road improvement districts.

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

County treasurer to segregate, collect and receive assessments or charges.

Certification of assessments or charges.

Payment; recording and receipt.

SECTION 1. The county treasurer shall make segregation, collect, and receive from any owner or owners of any subdivision or portion of any lot, tract or parcel of land upon which assessments or charges have been made or may be made hereafter in sewer districts, water districts, or county road improvement districts, under the terms of title 56, RCW, title 57, RCW, or chapter 36.88, RCW, such portion of the assessments or charges levied or to be levied against such lot, tract or parcel of land in payment of such assessment or charges as the board of commissioners of the sewer district, the water district commissioners or the board of county commissioners, respectively, shall certify to be chargeable to such subdivision, which certificate shall state that such property as segregated is sufficient security for the assessment or charges. Upon making collection upon any such subdivision the county treasurer shall note such payment upon his records and give receipt therefor.

Passed the House March 7, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 211.

[H. B. 481.]

MARINE EMPLOYEES' COMMISSION.

AN ACT relating to the Marine Employees' Commission, providing for the formation of the commission; providing for salaries and reimbursement of expenses; providing for contributions to health and welfare funds, and amending sections 47.64.020 and 47.64.030, RCW.

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

SECTION 1. Section 47.64.020, RCW, as derived from section 3, chapter 148, Laws of 1949, is amended to read as follows: Amendment.

In the event the state of Washington through the Washington toll bridge authority exercises the powers granted in RCW 47.60.010 to 47.60.160, the authority shall immediately appoint a marine employee commission to consist of three members, one member to be appointed from labor, one member from industry and one member from the public, which last named member shall be chairman of the commission. One member shall be appointed for a term of two years, one member for a term of three years, and the chairman for a term of four years. Thereafter each member shall be appointed for a term of four years. Members of the commission shall serve without compensation with the exception of the member from the public, whose salary shall be determined by the authority and shall be paid from the Washington state ferries revolving fund. Members of the commission shall be reimbursed by the authority for all necessary expenses incurred in the performance of their duties, which expenses shall likewise be paid from the Washington state ferries revolving fund. Membership; appointment.
Terms of office.
Compensation.
Reimbursement for expenses.

SEC. 2. Section 47.64.030, RCW, as derived from section 3, chapter 148, Laws of 1949, is amended to read as follows: Amendment.

Labor
agreements.

Commission
may
administer
labor
relations and
adjudicate
labor
disputes.

Employee
may choose
representa-
tive before
commission.

Duties of
commission.

The authority is empowered to negotiate and to enter into labor agreements with its employees or their representatives, including provisions for health and welfare benefits for its employees to be financed either wholly or in part by contributions from the operating fund. The commission shall have the authority to administer labor relations and to adjudicate all labor disputes in the best interests of the efficient operation of any ferry or ferry system. In adjudicating disputes, the commission shall take into consideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization and designation of representatives of his own choosing who shall represent him in all respects before the commission to negotiate the terms and conditions of his employment and the settlement of his labor disputes. The commission shall make such surveys of wages, hours and working conditions as it deems necessary, shall consider the prevailing practices for similarly skilled trades in the area in which the employee is employed, and shall adjust complaints, grievances and disputes concerning labor arising out of the operation of the ferry or ferry system.

Passed the House March 5, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 212.

[H. B. 507.]

VETERANS' REEMPLOYMENT RIGHTS.

AN ACT relating to veterans' reemployment rights; adding six new sections to chapter 73.16, RCW, and repealing sections 73.16.030, 73.16.040, 73.16.050, and 73.16.060, RCW.

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

SECTION 1. Chapter 73.16, RCW, shall contain a new section to read as follows: New section.

As used in this act the term:

Definitions.

"Resident" means any person residing in the state. "Resident."

"Position of employment" means any position (other than temporary) wherein a person is engaged for a private employer, company, corporation, state, municipality, or political subdivision thereof. "Position of employment."

"Temporary position" means a position of short duration which, after being vacated, ceases to exist and wherein the employee has been advised as to its temporary nature prior to his engagement. "Temporary position."

"Employer" means the person, firm, corporation, state and any political subdivision thereof, or public official currently having control over the position which has been vacated. "Employer."

"Rejectee" means a person rejected because he is not, physically or otherwise, qualified to enter the service. "Rejectee."

SEC. 2. Chapter 73.16, RCW, shall contain a new section to read as follows: New section.

Any person who is a resident of this state and who voluntarily or upon demand, vacates a position of employment to determine his physical fitness to enter, or, who actually does enter upon active duty or training in the Washington National Guard, the armed forces of the United States, or the United States public health service, shall, provided he meets the requirements of section 3 of this act, be reem- Reemployment required.

Exceptions.

ployed forthwith: *Provided*, That the employer need not reemploy such person if circumstances have so changed as to make it impossible, unreasonable, or against the public interest for him to do so: *Provided further*, That this section shall not apply to a temporary position.

Temporary positions.

Status on re-employment.

If such person is still qualified to perform the duties of his former position, he shall be restored to that position or to a position of like seniority, status and pay. If he is not so qualified as a result of disability sustained during his service, or during the determination of his fitness for service, but is nevertheless qualified to perform the duties of another position, under the control of the same employer, he shall be reemployed in such other position: *Provided*, That such position shall provide him with like seniority, status, and pay, or the nearest approximation thereto consistent with the circumstances of the case.

Disabled applicants.

New section.

SEC. 3. Chapter 73.16, RCW, shall contain a new section to read as follows:

Eligibility requirements; procedure.

In order to be eligible for the benefits of this act, an applicant must comply with the following requirements:

Proof of satisfactory service or rejection.

(1) He must furnish a receipt of an honorable discharge, report of separation, certificate of satisfactory service, or other proof of having satisfactorily completed his service. Rejectees must furnish proof of orders for examination and rejection.

Written application.

(2) He must make written application to the employer or his representative within ninety days of the date of his separation or release from training and service. Rejectees must apply within thirty days from date of rejection.

Hospitalized applicants.

(3) If, due to the necessity of hospitalization, while on active duty, he is released or placed on inactive duty and remains hospitalized, he is eligible for the benefits of this act: *Provided*, That such hos-

pitalization does not continue for more than one year from date of such release or inactive status: *Provided further*, That he applies for his former position within ninety days after discharge from such hospitalization.

SEC. 4. Chapter 73.16, RCW, shall contain a new section to read as follows: New section.

When any elective officer of this state or any political subdivision thereof, including any judicial officer, shall enter upon active service or training as provided in the foregoing sections, the proper officer, board or other agency, which would ordinarily be authorized to grant leave of absence or fill a vacancy created by the death or resignation of the elective official so ordered to such service, shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for herein shall operate to extend the term for which the occupant of any elective position shall have been elected. Elective officers.

SEC. 5. Chapter 73.16, RCW, shall contain a new section to read as follows: New section.

Any person who is entitled to be restored to a position in accordance with the provisions of the preceding sections shall be considered as having been on furlough or leave of absence, from his position of employment, during his period of active military duty or service, and he shall be so restored without loss of seniority. He shall further be entitled to participate in insurance, vacations, retirement pay and other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into the service; and he shall not be discharged from such position without cause within one year Status on re-employment; seniority.

Insurance, vacations, retirement pay, etc.

Discharge.

Payment on insurance or retirement during military service.

after restoration: *Provided*, That no employer shall be required to make any payment to keep insurance or retirement rights current during such period of military service.

New section.

SEC. 6. Chapter 73.16, RCW, shall contain a new section to read as follows:

Enforcement of act.

In case any employer, his successor or successors fails or refuses to comply with the provisions of this act, the prosecuting attorney of the county in which the employer is located shall bring action in the superior court to obtain an order to specifically require such employer to comply with the provisions hereof, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful act. Any such person who does not desire the services of the prosecuting attorney may, by private counsel, bring such action.

Repealing clause.

SEC. 7. Section 73.16.030, RCW, as derived from section 1, chapter 201, Laws of 1941, as last amended by section 1, chapter 274, Laws of 1943; section 73.16.040, RCW, as derived from section 2, chapter 201, Laws of 1941; section 73.16.050, RCW, as derived from section 3, chapter 201, Laws of 1941; and section 73.16.060, RCW, as derived from section 4, chapter 201, Laws of 1941, are repealed.

Passed the House March 7, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 213.

[S. B. 128.]

CORPORATIONS—GIFTS FOR PUBLIC, CHARITABLE,
ETC., PURPOSES.

AN ACT relating to contributions and gifts by corporation.

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

SECTION 1. It is hereby declared to be the public policy of the state of Washington that contributions made in accordance with the provisions of this act shall constitute a valid and proper use of corporate funds; and, in the absence of an express provision in its original or amended charter to the contrary, the making of such contributions or gifts by a corporation is within its powers and shall be deemed to inure to the benefit of such corporation and its shareholders.

Gifts in
accordance
with act
authorized.

SEC. 2. Any corporation heretofore or hereafter organized under the laws of this state, or any corporation heretofore or hereafter authorized to do business in this state, may contribute from surplus or reserve funds such sums as its board of directors or trustees may deem proper (a) to the United States or any territory or possession thereof, or to any state or political subdivision thereof, for exclusively public purposes; or (b) to any corporation or any community chest fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.

Authorized
corporations.

Funds.

Authorized
donees and
purposes.

SEC. 3. This act shall not be construed as invalidating any corporate contributions or gifts hereto-

Previous
gifts
validated.

fore made, and all contributions or gifts so made shall be as valid as if made after the effective date hereof.

Passed the Senate March 4, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 214.

[S. B. 303.]

FILING AND RECORDING—FEES.

AN ACT relating to filing and recording fees; making certain alterations therein; and amending sections 23.56.070, 36.18.010, 61.04.030 and 61.16.040, RCW.

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

Amendment.

SECTION 1. Section 23.56.070, RCW, as derived from section 1, chapter 99, Laws of 1925, Ex. Sess., is amended to read as follows:

Cooperative associations; filing articles of association and amendments.

For filing articles of association organized under this chapter there shall be paid to the secretary of state the sum of twenty-five dollars and for filing of an amendment thereof the sum of ten dollars. For filing the articles of association or an amendment thereto, the county auditor shall charge the sum of one dollar. Associations organized under this chapter shall not be subject to any corporation license fees excepting the fees hereinabove enumerated.

Exempt from other license fees.

Amendment.

SEC. 2. Section 36.18.010, RCW, as derived from section 4, chapter 51, Laws of 1951, is amended to read as follows:

County auditors' fees. Chattel mortgages and contracts.

County auditors shall collect the following fees for their official services: For filing each chattel mortgage or conditional sale contract, and entering same as required by law, one dollar; for each as-

signment, modification, transfer, correction or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, fifty cents;

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), one dollar and twenty-five cents; for each additional legal size page, fifty cents; for indexing each name over two, ten cents;

For marginal release of mortgage or lien, fifty cents;

For preparing and certifying copies, for the first legal size page, one dollar; for each additional legal size page, fifty cents;

For administering an oath or taking an affidavit, with or without seal, one dollar;

For issuing marriage license, five dollars, (this fee includes taking necessary affidavits, filing returns and indexing);

For searching records per hour, two dollars;

For recording plats, twenty-five cents for each lot except cemetery plats for which the charge shall be ten cents per lot; also one dollar for each acknowledgment, dedication, and description: *Provided*, That there shall be a minimum fee of fifteen dollars per plat;

For filing of miscellaneous records, not listed above, one dollar;

For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, twenty-five cents;

For recording of miscellaneous records, not listed above, for first legal size page, one dollar and twenty-five cents; for each additional legal size page, fifty cents.

SEC. 3. Section 61.04.030, RCW, as derived from section 2, chapter 284, Laws of 1943, is amended to read as follows:

Chattel mortgages; procedure of filing.

Upon receipt of a chattel mortgage, the auditor or secretary of state shall, upon payment of the proper fees therefor, indorse thereon the time of reception, the number thereof, and shall enter in a suitable book to be provided by him at the expense of his county or of the state, as the case may be, with an alphabetical index thereto, used exclusively for that purpose, ruled into separate columns with appropriate heads: "The time of filing;" "Name of mortgagor;" "Name of mortgagee;" "Date of instrument;" "Amount secured;" "When due;" and "Date of release." An index to the book shall be kept in the manner required for indexing deeds to real estate. The auditor and secretary of state shall each receive one dollar for each instrument so filed and the money so collected shall be accounted for as other fees of his office. In addition an assignment of chattel mortgage shall be construed as a separate instrument whether or not attached to the chattel mortgage. The auditor or secretary of state shall each receive fifty cents for filing such assignment, and the fees so received shall be accounted for in the same manner as money received for filing of the chattel mortgages. Such instruments shall remain on file for the inspection of the public.

Index.

Fee.

Assignments; status.

Fee.

Open to inspection.

Amendment.

SEC. 4. Section 61.16.040, RCW, as derived from section 4, chapter 284, Laws of 1943, is amended to read as follows:

Mortgages and conditional sales contracts; certificate of satisfaction.

Whenever any mortgage or contract of conditional sale of personal property, or lease thereof, which was filed or recorded with the county auditor or secretary of state, is paid, or the conditions thereof satisfied, the mortgagee or vendor or his assignee or personal representatives, shall make to the mortgagor or vendee, his assignee or personal representatives, a certificate signed and acknowledged by him, stating the date of the mortgage or contract, the names of the parties thereto, the auditor's or the

secretary's file number thereof, and that it has been discharged in full, and shall file or record the certificate with the officer with whom the mortgage or contract is filed. The officer shall deliver the mortgage or contract to the person producing the certificate on payment of the proper fee for filing or recording it and shall file it in his office, endorsing thereon the date of filing, and shall keep and preserve it among the records in his office, and shall write the word "satisfied" with the date opposite the mortgage or 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 fifty cents for each release or satisfaction of a chattel mortgage filed with him.

Filing
procedure.

Fee.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 215.

[S. B. 353.]

SALARIES OF COUNTY ELECTIVE OFFICERS—
COUNTIES OVER 500,000.

AN ACT establishing salaries of county officials in certain counties.

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

Amounts designated by office.

SECTION 1. The salaries of county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroner, eight thousand six hundred dollars; prosecuting attorney, nine thousand dollars.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 216.

[S. B. 304.]

MEETINGS AND RECORDS OF GOVERNMENTAL BODIES.

AN ACT relating to public access to the meetings and records of public bodies; limiting the exercise of legislative authority by other than the state legislature to public meetings; requiring the prompt recording of minutes; and providing for public notice of certain meetings.

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

When public meetings are required.

SECTION 1. No board, commission, agency or authority of the state of Washington, nor the governing board, commission, agency or authority of any political subdivision exercising legislative, regulatory or directive powers, shall adopt any ordinance, resolution, rule, regulation, order or directive, ex-

cept in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which public notice has been given by notifying press, radio and television in the county and by such other means as may now or hereafter be provided by law: *Provided*, That this act shall not apply to the state legislature, the judiciary, or to those regulatory orders of quasi-judicial bodies applicable only to named parties as distinguished from orders having general effect on the public or a class or group.

Notice.

Exceptions.

SEC. 2. All meetings, regular and special, of any such board, commission, agency and authority are hereby declared to be public meetings, open to the public at all times: *Provided*, That nothing contained in this act shall be construed to prevent any such board, commission, agency or authority from holding executive sessions, from which the public is excluded, for purposes other than the final adoption of an ordinance, resolution, rule, regulation, order or directive.

Regular and special meetings are public meetings.

Executive sessions.

SEC. 3. The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.

Minutes; recording.

Public inspection.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 217.

[S. B. 317.]

MENTALLY ILL PERSONS—PERSONAL FUNDS
AND PROPERTY.

AN ACT relating to the hospitalization of the mentally ill; providing for payment to the superintendent of certain property owned by the mentally ill; amending section 49, chapter 139, Laws of 1951 (uncodified); and adding to chapter 139, Laws of 1951 (uncodified), a new section.

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

New section.

SECTION 1. There is added to chapter 139, Laws of 1951 (uncodified), a new section to read as follows:

Involuntary hospitalization; transfer of personalty.

Upon receipt of a written request signed by the superintendent stating that a designated patient of such hospital is involuntarily hospitalized therein, and that no guardian of his estate has been appointed, any person, bank, firm or corporation having possession of any money, bank accounts, or choses in action owned by such patient, may, if the balance due does not exceed one thousand dollars, deliver the same to the superintendent and mail written notice thereof to such patient at such hospital. The receipt of the superintendent shall be full and complete acquittance for such payment and the person, bank, firm or corporation making such payment shall not be liable to the patient or his legal representatives. All funds so received by the superintendent shall be deposited in such patient's personal account at such hospital and be administered in accordance with this act.

Defense of transfer.

If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the same without cost to the person, bank, firm or corporation effecting such delivery, and the state shall indemnify such person, bank,

Indemnity.

firm or corporation against any judgment rendered as a result of such proceeding.

SEC. 2. Section 49, chapter 139, Laws of 1951 (uncodified), is amended to read as follows: Amendment.

The superintendent of a state hospital shall be the custodian without compensation of such personal property of a patient involuntarily hospitalized therein as may come into the superintendent's possession while the patient is under the jurisdiction of the hospital. As such custodian, the superintendent shall have authority to disburse monies from the patients' funds for the following purposes only and subject to the following limitations: Involuntary hospitalization; superintendent custodian of personalty.

(1) The superintendent may disburse any of the funds in his possession belonging to a patient for such personal needs of that patient as may be deemed necessary by the superintendent; and Limitations.

(2) Whenever the funds belonging to any one patient exceed the sum of three hundred dollars, the superintendent may apply the excess to the payment of the state hospitalization charges of such patient; and Personal needs.

(3) When a patient is paroled, the superintendent shall deliver unto the said patient all or such portion of the funds or other property belonging to the patient as the superintendent may deem necessary and proper in the interests of the patient's welfare, and the superintendent may during the parole period deliver to the patient such additional property or funds belonging to the patient as the superintendent may from time to time determine necessary and proper. When a patient is discharged from the jurisdiction of the hospital, the superintendent shall deliver to such patient all funds or other property belonging to the patient. Hospitalization charges.

All funds held by the superintendent as custodian may be deposited in a single fund. Annual reports of receipts and expenditures shall be forwarded Parole of patient.

to the department of public institutions, and shall be open to inspection by interested parties.

Effect of appointment of guardian.

The appointment of a guardian for the estate of such patient shall terminate the superintendent's authority to pay state hospitalization charges upon the superintendent's receipt of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall forward to such guardian any funds or other property of the patient remaining in the superintendent's possession, together with a final accounting of receipts and expenditures.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 218.

[S. B. 325.]

INDUSTRIAL INSURANCE—ADMINISTRATIVE EXPENSES OF SAFETY DIVISION.

AN ACT relating to workmen's compensation; providing for financing of the safety division of the department of labor and industries; amending section 51.16.100, RCW; adding a new section to chapter 51.16, RCW; and repealing section 72, chapter 130, Laws of 1919 (uncodified).

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

Amendment. SECTION 1. Section 51.16.100, RCW, as derived from section 1, chapter 247, Laws of 1947, is amended to read as follows:

Accident fund; reclassification and transfer of funds.

It is the intent that the accident fund shall ultimately become neither more nor less than self-supporting, except as provided in section 2 of this act and, if in the adjustment of premium rates by the director the moneys paid into the fund by any class or classes shall be insufficient to properly and safely

distribute the burden of accidents occurring therein, the department may divide, rearrange, or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper. The director shall make corrections of classifications or subclassifications or changes in rates, classes and subclasses when the best interest of such classes or subclasses will be served thereby.

SEC. 2. A new section is added to chapter 51.16, RCW, to read as follows: New section.

All administrative expenses of the safety division of the department, except those incurred by the administration of chapter 19.28, RCW, shall be financed from the combined receipts of the accident and medical aid funds. The administrative expense paid from the accident fund shall not exceed four percent, and from the medical aid fund it shall not exceed one and one-half percent. But in no case shall the total expense paid from the combined receipts of both funds exceed five percent. The percentage shall be computed on the combined average annual receipts for the five previous fiscal years. Administra-
tive expenses
of safety
division;
financing of.

SEC. 3. Section 72, chapter 130, Laws of 1919 (uncodified) is repealed. Repealing
clause.

Passed the Senate March 7, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 219.

[S. B. 333.]

CITIES AND TOWNS—INCORPORATION PROCEEDINGS.

AN ACT relating to petition for organization, classification, incorporation and government of municipal corporations; prescribing powers and duties of certain officers; prescribing certain procedures in relation thereto; amending sections 35.02.020, 35.02.030, 35.02.040, 35.02.080, 35.02.100, 35.02.120 and 35.02.130, RCW; adding new sections to chapter 35.02, RCW; and repealing section 35.02.085, RCW.

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

Amendment.

SECTION 1. Section 35.02.020, RCW, as derived from section 2 of an act approved March 27, 1890, entitled, "An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.", is amended to read as follows:

Petition
for incorpo-
ration;
signatures.

A petition for incorporation must be signed by qualified voters resident within the limits of the proposed city or town equal in number to twenty percent of the votes cast at the last state election and presented to the auditor of the county.

Presentment
to county
auditor.

Amendment.

SEC. 2. Section 35.02.030, RCW, as derived from section 2 of an act approved March 27, 1890, entitled, "An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.", is amended to read as follows:

Petition
for incorpo-
ration;
contents.

The petition for incorporation shall contain the form of government under which a city is to operate in the event it is incorporated, set forth and particularly describe the proposed boundaries of the proposed city or town, state the name of the proposed corporation and state the number of inhabitants therein, as nearly as may be, and pray that it may be incorporated.

Amendment.

SEC. 3. Section 35.02.040, RCW, as derived from section 2 of an act approved March 27, 1890, entitled,

“An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.”, is amended to read as follows:

Upon receipt of a petition for incorporation together with a certificate of sufficiency by the county auditor, the board of county commissioners shall give notice of the hearing upon said petition for incorporation by one publication in not more than ten nor less than three days prior to the date set for said hearing in one or more newspapers of general circulation within the county. Said notice shall contain the time and place of said hearing.

Notice of hearing on incorporation petition.

SEC. 4. Section 35.02.080, RCW, as derived from section 2 of an act approved March 27, 1890, entitled “An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.”, is amended to read as follows:

Amendment.

Following the action required of the board of county commissioners by RCW 35.02.070, an election shall be conducted within the area to determine whether it shall be incorporated, and to fill the various elective offices prescribed by law for cities of the class to which it will belong. Said election shall be conducted by the county auditor and the results thereof canvassed by the county canvassing board of election returns.

Election; issues.

Conduct of and canvass.

SEC. 5. Section 35.02.100, RCW, as derived from section 2 of an act approved March 27, 1890, entitled “An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.”, is amended to read as follows:

Amendment.

The notice of election shall be given as provided by RCW 29.27.080 but shall further describe the boundaries of the proposed city or town, its name

Notice of election.

and the number of inhabitants, ascertained by the board of county commissioners to reside therein.

Amendment.

SEC. 6. Section 35.02.120, RCW, as derived from section 3 of an act approved March 27, 1890, entitled "An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.", is amended to read as follows:

Election; certification.

The county canvassing board of election returns shall certify the results of the election to the board of county commissioners. If the results reveal that a majority of the votes cast are for incorporation, the board by an order entered upon its minutes shall declare the city or town duly incorporated as of the class to which it may belong, naming it under the style of city (or town) of The board shall cause a certified copy of the order to be filed in the office of the secretary of state.

Declaration of incorporation order.

Filing certified copy of order.

Amendment.

SEC. 7. Section 35.02.130, RCW, as derived from section 3 of an act approved March 27, 1890, entitled "An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.", is amended to read as follows:

Effective date of incorporation.

The incorporation shall be complete upon the filing of the order of the board of county commissioners declaring it so, in the office of the secretary of state. The county auditor shall issue certificates of election to the successful candidates on or before the twentieth day following an election and said newly elected officials shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election to be held on the second Tuesday of March of the first even numbered year following the incorporation election: *Provided, however,* Should the incorporation election be held on or after

Certificates of election.

Terms of office of elected officials.

Subsequent election dates.

January first and before the second Tuesday of March of any even numbered year, the first general municipal election shall not be held until the subsequent even numbered year.

SEC. 8. There is hereby added to chapter 35.02, RCW, a new section to read as follows: New section.

The county auditor shall within thirty days from the time of receiving said petition determine that the legal description of the area proposed to be incorporated is correct and that there is a sufficient number of valid signatures. Upon such determination, the county auditor shall transmit said petitions accompanied by the certificate of sufficiency, to the board of county commissioners. Petition for incorporation; duties of county auditor.

SEC. 9. There is hereby added to chapter 35.02, RCW, a new section to read as follows: New section.

Candidates for city or town elective positions of the class to which such proposed corporation will belong and for the type of government as named in said petition shall file a declaration of candidacy with the county auditor not more than forty-five nor less than thirty days prior to said election. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declaration of candidacy. There shall be no fee charged for filing a declaration of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated. Election; declaration of candidacy.
Ballot arrangement of names.

SEC. 10. Section 35.02.085, RCW, being section 1, chapter 86, Laws of 1951, is hereby repealed.

Passed the Senate March 7, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 220.

[S. B. 345.]

WASHINGTON TOLL BRIDGE AUTHORITY—TOLL ROADS.

AN Act defining toll roads; changing membership of Washington toll bridge authority; setting forth rights, powers, duties and limitations thereof in regard to toll facilities; relating to revenue bonds, authority revolving fund, and retention of tolls; prohibiting concessions on toll roads; amending sections 47.56.010, 47.56.020, 47.56.070, 47.60.070 and 47.60.180, RCW; adding new sections to chapter 47.56, RCW; and declaring an emergency.

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

Amendment. SECTION 1. Section 47.56.010, RCW, derived from section 1, paragraph (c), chapter 173, Laws of 1937, is hereby amended to read as follows:

“Toll bridge” defined. “Toll bridge” means a bridge constructed or acquired under this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests therein used therefor, and buildings and improvements thereon;

“Toll road” defined. “Toll road” means any express highway, super-highway or motorway at such locations and between such termini as may hereafter be established by law, and constructed or to be constructed as a limited access highway under the provisions of this act by the authority, and shall include, but not be limited to all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage and other buildings which the authority may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the authority for the construction or the operation of such project, all of which shall be conducted in the same manner and under the same

procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the authority, insofar as reasonably consistent and applicable.

SEC. 2. Section 47.56.020, RCW, derived from section 2, chapter 173, Laws of 1937, is hereby amended to read as follows: Amendment.

There is hereby created the Washington toll bridge authority composed of the governor, state auditor, chairman of the public service commission, chairman of the Washington state highway commission, and the director of public institutions. The director of highways shall be an ex officio member of said authority but without a vote. Members shall serve without compensation other than that received in the office by virtue of which they are members. Any expenses incurred for clerical or other assistance and necessary supplies shall be paid for in the manner and from funds as provided herein. A majority of the members of the authority shall constitute a quorum for the transaction of business. Washington toll bridge authority; creation and composition.
Compensation of members.
Expenses of authority.
Quorum.

SEC. 3. Section 47.56.070, RCW, derived from section 3½, chapter 173, Laws of 1937, is hereby amended to read as follows: Amendment.

The authority may provide for the establishment, construction, and operation of toll tunnels, toll roads and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights-of-way and other facilities necessary to carry out the provisions hereof, and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under Toll bridges, tunnels and ferries; powers and duties of authority.

the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the authority, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining: *Provided, however,* That no toll road shall be constructed, obligations for the construction thereof entered into, or right-of-way acquired without prior approval of the location, plans and specifications by the Washington state highway commission.

Amendment.

SEC. 4. Section 47.60.070, RCW, derived from section 5, chapter 179, Laws of 1949, is hereby amended to read as follows:

Puget Sound ferry and toll bridge system: bond resolution to provide for setting aside funds.

Each such resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance, and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds, and the amounts to be set apart and paid into any special funds for renewals, replacements, rebuilding, enlarging, or improving the system. Each such resolution made hereafter shall provide for one per cent of the proceeds of the sale of revenue bonds to be placed in the "authority revolving fund," as established by section 47.60.180, RCW.

Amendment.

SEC. 5. Section 47.60.180, RCW, derived from section 14, chapter 259, Laws of 1951, is hereby amended to read as follows:

Authority revolving fund.

There is hereby established a permanent fund in the state treasury to be known as the "authority revolving fund," which fund shall be available to the Washington toll bridge authority in lieu of any

allocation from any other appropriation from the motor vehicle fund [. Said] said authority shall use said fund firstly to pay its investigation, management, maintenance and operation costs, unless otherwise provided for; secondly to reimburse for past and future advances from the motor vehicle fund, at such times and in such amounts as the authority shall in its discretion deem feasible. The projects to be investigated must propose facilities to be financed by revenue bonds of the authority to be repaid by tolls or charges.

SEC. 6. There shall be added a new section to chapter 47.56, RCW, as follows: New section.

The authority shall retain toll charges on all existing and future facilities until all costs of investigation, financing, acquisition of property, construction, maintenance, management, operation, repayment of past advances from the motor vehicle fund, and obligations incurred under section 47.56-.250, RCW, and chapter 16, Laws of 1945, have been fully paid. With respect to every future facility, costs of maintenance, management and operation shall be paid periodically out of the revenues of the facility in which such costs were incurred. With respect to each existing facility, costs of maintenance, management and operation together with an amortized payment upon advances from the motor vehicle fund in an amount reasonably anticipated to retire such advances during the toll life of the facility shall be similarly paid to the extent that such payments shall not breach the obligation of any contract. Duration of toll charges on toll facilities.

SEC. 7. The authority shall approve for construction only such toll roads as the legislature shall specifically authorize or such toll facilities as shall be specifically sponsored by a city, town or county. Approval for construction of toll roads.
Sponsorship of toll facilities.

Concessions on toll road rights-of-way.

SEC. 8. The authority shall not grant concessions for the operation or establishment of any privately owned business upon toll road rights-of-way.

Emergency.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 221.

[S. B. 371.]

MOTOR VEHICLE OPERATORS' LICENSES.

AN ACT relating to motor vehicle license and license examination fees; and amending sections 46.20.090, 46.20.120 and 46.20.180, RCW.

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

Amendment.

SECTION 1. Section 46.20.090, RCW, as derived from section 16, chapter 164, Laws of 1947, is amended to read as follows:

Application; form.

Every application for a vehicle operator's license shall be made upon the form prescribed and furnished by the director and shall be verified by the applicant before a person authorized to administer oaths or before an officer of the Washington state patrol or other person authorized by the director to certify to the signature on such application, and shall be forwarded to the director. A fee of three dollars shall be paid by each applicant. Whenever applications are received by the Washington state patrol, a county auditor or other agent of the director, the application together with the fee shall be forwarded to the director, who shall transmit the

Verification.

Fee.

Transmittal to director.

fees to the state treasurer on the day following their collection.

Transmittal
to state
treasurer.

Every application shall state the name, date of birth, sex, and residence address of the applicant, and whether or not the applicant has heretofore been licensed as a vehicle operator and if so when and by what state, and whether or not such license has ever been suspended, revoked, canceled, or refused, and if so the date of and reason for such suspension, revocation, cancellation, or refusal.

Contents of
application.

SEC. 2. Section 46.20.120, RCW, as derived from section 55, chapter 188, Laws of 1937, is amended to read as follows:

Amendment.

No new vehicle operator's license shall be issued until the applicant therefor has submitted to and qualified by a vehicle operator's examination. An examination fee of two dollars shall be paid by each applicant, in addition to the fee charged for issuance of his license. A new license shall be one issued to an operator who has not been previously licensed in this state or to an operator whose last previous Washington license expired over four years prior to date of application.

New vehicle
operator's
license;
examination.
Fee.

Defined.

SEC. 3. Section 46.20.180, RCW, as derived from section 1, chapter 208, Laws of 1949, is amended to read as follows:

Amendment.

(1) Every vehicle operator's license issued hereunder shall be valid until suspended, canceled or revoked, as provided by law: *Provided*, That all vehicle operator's licenses hereunder shall expire on the anniversary of the date of birth of the operator, two years or less after the date of issue.

Expiration
of operator's
licenses.

(2) Every vehicle operator's license issued hereunder shall be valid for a term of two years, except as otherwise provided, and shall be renewed for a like period on or before the second anniversary of the licensee's date of birth next succeeding date of issue for a further period of two years from such

Renewal of
licenses.

Staggered
expiration
dates.

anniversary, upon receipt of the application and fee as in the case of original application as provided herein. Notwithstanding the foregoing provisions the director shall change the expiration dates to a system of staggered expiration dates based on the anniversary date of birth of the applicant and shall collect additional or lesser fees as hereinafter provided. The expiration dates of such licenses for every person whose date of birth ends in odd numerals shall be projected as follows: Anniversaries occurring in August, September, October, November, and December, 1951, will be charged the fee of \$3.75; January, February, March, April, May, June and July, 1951, the regular fee of \$3.00. The expiration dates of such licenses for persons whose date of birth ends in even numerals shall be projected as follows: July, August, September, October, November, and December, 1950, \$2.25; January, February, March, April, May, and June, 1950, \$1.50. After the expiration dates as provided herein all subsequent licenses shall expire two years from the date of expiration as shown on the expiring license which in every event shall be the licensee's anniversary of birth.

Fees for
initial
license.

(3) Every person making application for the first time in the state for a vehicle operator's license shall, upon payment of a fee of three dollars, receive an operator's license expiring on the applicant's second birthday after the date of issue.

Passed the Senate March 12, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 222.

[S. B. 381.]

PRINTING FOR THE APPLE ADVERTISING, FRUIT, AND DAIRY PRODUCTS COMMISSIONS.

AN ACT relating to certain printing and literature for the Washington State Apple Advertising Commission, the Washington State Fruit Commission and the Washington State Dairy Products Commission; providing for the terms of contracts relating to such printing.

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

SECTION 1. The restrictive provisions of chapter 43.78, RCW, shall not apply to promotional printing and literature for the Washington State Apple Advertising Commission, the Washington State Fruit Commission, or the Washington State Dairy Products Commission.

Restrictive provisions of public printer chapter inapplicable.

SEC. 2. All such printing contracts provided for herein shall be executed and performed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale for women and minors, and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and the violation of such provision of any contract shall be ground for cancellation thereof.

Conditions of employment.

Passed the Senate March 3, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 223.

[S. B. 386.]

CIVIL DEFENSE—WORKERS COMPENSATION FOR INJURY OR DEATH.

AN ACT relating to civil defense; providing for procedure for compensating civil defense workers and their dependents in case of injury or death in line of duty; prescribing powers and duties of certain officers and persons; amending sections 2 and 3 of chapter 178, Laws of 1951 (uncodified); adding certain sections thereto; and declaring an emergency.

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

Amendment.

SECTION 1. Section 2, chapter 178, Laws of 1951 (uncodified), is amended to read as follows:

Declaration of purpose.

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, storm, earthquake, or other natural causes, and in order to insure that preparations of this state will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary: (a) to create a state civil defense agency, and to authorize the creation of local organizations for civil defense in the political subdivisions of the state; (b) to confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein; (c) to provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of civil defense functions; and (d) to provide a means of compensating civil defense workers who may suffer any

injury as herein defined as a result of participation in civil defense service.

(2) It is further declared to be the purpose of this act and the policy of the state that all civil defense functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

SEC. 2. Section 3, chapter 178, Laws of 1951 (uncodified), is amended to read as follows: Amendment.

As used in this act: (1) "Civil Defense" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense[,] evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions.

"Civil defense."

(2) "Local Organization for Civil Defense" means an organization created in accordance with the pro-

"Local Organization for Civil Defense."

visions of this act by state or local authority to perform local civil defense functions.

"Mobile Support Unit."

(3) "Mobile Support Unit" means an organization for civil defense created in accordance with the provisions of this act by state or local authority to be dispatched by the governor to supplement local organizations for civil defense in stricken areas.

"Political Subdivision."

(4) "Political Subdivision" means any county, city or town.

"Civil Defense Worker."

(5) "Civil Defense Worker" means any person who is registered with a state or local civil defense organization and holds an identification card issued by the state or local civil defense director for the purpose of engaging in authorized civil defense service or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform civil defense service.

"Civil Defense Service."

(6) "Civil Defense Service" means and includes all activities authorized by and carried on pursuant to the provisions of the Washington Civil Defense Act of 1951, including training necessary or proper to engage in such activities.

"Injury."

(7) "Injury" as used in this act shall mean and include accidental injuries and/or occupational diseases arising out of civil defense service.

Compensation for injury or death; act exclusive remedy.

SEC. 3. Except as provided in this act, a civil defense worker and his dependents shall have no right to receive compensation from the state, from the agency, from the local organization for civil defense with which he is registered, or from the county or city which has empowered the local organization for civil defense to register him and direct his activities, for an injury or death arising out of and occurring in the course of his activities as a civil defense worker.

Compensation board; counties.

SEC. 4. (1) In each local organization for civil defense established by the county commissioners in accordance with the provisions of section 8, chapter

178, Laws of 1951 (uncodified), there is hereby created and established a compensation board for the processing of claims as provided in this act. The compensation board shall be composed of one member of the board of county commissioners selected by the county commissioners of the county who will serve as chairman of the compensation board; the county director of civil defense; the prosecuting attorney; the civil defense coordinator for medical and health services; and the county auditor who will serve as secretary of the compensation board.

(2) In each local organization for civil defense established by cities and towns in accordance with section 8, chapter 178, Laws of 1951 (uncodified), there is hereby created and established a compensation board for the processing of claims as provided in this act. The compensation board shall be composed of the mayor; the city director of civil defense; one councilman or commissioner selected by the council or the commission; the city attorney or corporation counsel; and the civil defense coordinator of medical and health services. The councilman or commissioner so selected shall serve as chairman of the compensation board and the director of civil defense shall serve as secretary of the board.

Cities and towns.

SEC. 5. Said compensation board shall meet on the call of its chairman on a regular monthly meeting day when there is business to come before it. The chairman shall be required to call a meeting on any monthly meeting day when any claim for compensation under the act has been submitted to the board.

Meetings.

SEC. 6. The compensation board, in addition to other powers herein granted, shall have the power to compel the attendance of witnesses to testify before it on all matters connected with the operation of this act and its chairman or any member of said board may administer oath to such witnesses; to

Powers.

make all necessary rules and regulations for its guidance in conformity with the provisions of this act: *Provided, however,* That no compensation or emoluments shall be paid to any member of said board for any duties performed as a member of said compensation board.

Compensation of members.

Duties.

SEC. 7. The compensation board shall hear and decide all applications for compensation under this act. The board shall submit its recommendations to the director of the department of civil defense on such forms as he may prescribe. In case the decision of the director is different from the recommendation of the compensation board, the matter shall be submitted to the state civil defense council for action.

Quorum.

SEC. 8. A majority of the compensation board shall constitute a quorum, and no business shall be transacted when a majority is not present, and no claim shall be allowed when a majority of the board has not voted favorably thereon.

Majority vote necessary.

Minutes.

The board shall send a copy of the minutes of all meetings to the department of civil defense with copies of all material pertaining to each claim submitted and noting the action of the board on each claim. Appeals may be made by the civil defense worker from any action by the board within one year by writing to the department of civil defense.

Claim information.

Appeals from board.

Governmental immunity except for act.

SEC. 9. Liability for the compensation provided by this act, as limited by the provisions thereof, is in lieu of any other liability whatsoever to a civil defense worker or his dependents or any other person on the part of the state, the agency, the local organization for civil defense with which the civil defense worker is registered, and the county or city which has empowered the local organization for civil defense to register him and direct his activities, for injury or death arising out of and in the course of his activities while on duty as a civil defense

worker: *Provided*, That nothing in this act shall limit or bar the liability of the state or its political subdivisions engaged in proprietary functions as distinguished from governmental functions that may exist by reason of injury or death sustained by a civil defense worker.

Exception;
proprietary
functions.

SEC. 10. Compensation shall be furnished to a civil defense worker either within or without the state for any injury arising out of and occurring in the course of his activities as a civil defense worker, and for the death of any such worker if the injury proximately causes death, in those cases where the following conditions occur:

When
compensation
shall be
furnished.

(1) Where, at the time of the injury the civil defense worker is performing services as a civil defense worker, and is acting within the course of his duties as a civil defense worker.

Conditions.

(2) Where, at the time of the injury the local organization for civil defense with which the civil defense worker is registered is an approved local organization for civil defense.

(3) Where the injury is proximately caused by his service as a civil defense worker, either with or without negligence.

(4) Where the injury is not caused by the intoxication of the injured civil defense worker.

(5) Where the injury is not intentionally self-inflicted.

SEC. 11. Civil defense volunteers who are minors shall have the same rights as adults for the purpose of receiving benefits under the provisions of this act, but this provision shall not prevent the requirements that a guardian be appointed to receive and administer such benefits until the majority of such minor. Work as a civil defense volunteer shall not be deemed as employment or in violation of any of the provisions of RCW 49.12.

Compensa-
tion of
minors.

Funds for
compensation
payments.

SEC. 12. No compensation or benefits shall be paid or furnished to civil defense workers or their dependents pursuant to the provisions of this act except from money appropriated for the purpose of this act.

Maximum
compensa-
tion.

SEC. 13. Insofar as not inconsistent with the provisions of this act, the maximum amount payable to a claimant shall be not greater than the amount allowable for similar disability under the Workmen's Compensation Act, RCW 51.32.005 through RCW 51.32.170 and any amendments thereto. "Employee" as used in said title shall include a civil defense worker when liability for the furnishing of compensation and benefits exists pursuant to the provisions of this act and as limited by the provisions of this act. Where liability for compensation and benefits exists, such compensation and benefits shall be provided in accordance with the applicable provisions of said sections of RCW 51.32 and at the maximum rate provided therein, subject, however, to the limitations set forth in this act.

Procedure
for payment
of compen-
sation.

Election
where injury
caused by
person not on
civil defense
duty.

SEC. 14. If the injury to a civil defense worker is due to the negligence or wrong of another not on civil defense duty, the injured worker, or if death results from the injury, his widow, children, parents or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this act; and if he takes under this act, the cause of action against such other shall be assigned to the department of civil defense; if the other choice is made, the compensation under this act shall be only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated for such case under authority of this act: *Provided*, That the department of civil defense shall prosecute all claims assigned to it and do any and all

things necessary to recover on behalf of the state any and all amounts which an employer or insurance carrier might recover under the provisions of the law.

SEC. 15. The department of civil defense shall establish by rule and regulation various classes of civil defense workers, the scope of the duties of each class, and the conditions under which said workers shall be deemed to be on duty and covered by the provisions of this act. The department shall also adopt rules and regulations prescribing the manner in which civil defense workers of each class are to be registered.

Department of civil defense; rules and regulations.

SEC. 16. The department of civil defense shall provide each compensation board with the approved maximum schedule of payments for injury or death prescribed in RCW 51.32: *Provided*, That nothing in this act shall be construed as establishing any liability on the part of the department of labor and industries.

Maximum schedule of payments to be furnished board.

SEC. 17. The department of civil defense is authorized to make all expenditures necessary and proper to carry out the provisions of this act including payments to claimants for compensation as civil defense workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board: *Provided*, That nothing herein shall be construed to mean that the department of civil defense or the state civil defense council or its offices or agents shall have the final decision with respect to the compensability of any case or the amount of compensation or benefits due, but any civil defense worker or his dependents shall have the same right of appeal from any order, decision, or award to the same extent as provided in RCW 51.52.050 to 51.52.110.

Authorized expenditures.

Appeal by worker or dependents unaffected.

Compensation for injury or death in regular course of employment.

SEC. 18. Nothing in this act shall deprive any civil defense worker or his dependents of any right to compensation for injury or death sustained in the course of his regular employment even though his regular work is under direction of civil defense authorities: *Provided*, That such worker, if he is eligible for some other compensation plan, and receives the benefits of such plan shall not also receive any compensation under this act. The department of civil defense shall adopt such rules and regulations as may be necessary to protect the rights of such workers and may enter into agreements with authorities in charge of other compensation plans to insure protection of such workers: *Provided*, That if the compensation from some other plan is less than would have been available under this act, he shall be entitled to receive the deficiency between the amount received under such other plan and the amount available under this act.

Federal aid; monetary or other relief.

SEC. 19. Should the United States or any agent thereof, in accordance with any federal statute or rule or regulation, furnish monetary assistance, benefits, or other temporary or permanent relief to civil defense workers or to their dependents for injuries arising out of and occurring in the course of their activities as civil defense workers, then the amount of compensation which any civil defense worker or his dependents are otherwise entitled to receive from the state of Washington as provided herein, shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the civil defense worker or his dependents have received and will receive from the United States or any agent thereof as a result of his injury.

Federal aid; medical, surgical or hospital treatment.

SEC. 20. If, in addition to monetary assistance, benefits or other temporary or permanent relief, the United States or any agent thereof furnishes medical, surgical or hospital treatment or any combina-

tion thereof to an injured civil defense worker, then the civil defense worker has no right to receive similar medical, surgical or hospital treatment as provided in this act. However, the department of civil defense may furnish medical, surgical or hospital treatment as part of the compensation provided under the provisions of this act.

Department of civil defense; medical, surgical or hospital treatment.

SEC. 21. If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States or any agent thereof, will reimburse a civil defense worker or his dependents for medical, surgical or hospital treatment, or any combination thereof, furnished to the injured civil defense worker, the civil defense worker has no right to receive similar medical, surgical or hospital treatment as provided in this act, but the department of civil defense, may furnish a medical, surgical or hospital treatment as part of the compensation provided under the provisions of this act and apply to the United States or its agent for the reimbursement which will be made to the civil defense worker or his dependents. As a condition to the furnishing of such medical, surgical or hospital treatment, the department shall require the civil defense worker and his dependents to assign to the state of Washington, for the purpose of reimbursing for any medical, surgical or hospital treatment furnished or to be furnished by the state, any claim or right such civil defense worker or his dependents may have to reimbursement from the United States or any agent thereof.

Federal aid; reimbursement for medical, surgical or hospital treatment.

SEC. 22. If the furnishing of compensation under the provisions of this act to a civil defense worker or his dependents prevents such civil defense worker or his dependents from receiving assistance, benefits or other temporary or permanent relief under the provisions of a federal statute or rule or regulation,

Federal aid; forfeiture by state compensation prevented.

then the civil defense worker and his dependents shall have no right to, and shall not receive, any compensation from the state of Washington under the provisions of this act for any injury for which the United States or any agent thereof will furnish assistance, benefits or other temporary or permanent relief in the absence of the furnishing of compensation by the state of Washington.

Emergency.

SEC. 23. 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 23, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 224.

[S. B. 439.]

DISPOSITION OF CERTAIN DEAD BODIES.

AN ACT relating to the disposition of certain dead bodies; and amending sections 36.39.030 and 68.08.070, RCW.

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

Amendment.

SECTION 1. Section 36.39.030, RCW, as derived from section 1, chapter 258, Laws of 1951, is amended to read as follows:

Indigents.

The board of county commissioners of any county shall provide for the disposition of the remains of any indigent person including a recipient of public assistance who dies within the county and whose body is unclaimed by relatives or church organization.

Amendment.

SEC. 2. Section 68.08.070, RCW, as derived from section 2, chapter 123, Laws of 1891, is amended to read as follows:

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

Dead bodies required to be buried at public expense.

Passed the Senate March 12, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 225.

[Sub. H. B. 37.]

SCHOOL DISTRICTS—PURCHASE AND SALE OF REAL PROPERTY.

AN ACT relating to the powers of boards of directors of school districts, repealing statutes inconsistent therewith, and declaring an emergency.

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

SECTION 1. The board of directors of any school district of this state may:

(1) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes if the value thereof is twenty thousand dollars or less; and

Sale of real property under \$20,000 value.

(2) Purchase real property for the purpose of locating thereon and affixing thereto any house or

Purchase for improvement.

Sale of improved property.

houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property if the value of any single parcel thereof is twenty thousand dollars or less; and is at least equal in funds received to ninety percent of the relocated value thereof: *Provided, however,* That prior to selling any of such real property of the district the board of directors shall appoint three licensed real estate brokers who shall appraise the real property to be sold, and such real property shall not be sold for less than ninety percent of the appraised value thereof.

Sale of real property over \$20,000 value.

If the value of any such parcel of real property is found by the board of directors to be greater than twenty thousand dollars, the question of the sale thereof shall be submitted to a vote of the voters of the district, either at a general or special election called for that purpose. If a majority of the votes cast thereat favor the sale of such real property the board may make the sale. The sale must be made at public auction for cash and good title shall be conveyed by deed of the school district, executed by the president or the vice president and the secretary or clerk of the board.

Repealing clause.

SEC. 2. Sections 28.58.040, 28.62.190 and 28.63.180, RCW, to the extent that the same are inconsistent with the provisions of this act, are repealed.

Emergency.

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

Passed the House February 10, 1953.

Passed the Senate March 3, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 226.

[H. B. 48.]

SCHOOL DIRECTORS' ASSOCIATION—PAYMENT
OF DUES.

AN ACT relating to education; providing for the payment of dues to the Washington state school directors' association; amending section 28.58.360, RCW, and declaring an emergency.

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

SECTION 1. Section 28.58.360, RCW, as derived from section 5, chapter 169, Laws of 1947, is amended to read as follows: Amendment.

The school directors' association may establish a schedule of dues for members of the association, which schedule shall provide for dues not in excess of ten dollars per annum for a member from any school district. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each member from each school district shall be due and payable on the first day of January of each year, except that for the year 1953 such dues shall be due and payable upon the effective date of this act, and if not paid for any member before the thirty-first day of December of any year the executive committee of the association may present a written request to the county auditor that such payment be made by him by transfer of funds from the general fund of the district. Upon receipt of such request the county auditor shall make such transfer. Schedule of dues.
Payment.

Emergency.

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 House February 6, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 227.

[H. B. 51.]

MOTOR VEHICLE LICENSES—FARM TRUCKS—
GROSS WEIGHT FEES.

AN ACT relating to gross weight fees on farm trucks.

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

Amendment.

SECTION 1. Section 46.16.090, RCW, as derived from section 1, chapter 15, Laws of 1950, Extraordinary Session, as amended by section 12, chapter 269, Laws of 1951, is amended to read as follows:

Farm trucks of less than 20,000 lbs.; special license.

Motor trucks of less than twenty thousand pounds may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks are owned and operated by farmers, but only if the following condition or conditions exist:

Conditions.

(1) When such trucks are to be used for the transportation of such farmer's own farm, orchard or dairy products from point of production to market, and of supplies to be used on his farm; and/or

(2) When such trucks are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard or dairy owned by such other farmer from point of production to market, or supplies to be used on such other farm,

but only if such transportation for another farmer is for compensation other than money: *Provided, however,* That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to be signed by the farmer to the effect that the vehicle concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles to indicate that the vehicle is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles for such designation.

Special
form of
application.

Special
insignia.

Any person who operates such a specially licensed vehicle in transportation upon the public highways in violation of the limitations of this section shall be guilty of a misdemeanor.

Penalty.

Passed the House February 21, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 228.

[H. B. 214.]

STATE-WIDE CITY EMPLOYEES RETIREMENT SYSTEM.

AN ACT relating to cities and towns and to pension, relief, disability and retirement systems and pension, relief, disability and retirement funds therein; amending sections 41.44.030, 41.44.090, 41.44.100, 41.44.110, 41.44.140, 41.44.150, 41.44.170 and 41.44.200, RCW, and amending chapter 41.44, RCW, by adding a new section thereto.

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

Amendment. SECTION 1. Section 41.44.030, RCW, as derived from section 3, chapter 71, Laws of 1947, as last amended by section 2, chapter 275, Laws of 1951, is amended to read as follows:

Definitions. As used in this chapter, unless a different meaning is plainly required by the context:

"Retirement system." (1) "Retirement system" means the state-wide city employees retirement system provided for herein.

"City" or "cities." (2) "City" or "cities" includes town or towns.

"Employee." (3) "Employee" means any appointive officer or employee and shall include elective officials to the extent specified herein.

"Member." (4) "Member" means any person included in the membership of the retirement system as provided herein.

"Board." (5) "Board" means the "board of trustees" provided for herein.

"Retirement fund." (6) "Retirement fund" means "state-wide city employees retirement fund" provided for herein.

"Service." (7) "Service" means service rendered to a city for compensation; and for the purpose of this chapter a member shall be considered as being in service only while he is receiving compensation from the city for such service or is on leave granted for service in the armed forces of the United States as contemplated in RCW 41.44.120.

(8) "Prior service" means the service of a member for compensation rendered a city prior to the effective date and shall include service in the armed forces of the United States to the extent specified herein.

"Prior service."

(9) "Current service" means service after the employee has become a member of the system.

"Current service."

(10) "Creditable service" means such service as is evidenced by the record of normal contributions, plus prior service as evidenced by prior service certificate.

"Creditable service."

(11) "Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit herein.

"Beneficiary."

(12) "Compensation" means the compensation payable in cash, plus the monetary value, as determined by the board of trustees, of any allowance in lieu thereof (but for the purposes of this chapter such "compensation" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1 of any succeeding year, effective as of January 1 of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars per month).

"Compensation."

(13) "Compensation earnable" means the full rate of compensation that would be payable to an employee if he worked the full normal working time (but for the purposes of this chapter, such "compensation earnable" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall

"Compensation earnable."

not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1 of any succeeding year, effective as of January 1 of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars per month).

"Final compensation."

(14) "Final compensation" means the highest average annual compensation earnable in any five consecutive years of actual service rendered during the ten years immediately preceding retirement, or where the employee has less than five consecutive years of actual service, the earnable compensation for the last five years preceding his retirement.

"Matching contribution."

(15) "Matching contribution" means the contribution of the city deposited in an amount equal to the normal contributions of the employee.

"Normal contributions."

(16) "Normal contributions" means contributions at the rate provided for in RCW 41.44.130, excluding those referred to in subsection (6).

"Released matching contributions."

(17) "Released matching contributions" means such "matching contributions" as are no longer held for the benefit of the employee.

"Regular interest."

(18) "Regular interest" means interest compounded annually at such rate as shall have been adopted by the board of trustees in accordance with the provisions of this chapter.

"Accumulated normal contributions."

(19) "Accumulated normal contributions" means the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

"Pension."

(20) "Pension" means payments derived from contributions made by the city as provided herein.

- (21) "Annuity" means payments derived from contributions made by a member as provided herein. "Annuity."
- (22) "Retirement allowance" means the pension plus annuity. "Retirement allowance."
- (23) "Fiscal year" means any year commencing with January 1st, and ending with December 31st next following. "Fiscal year."
- (24) "Miscellaneous personnel" means officers and employees other than those in the uniformed police or fire service: *Provided*, Those members of the fire department who are ineligible to the benefits of a firemen's pension system established by or pursuant to any other state law, are also included in the miscellaneous personnel. "Miscellaneous personnel."
- (25) "Uniformed personnel" means any employee who is a policeman in service or who is subject to call to active service or duty as such. "Uniformed personnel."
- (26) "Effective date" when used with regard to employees means the date on which any individual or group of employees became members of any retirement system and when used with regard to any city or town shall mean the date on which it became a participant. "Effective date."
- (27) "Actuarial equivalent" means a benefit of equal value when computed at regular interest upon the basis of such mortality tables as shall be adopted by the board of trustees. "Actuarial equivalent."
- (28) "Persons having an insurable interest in his life" means and includes only such persons who, because of relationship from ties of blood or marriage, have reason to expect some benefit from the continuation of the life of a member. "Persons having an insurable interest in his life."
- (29) "Additional contributions" means contributions made pursuant to subsection (6) of RCW 41-44.130. "Additional contributions."
- (30) "Accumulated additional contributions" means the sum of all "additional contributions" made "Accumulated additional contributions."

by a member standing to the credit of the individual account, together with regular interest thereon.

"Part time employees."

(31) "Part time employees" means those employees who, although regularly and continuously employed, do not regularly perform their duties the full number of hours required of other regular employees, including but not confined to such employees as police judges, city attorneys and other officers and employees who are also engaged in outside employment or occupations.

SEC. 2. Section 41.44.090, RCW, as derived from section 9, chapter 71, Laws of 1947, as last amended by section 5, chapter 275, Laws of 1951, is amended to read as follows:

City contributions.

(1) There shall be paid into the retirement fund by contributions of each city the amounts necessary to pay the following:

- (a) Contributions equal to those deposited by employees;
- (b) Prior service credits at such rate as may be selected;
- (c) That part of a retirement allowance necessary to raise it to a specified minimum;
- (d) An equitable share of the administrative costs, all of which costs are to be paid by the cities;
- (e) An equitable share of the cost of the death-in-the-line-of-duty benefit, all of which costs are to be paid by the cities.

Contribution in lieu of (a).

Any city having in its employ ten or more employees who are members of the system may elect to contribute, in lieu of its contributions set forth in item (a) above, an amount estimated actuarially necessary to match at retirement the accumulated normal contributions of those of its members who will ultimately retire for service or disability; provided that such election shall be made by resolution or ordinance of the legislative body of such city and, in order to become effective for the remainder of the

year 1953, shall be made on or before July 1, 1953, and thereafter any election so made shall be made prior to January 1, 1954, to become then effective or prior to January 1 of any succeeding year to become effective on January 1 of such succeeding year.

Any city may, with the approval of the board, further elect to contribute in lieu of its contributions set forth in items (b) and (c) above, an amount estimated actuarially, necessary to amortize over a period of not to exceed thirty years, all liabilities on account of the participation of such a city, which are not covered by the contributions of its employees, its funds on hand and its contributions provided for in item (a) above or the contributions elected to be made in lieu thereof in cases where such city shall have elected to make said contribution in lieu of the contributions required in said item (a); provided that such election shall be made by resolution or ordinance of the legislative body of such city and, in order to become effective for the remainder of the year 1953, shall be made on or before July 1, 1953, and thereafter any election so made shall be made prior to January 1, 1954, to become then effective or prior to January 1 of any succeeding year to become effective on January 1 of such succeeding year.

In the event that any city shall be making either of the lieu contributions as hereinabove set forth, the resulting contributions shall be adjusted to conform with facts and conditions disclosed by each succeeding actuarial valuation.

(2) Payment of the obligation set forth in subsection (1) of this section may be made in advance or may be paid currently as contributions are received from employees and pensions are paid to retired members: *Provided*, That the share of administrative expense and expense of the death-in-line-of-duty benefits shall be paid as soon as funds are available to make such payment and the board shall

have the right to require any city that has withdrawn from the system, to annually, at the beginning of each calendar year, deposit and pay in cash an amount estimated by the board to be sufficient to meet the obligation of such city for the ensuing year to those of its members receiving a retirement allowance. From time to time each city may apply reserves in payment of the obligations set forth above as contemplated in RCW 41.44.200.

Board to furnish estimate of obligations.

Board to keep accounts with cities.

Board to furnish monthly statement.

(3) The board shall furnish each city with an estimate of the amount necessary to pay the obligations of the city in the ensuing fiscal year and the city shall provide therefor in its budget. The board shall cause to be kept an account with each city, crediting the account with such advances and payments as are made by the city and debiting the account with such charges as properly accrue against the city. The board shall furnish each city with a monthly statement of the amount of matching contributions, prior service charges and charges for minimum retirement allowances properly accruing by reason of payment of retirement allowances and deposit of contributions of members.

System not liable for benefits, when.

(4) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any retirement allowances or other benefits on account of the employees or retired members of any city under this chapter, for which reserves or guarantees have not been properly set up by such city or its employees to pay such retirement allowances or other benefits: *Provided*, That nothing herein contained shall be so construed to prevent the establishment of a reserve account for annuities and pensions in which shall be placed at the time of retirement of any member the balances of the retiring member's contribution and the city's matching funds for such member and from which account all annuities and current service pensions shall be paid.

(5) Any city may, by majority vote of its electors, withdraw from participation in the retirement system two years after giving written notice to the board of such action by the electorate. It is hereby specifically provided, however, that the city's obligation to those members receiving or eligible to a retirement allowance prior to such termination of participation shall continue in full force and effect as provided in this chapter. Members not receiving or being eligible to a retirement allowance at time of such termination shall be paid their accumulated contributions on demand. Should it develop that any such city is entitled to a refund such refund shall be made within one year following demand of city entitled thereto.

Withdrawal
by city from
system.

SEC. 3. Section 41.44.100, RCW, as derived from section 10, chapter 71, Laws of 1947, as last amended by section 6, chapter 275, Laws of 1951, is amended to read as follows:

Amendment.

(1) A fund is hereby created and established to be known as the "state-wide city employees retirement fund," and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets: *Provided*, That such assets shall be public funds to the extent necessary to authorize any bank to deposit such collateral security necessary and required under the laws of the state to secure the deposit of public funds belonging to a city.

State-wide
city
employees
retirement
fund;
created.

Assets
public funds
for deposit
purposes.

(2) The board of trustees shall be the custodian of the retirement fund and shall arrange for the safekeeping thereof. Subject to such provisions as may be prescribed by law for the deposit of city funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or banks in the state, or in any bank, banks or corporations authorized or licensed to do a banking

Custodian.

Deposits.

Withdrawals. business and organized under the laws of the state of Washington; and may be withdrawn on order of the board for the purpose of making such payments as are authorized and required by this chapter.

Investment of pension fund moneys in certain securities. (3) The board may invest pension fund moneys in such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state as lawful investments for the funds of mutual savings banks, and to invest not to exceed twenty-five percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of the state as lawful investments for the funds of mutual savings banks: *Provided*, That not more than five percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

Limitation.

Investment of pension funds in certain open-end investment companies. (4) Subject to the limitations hereinafter provided, investment of pension funds may also be made in amounts not to exceed five percent of the system's total investments in the shares of certain open-end investment companies: *Provided*, That not more than one percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed one percent of the assets of such company, and shall only be made in the shares of such companies as are registered as "open-end companies" under the federal investment company act of 1940, as amended. Such company must be at least ten years old and have net assets of at least five million dollars. It must have no outstanding bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from in-

Limitation.

Qualifications of company.

vestment income in each of the ten years next preceding purchase. The maximum selling commission on its shares may not exceed seven and one-half percent of the sum of the asset value plus such commission.

(5) Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state; and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law, issued by any city or town which is a member of the system.

Investment of pension funds in certain municipal bonds or warrants.

SEC. 4. Section 41.44.110, RCW, as derived from section 11, chapter 71, Laws of 1947, as last amended by section 7, chapter 275, Laws of 1951, is amended to read as follows:

Amendment.

(1) Subject to subsection (2) of this section, membership of this retirement system shall be composed of the following groups of employees in any participating city or cities:

Membership composed of following groups:

(a) Miscellaneous personnel as defined in this chapter;

Miscellaneous personnel.

(b) Uniformed personnel, as defined in this chapter, not eligible to benefits under any existing state pension law;

Uniformed personnel.

(c) Elective officials, who shall have the right to membership in this retirement system upon filing written notice of such election with the board of trustees;

Elective officials.

(d) Employees of the retirement system itself shall be entitled to membership and any costs in connection with such membership shall be a part of the cost of administration.

Employees of the system.

(2) Any city may, when electing to participate in this retirement system in the manner set forth in RCW 41.44.050, include any one group or combination of the groups above mentioned but must include or exclude all employees in any group. Groups

One or any combination of groups may be included.

Groups (c) and (d) considered miscellaneous personnel.

(c) and (d) shall be considered as being composed of miscellaneous personnel as far as benefits and obligations are concerned except when the contrary is clearly indicated.

Groups (a) and (b) membership compulsory.

(3) Subject to subsection (2) of this section, membership in the retirement system shall be compulsory for all employees in groups (a) and (b), after qualification as provided in subsection (4) of this section.

Date of becoming members.

(4) Subject to subsection (2) of this section, all employees in city service, on the effective date or on June 9, 1949, shall be members of the system, provided that such employees who are not regular full-time employees and are earning less than fifty dollars per month, or are part-time employees serving in an official or special capacity may with the acquiescence of the legislative body of the city or town in which they are employed, elect on or before January 1, 1950, to discontinue membership by giving written notice of such election to the board. All other regular employees earning more than fifty dollars per month shall become members upon the completion of six consecutive months' service or six months' service in any calendar year; any such employee otherwise eligible, employed in a permanent position, may elect in writing to become a member of the system at any time prior to completing such six months' service. Such individual employees other than regular employees, who are earning less than fifty dollars per month or who are serving in an official or special capacity may elect to become members with the acquiescence of the legislative body of the city or town in which they are employed upon the completion of six months of consecutive service or six months' service in any calendar year.

Report of change of status.

(5) It shall be the duty of the proper persons in each city to immediately report to the board routine changes in the status of personnel and to

immediately furnish such other information regarding the employment of members as the board may from time to time require.

(6) Should any member withdraw more than one-quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member. Membership ceases, when.

(7) Transfer of any employee from one city to another shall not cause the employee to lose membership in the system providing the city to which he transfers participates in the retirement system created herein. Transfer of employee to another city.

SEC. 5. Section 41.44.140, RCW, as derived from section 14, chapter 71, Laws of 1947, as last amended by section 10, chapter 275, Laws of 1951, is amended to read as follows: Amendment.

Retirement of a member for service shall be made by the board as follows: Service retirement:

(1) Each member included in the miscellaneous personnel in service on the effective date, who, on or before such effective date, has attained the age of sixty-five years or over shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory retirements for a period of two years immediately following the effective date, but any member having attained the age of sixty-five may voluntarily retire at any time after attaining such age. Members included in the miscellaneous personnel attaining age sixty-five after effective date shall be retired on the first day of the calendar month next succeeding the month in which the member shall have attained sixty-five, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority of the city shall have the privilege at all times of extending time for retirement of any such member to his attainment of any age not exceeding age seventy: *Provided*, That any such extension shall not increase Compulsory retirement of miscellaneous personnel.

the retirement age of such member in excess of one year at a time.

Voluntary
retirement
of miscel-
laneous
personnel.

(2) Any member included in the miscellaneous personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said member, at the time specified for his retirement, shall have twenty years of creditable service, and shall have attained the age of sixty years, or shall have thirty years of creditable service regardless of attained age: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under sixty-two years of age shall not be granted.

Compulsory
retirement
of uniformed
personnel.

(3) Each member included in the uniformed personnel in service on the effective date who on or before such effective date has attained the age of sixty years or over shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory service retirements for a period of two years immediately following the effective date, but any such member having attained the age of sixty years may voluntarily retire at any time after attaining such age. Members included in the uniformed personnel attaining age sixty after the effective date shall be retired on the first day of the calendar month next succeeding the month in which the members shall have attained the age of sixty, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority shall have the privilege at all times of extending time for retirement of any such member to his attainment of any age not exceeding sixty-five: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(4) Any member included in the uniformed personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said members, at the time specified for retirement, shall have twenty-five years of creditable service and shall have attained the age of fifty-five years, or shall have thirty years of creditable service regardless of attained age: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under age sixty shall not be granted.

Voluntary retirement of uniformed personnel.

(5) After the retirement of any employee, any member city, by unanimous vote of its legislative body and with the consent of the board, may reemploy or retain such employee in its service to fill a supervisory or key position.

Reemployment or retention of retired personnel.

SEC. 6. Section 41.44.150, RCW, as derived from section 15, chapter 71, Laws of 1947, as last amended by section 11, chapter 275, Laws of 1951, is amended to read as follows:

Amendment.

(1) A member, upon retirement for service, shall receive a retirement allowance subject to the provisions of subsection (2) of this section, which shall consist of:

Retirement for service; allowances:

(a) An annuity which shall be the actuarial equivalent of his accumulated normal contributions at the time of his retirement; and

Annuity.

(b) A pension provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

Pension.

(c) For any member having credit for prior service an additional pension, provided by the contributions of the city, as set forth in RCW 41.44.120 at the rate selected by the city employing the member;

Prior service pension.

Minimum amount of compensation; members of 10 or more years of creditable service.

(d) Any member, excepting a part-time employee, who has ten or more years of creditable service and who is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of sixty or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allowance equal to sixty dollars per month. An annuity purchased by accumulated additional contributions in such case shall be paid in addition to the minimum guaranteed as herein provided. A part-time employee having ten or more years of creditable service, retired by reason of attaining the ages in this subdivision specified and whose retirement allowance is calculated to be less than forty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make the total retirement allowance equal to forty dollars per month, together with an annuity purchased by his accumulated additional contributions, if any, in addition to the minimum guaranteed.

Members retired prior to effective date of this amendatory act.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to the effective date of this amendatory act of 1953.

Minimum amount of compensation.

(e) Any member, excepting a part-time employee, who has been or is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of sixty or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allowance equal to six dollars per month for each year of his

creditable service; provided that the total additional retirement allowance shall be limited to an amount equal to such amount as will make his total retirement allowance not more than sixty dollars per month. An annuity purchased by accumulated additional contributions, if any, in such case shall be paid in addition to the minimum guaranteed, as herein provided.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to the effective date of this amendatory act of 1953.

Members retired prior to effective date of this amendatory act.

(2) If the retirement allowance of the member as provided in this section, is in excess of one-half of his final compensation, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance equal to one-half of his final compensation.

Maximum amount of compensation.

(3) A member, upon retirement from service, shall receive in addition to the retirement allowance provided in this section, an additional annuity which shall be the actuarial equivalent of any accumulated additional contributions which he has to his credit at the time of his retirement.

Additional annuity based on accumulated additional contributions.

SEC. 7. Section 41.44.170, RCW, as derived from section 17, chapter 71, Laws of 1947, as last amended by section 13, chapter 275, Laws of 1951, is amended to read as follows:

Amendment.

On retirement for permanent and total disability a member shall receive a retirement allowance which shall consist of:

Disability retirement allowances:

(1) An annuity which shall be the actuarial equivalent of his accumulated normal contributions; and

Annuity.

(2) A pension provided by the contributions of the city which, together with his annuity provided

Pension.

by his accumulated normal contributions, shall make the retirement allowance equal to one and one-fourth percent of his final compensation multiplied by the number of years of service credited to him, if such retirement allowance exceeds sixty dollars per month; otherwise he shall receive a retirement allowance of forty dollars per month or, except as to a part-time employee, such sum, monthly, not in excess of sixty dollars per month, as is equal to six dollars per month for each year of his creditable service, whichever is the greater. If the retirement allowance of a part-time employee, based upon the pension hereinabove provided, does not exceed forty dollars per month, then such part-time employee shall receive a retirement allowance of forty dollars per month and no more.

Members retired prior to effective date of this amendatory act.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to the effective date of this amendatory act of 1953.

Minimum amount of compensation.

(3) If it appears to the satisfaction of the board that disability was incurred in line of duty and the retirement allowance to be provided under subdivision (1) and (2) of this section is less than sixty dollars per month, then there shall be provided by contributions of the city such additional pension as shall make the retirement allowance equal to sixty dollars per month.

Maximum amount of compensation.

(4) No disability retirement allowance shall exceed fifty percent of final compensation, anything herein to the contrary notwithstanding.

Death of member recipient.

(5) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nomi-

nated by written designation duly executed and filed with the board.

(6) If disability is due to intemperance, wilful misconduct, or violation of law, on the part of the member, the board, in its discretion, may pay to said member, in one lump sum his accumulated contribution, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member.

Disability due to intemperance, wilful misconduct or violation of law.

(7) In addition to the annuity and pension provided for in subdivisions (1) and (2) of this section, a member shall receive an annuity which shall be the actuarial equivalent of his accumulated additional contributions.

Additional annuity.

SEC. 8. Section 41.44.200, RCW, as derived from section 20, chapter 71, Laws of 1947, is amended to read as follows:

Amendment.

Whenever a member withdraws his accumulated normal contributions the matching contributions of the city so released shall be transferred to a reserve account created for the purpose of showing the amount of credits due each city through such operation. Such credits may be used by the city to apply on any charges made against the city but only so much thereof as will insure leaving in such account an amount estimated to be sufficient to again match contributions redeposited by employees returning to service as contemplated in RCW 41.44.190. The board may credit such reserve accounts with interest at such rate as the board deems equitable: *Provided*, That as to any member city which has elected to and is making contributions in lieu of those required in subdivision (1) (a) of section 41.44.090, RCW, there shall be no release of the city's matching contributions after the date of its commencement to make such lieu contributions: *Provided further*, That any release contributions of any such city

Released matching contributions; reserve account.

which have been credited to its reserve account, prior to the date of such commencement, shall be available to it for the purposes hereinabove specified, unless the board shall determine that their immediate use for such purposes would result in a harmful effect upon the assets of the system, in which event the board shall have the right to defer their use for a reasonable time in which to permit it to make adjustments in the current assets of the system to prevent the same.

New section.

SEC. 9. Chapter 41.44, RCW, as derived from chapter 71, Laws of 1947, as last amended by chapter 275, Laws of 1951, is amended by adding thereto a new section to read as follows:

Agreements
concerning
Social
Security
Act (OASI).

Should any member city of the state-wide city employees retirement system established pursuant to this chapter, hereafter take advantage of any benefits lawfully available to its employees and their survivors under the old age and survivors insurance system embodied in the Social Security Act, or should any city which has lawfully taken advantage of such benefits desire to become a member of the state-wide city employees retirement system, such city and the board shall have the power to enter into an agreement mutually satisfactory to both parties adjusting the contributions to be made by such city and by its employees and the benefits to be paid by the state-wide city employees retirement system, in such a manner to permit the participation of such city in the system as a member with reduced benefits to its employees and reduced contributions by the city and by its employees: *Provided*, That such adjustment shall be made upon an actuarially sound basis and that as to all matters, other than those changed by such agreement, the provisions of the state-wide city employees retirement system law shall apply: *Provided further*, That unless such an agreement is entered into by mutual consent of such city and the

board, all of the provisions of the state-wide city employees retirement system law shall be applicable.

Passed the House February 21, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 229.

[H. B. 404.]

NON-HIGH SCHOOL DISTRICTS—PARTICIPATION IN PROVIDING CAPITAL FUNDS FOR HIGH SCHOOL FACILITIES IN OTHER DISTRICTS.

AN ACT providing for participation by non-high school districts in providing capital funds for financing the cost of high school facilities.

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

SECTION 1. Upon receipt of a written request from the board of directors of a high school or Union high school district which educates high school students residing in non-high school districts, the county committee on school district organization shall prepare a plan for participation by the non-high school districts in providing capital funds to pay the cost of school building facilities and equipment to be provided for the education of high school students residing in the high school or Union high school and the non-high school districts involved. Prior to submission of such a request the board of directors of the high school or Union high school district shall determine the nature and extent of the high school facilities and equipment proposed to be provided, the approximate amount of local capital funds required to pay the cost thereof, and the site or sites upon which the proposed facilities are to be located, and shall submit a report thereon to the county committee along with the aforesaid request.

Request for plan.

Preparation of plan.

Determinations precedent to request for plan.

Report of determinations.

County committee considerations.

SEC. 2. The said county committee shall give consideration to:

(1) The report submitted by the board of directors of the high school or Union high school district as stated above;

(2) The exclusion from the plan of non-high school districts because of remoteness or isolation or because they are so situated with respect to location, present and/or clearly foreseeable future population, and other pertinent factors as to warrant the establishment of a high school therein or the inclusion of their territory in some other non-high school district within which the establishment of a high school is warranted;

(3) The assessed valuation of the high school or Union high school district and of each non-high school district involved and the ability of each district to issue bonds within the limit of indebtedness prescribed by law;

(4) The cash balance, if any, in the building fund of the high school or Union high school district which is designated for high school building construction purposes, together with the sources of such balance;

(5) Any other factors found by the committee bearing on the preparation of an equitable plan.

Hearing on proposed plan.

SEC. 3. The said county committee shall also hold a public hearing or hearings on any proposed plan: *Provided*, That three members of the committee or two members of the committee and the county superintendent may be designated by the committee to hold such public hearing or hearings and to submit a report thereof to the county committee. The county committee shall cause to be posted, at least twenty days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the territory of the school districts involved or affected, on the school-

house door of each such district, and at the place or places of holding the hearing.

SEC. 4. Subsequent to the holding of a hearing or hearings as aforesaid, the county committee shall determine the non-high school districts to be included in the plan and the amount of capital funds to be provided by each such district and by the high school or Union high school district, and shall submit the proposed plan to the state board of education together with such maps and other materials pertaining thereto as the state board may require. The state board shall review such plan, shall approve any plan which in its judgment makes adequate and satisfactory provision for participation by the non-high school districts in providing capital funds to be used for the purpose above stated, and shall notify the county committee of such action. Upon receipt by the county committee of such notification, the county superintendent shall notify the board of directors of each school district included in the plan, supplying each board of directors with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

Submission of proposed plan to state board of education.

Procedure on acceptance.

If any such plan submitted by a county committee is not approved by the state board, the county committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the county committee shall submit to the state board a revised plan which revision shall be subject to the procedural requirements and provisions of law applicable to an original plan submitted to said board.

Procedure on rejection.

SEC. 5. Upon receipt of the notice of approval from the county superintendent, the board of directors of each school district included in the plan shall, at or prior to the next general election, submit to the voters thereof a proposal or proposals for providing,

Election.

through the issuance of bonds and/or the authorization of an excess tax levy, the amount of capital funds that the district is required to provide under the plan. The proceeds of any such bond issue and/or excess tax levy shall be credited to the building fund of the high school or Union high school district involved and shall be expended to pay the cost of school building facilities and equipment for the education of high school students residing in the school districts included in the plan and not otherwise.

Disposition of proceeds of bond issues and/or excess tax levy.

Rejection by voters; second election.

SEC. 6. In the event that a proposal or proposals for providing capital funds as aforesaid is not approved by the voters of a non-high school district, a second election thereon shall be held within a reasonable time thereafter. If the vote of the electors of the non-high school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school or Union high school under the provisions of RCW 28.58.230, following the close of the school year during which the second election is held: *Provided*, That in any such case the county committee shall determine the advisability of affording the electors of the non-high school district another opportunity to approve or reject the proposal for providing capital funds as aforesaid, or of revising the plan under which the non-high school district involved shall provide its proportionate share of the required capital funds, or of initiating a proposal for annexation of such non-high school district to the high school or Union high school district included in the plan: *Provided further*, That pending such determination by the county committee and action thereon as required by law the board of directors of the high school or Union high school district shall continue to admit high school students residing in the non-high school district involved.

Third election.

Revision of plan.

Annexation.

Admission of students pending 3d election, revision, or annexation.

SEC. 7. A proposal or proposals for providing capital funds in conformity with any revised plan prepared by the county committee shall be submitted to a vote of the electors of the non-high school district by the board of directors thereof. Any proposal for annexation of a non-high school district to a high school or Union high school district initiated by the county committee as provided for herein shall be subject to the procedural requirements of this act respecting a public hearing and submission to and approval by the state board of education. Upon approval by the state board of any such proposal for annexation, the county superintendent shall make an order establishing such annexation.

Revised
plans;
procedure.

Annexation;
procedure.

Passed the House March 5, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 230.

[H. B. 425.]

LANDS—ACCRETIONS, RELICTIONS—DISCLAIMER
BY STATE.

AN ACT relating to accretions and relictions of certain uplands
and tidelands.

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

Accretions
and relictions
to uplands.

SECTION 1. The state of Washington disclaims any
right, title or interest in and to any accretions or re-
lictions to and from the uplands described as follows:

Description.

Accretions
and relictions
to abutting
tidelands.

Lots one and two, section six, township sixteen
north, range eleven west W.M., and lots one and two,
section one, township sixteen north, range twelve
west W.M., and accretions and relictions to the tide-
lands abutting thereon and the title thereto shall
vest in the owners of said uplands or the purchasers
of the tidelands from the state of Washington, or
their successors or assigns, free and clear of any
claim of the state of Washington to said accretions or
relictions.

Passed the House March 5, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 231.

[H. B. 141.]

MUNICIPAL UTILITIES—REVENUE BONDS.

AN ACT relating to city and town public utility revenue bonds; providing that same shall be negotiable instruments; and for parity of lien as between issues; and for the maintenance of adequate rates; and amending section 80.40.100, RCW.

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

SECTION 1. Section 80.40.100, RCW, as derived from section 4, chapter 150, Laws of 1909, as last amended by section 3, chapter 53, Laws of 1931, is amended to read as follows: Amendment.

When the voters of a city or town, or the corporate authorities thereof, have adopted a proposition for any public utility and either no general indebtedness has been authorized or the corporate authorities do not desire to incur a general indebtedness, and when the corporate authorities are authorized to exercise any of the powers conferred by this chapter without submitting the proposition to a vote, the corporate authorities may create a special fund for the sole purpose of defraying the cost of the public utility or addition, betterment, or extension thereto, into which special fund they may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of the utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and issue and sell bonds or warrants bearing interest not exceeding six per cent per year, payable semiannually, executed in such manner and payable at such times and places as the corporate authorities shall determine, but the bonds or warrants and the interest thereon shall be payable only out of the special fund. Such bonds shall be negotiable instruments within the meaning When authorized.

Interest.

Negotiable instruments.

of the negotiable instruments law, RCW title 62, notwithstanding same are made payable out of a particular fund contrary to the provisions of RCW 62-.01.003.

Sewage disposal plant.

When corporate authorities deem it necessary to construct any sewage disposal plant, it may be considered as a part of the waterworks department of the city or town and the cost of construction and maintenance thereof may be chargeable to the water fund of the municipality, or to any other special fund which the corporate authorities may by ordinance designate.

Considerations in creating special fund.

In creating a special fund, the corporate authorities shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Rates shall be maintained adequate to service such bonds and to maintain the utility in sound financial condition.

Only special fund liable.

The bonds or warrants and interest thereon issued against any such fund shall be a valid claim of the holder thereof only as against the special fund and its fixed proportion or amount of the revenue pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional provisions and limitations. Each bond or warrant shall state upon its face that it is payable from a special fund, naming it and the ordinance creating it. The bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, and they may provide in

Sale.

any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof.

When a special fund is created and any such obligation is issued against it, a fixed proportion, or a fixed amount out of and not exceeding such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into such fund as provided in the ordinance creating it, and in case the city or town fails to thus set aside and pay such fixed proportion or amount, the holder of any bond or warrant against the fund may bring action against the city or town and compel such setting aside and payment: *Provided, That* whenever the corporate authorities of any such city or town shall so provide by ordinance then all such bonds thereafter issued shall be on a parity, without regard to date of issuance or authorization and without preference or priority of right or lien with respect to participation of special funds in amounts from gross revenues for payment thereof.

Passed the House February 27, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

Revenue
deposits to
special fund.

Compelling
deposit and
payment.

Parity of
issues.

CHAPTER 232.

[H. B. 195.]

DEPORTATION OF NONRESIDENT INSANE OR FEEBLE-MINDED PERSONS.

AN ACT relating to alien and non-resident insane, feeble-minded, and epileptic persons; providing for their return to their places of residence; prescribing a penalty; and repealing section 71.04.120, RCW.

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

Deportation of aliens.

SECTION 1. It shall be the duty of the director of public institutions, in co-operation with the United States Bureau of Immigration and/or the United States Department of the Interior, to arrange for the deportation of all alien insane, feeble-minded, or epileptic persons who are now confined in, or who may hereafter be committed to, any state hospital for the insane, feeble-minded, or epileptic in this state; to transport such alien insane, feeble-minded, or epileptic persons to such point or points as may be designated by the United States Bureau of Immigration or by the United States Department of the Interior; and to give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the insane, feeble-minded, or epileptic in a territory of the United States or in a foreign country.

Return of residents from U. S. territory or foreign country.

Deportation of residents of other states.

SEC. 2. The director of public institutions shall also return all non-resident insane, feeble-minded, or epileptic persons who are now confined in or who may hereafter be committed to a state hospital for the insane, feeble-minded, or epileptic in this state to the state or states in which they may have a legal residence. For the purpose of facilitating the return of such persons the director may enter into a reciprocal agreement with any other state for the mutual exchange of insane, feeble-minded, or epileptic persons now confined in or hereafter committed to any

Reciprocal agreements with other states for exchange.

hospital for the insane, feeble-minded, or epileptic in one state whose legal residence is in the other, and he may give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the insane, feeble-minded, or epileptic in another state. Such residents may be returned directly to the proper Washington state institution without further court proceedings: *Provided*, That if the superintendent of such institution is of the opinion that the returned person is not insane, feeble-minded, or epileptic he may discharge said patient: *Provided further*, That is [if] such superintendent deems such person insane, feeble-minded, or epileptic, he shall file an application for commitment within ninety days of arrival at the Washington institution.

Discharge
of returned
patients.

Commitment
of returned
patients.

A person shall be deemed to be a resident of this state within the meaning of this chapter who has maintained his domiciliary residence in this state for a period of two years preceding commitment to a state institution without receiving assistance from any tax supported organization and who has not subsequently acquired a domicile in another state: *Provided*, That any period of time spent by such person while an inmate of a state hospital or state institution or while on parole, escape, or leave of absence therefrom shall not be counted in determining the time of residence in this or another state.

Resident
defined.

All expenses incurred in returning insane, feeble-minded, or epileptic persons from this to another state may be paid by this state, but the expense of returning residents of this state shall be borne by the state making the return.

Allocation of
expenses for
deportation
and return
of patients.

SEC. 3. For the purpose of carrying out the provisions of this chapter the director of public institutions may employ all help necessary in arranging for and transporting such alien and non-resident insane, feeble-minded, or epileptic persons, and the cost and expense of providing such assistance, and all ex-

Employment
of help for
enforcement.

Payment of
expenses.

penses incurred in effecting the transportation of such alien and non-resident insane, feeble-minded, or epileptic persons, shall be paid from the funds appropriated for that purpose upon vouchers approved by the department of public institutions.

Penalty for illegally transporting into state.

Common carrier exception.

SEC. 4. Any person who shall bring, or in any way aid in bringing into the state of Washington, without having first obtained permission in writing from the director of public institutions, any person who has previously been committed to a state institution as an insane, feeble-minded, or epileptic person and who has not been fully discharged therefrom, shall be guilty of a gross misdemeanor: *Provided*, That this section shall not apply to an officer, agent, or employee of a common carrier for anything done in the line of duty.

Repealing clause.

SEC. 5. Section 71.04.120, RCW, as derived from section 1, chapter 137, Laws of 1951, is repealed.

Passed the House February 21, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 233.

[H. B. 232.]

LEGAL PUBLICATIONS—AFFIDAVIT OF PUBLICATION.

AN ACT relating to affidavit of publication; defining who may sign such affidavits; and amending section 65.16.030, RCW.

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

SECTION 1. Section 65.16.030, RCW, as derived from section 2, chapter 99, Laws of 1921, as last amended by section 4, chapter 213, Laws of 1941, is amended to read as follows: Amendment.

All legal and other official notices shall be published in a legal newspaper as herein defined, and the affidavit of publication shall state that the newspaper has been approved as a legal newspaper by order of the superior court of the county in which it is published, and shall be prima facie evidence of that fact. Wherever a legal notice, publication, advertisement or other official notice is required to be published by any statute or law of the state of Washington, the proof of such publication shall be the affidavit of the printer, publisher, foreman, principal clerk or business manager of the newspaper which published said notice. Affidavit of publication; contents.

Proof of publication.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 234.

[H. B. 238.]

BANKS AND TRUST COMPANIES—MERGER—
CONSOLIDATION—CONVERSION.

AN ACT relating to merger, consolidation and conversion of national and state banks and trust companies; declaring the procedure therefor; defining certain terms; defining the duties of certain officers in connection therewith; providing for the liquidation of shares of stockholders dissenting; and repealing chapter 30.48, and sections 30.08.100 and 30.08.130, RCW.

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

SECTION 1. As used in this chapter:

Definitions.
"Merging bank."

"Merging bank" means a party to a merger;

"Converting bank."

"Converting bank" means a bank converting from a state to a national bank, or the reverse;

"Merger."

"Merger" includes consolidation;

"Resulting bank."

"Resulting bank" means the bank resulting from a merger or conversion.

Resulting national bank by merger or conversion of state banks; laws applicable.

SEC. 2. This section is applicable where there is to be a resulting national bank.

Nothing in the law of this state shall restrict the right of a state bank to merge with or convert into a resulting national bank. The action to be taken by such merging or converting state bank and its rights and liabilities and those of its shareholders shall be the same as those prescribed at the time of the action for national banks merging with or converting into a resulting state bank by the law of the United States, and not by the law of this state, except that a vote of the holders of two-thirds of each class of voting stock of a state bank shall be required for the merger or conversion, and that on conversion by a state into a national bank the rights of dissenting stockholders shall be those specified in section 9.

Stockholder vote necessary.

Rights of dissenting stockholders on conversion.

Termination of state bank franchise.

Upon the completion of the merger or conversion, the franchise of any merging or converting state bank shall automatically terminate.

SEC. 3. This section is applicable where there is to be a resulting state bank.

Resulting state bank by merger or conversion authorized.

Upon approval by the supervisor of banking, state or national banks may be merged to result in a state bank, or a national bank may convert into a state bank as hereafter prescribed, except that the action by a national bank shall be taken in the manner prescribed by and shall be subject to limitations and requirements imposed by the law of the United States which shall also govern the rights of its dissenting shareholders.

Laws applicable to national bank action.

SEC. 4. This section is applicable where there is to be a resulting state bank.

Resulting state bank by merger:

(1) The board of directors of each merging state bank shall, by a majority of the entire board, approve a merger agreement which shall contain:

Approval of merger agreement by merging state bank.

(a) The name of each merging state or national bank and location of each office;

Contents of merger agreement.

(b) With respect to the resulting state bank, (i) the name and location of the principal and other offices; (ii) the name and residence of each director to serve until the next annual meeting of the stockholders; (iii) the name and residence of each officer; (iv) the amount of capital, the number of shares and the par value of each share; and (v) the amendments to its charters and bylaws;

(c) Provisions governing the manner of converting the shares of the merging state or national banks into shares of the resulting state bank;

(d) A statement that the agreement is subject to approval by the supervisor of banking and the stockholders of each merging state or national bank;

(e) Provisions governing the manner of disposing of the shares of the resulting state bank not taken by dissenting shareholders of merging state or national banks;

(f) Such other provisions as the supervisor of banking requires to enable him to discharge his duties with respect to the merger;

Submission of merger agreement, etc., to supervisor of banking.

(2) After approval by the board of directors of each merging state bank, the merger agreement shall be submitted to the supervisor of banking for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board and evidence of proper action by the board of directors of any merging national bank;

Action on merger agreement by supervisor of banking.

(3) Within sixty days after receipt by the supervisor of banking of the papers specified in subsection (1), the supervisor of banking shall approve or disapprove of the merger agreement, and if no action is taken, the agreement shall be deemed approved. The supervisor of banking shall approve the agreement if it appears that:

(a) The resulting state bank meets the requirements of state law as to the formation of a new state bank;

(b) The agreement provides an adequate capital structure including surplus in relation to the deposit liabilities of the resulting state bank and its other activities which are to continue or are to be undertaken;

(c) The agreement is fair;

(d) The merger is not contrary to the public interest.

Amendment of merger agreement on disapproval.

If the supervisor of banking disapproves an agreement, he shall state his objections and give an opportunity to the merging state or national banks to amend the merger agreement to obviate such objections.

Resulting state bank by merger; vote of stockholders.

SEC. 5. To be effective, a merger which is to result in a state bank must be approved by the stockholders of each merging state bank by a vote of two-thirds of the outstanding voting stock of each class at a

meeting called to consider such action, which vote shall constitute the adoption of the charter and by-laws of the resulting state bank, including the amendments in the merger agreement.

Unless waived in writing, notice of the meeting of stockholders shall be given by publication in a newspaper of general circulation in the place where the principal office of each merging state bank is located, at least once each week for four successive weeks, and by mail, at least fifteen days before the date of the meeting, to each stockholder of record of each merging state bank at his address on the books of his bank; no notice of publication need be given if written waivers are received from the holders of two-thirds of the outstanding shares of each class of stock. The notice shall state that dissenting stockholders will be entitled to payment of the value of only those shares which are voted against approval of the plan.

Notice of stockholder meeting.

Sec. 6. A merger which is to result in a state bank shall, unless a later date is specified in the agreement, become effective after the filing with and upon the approval of the supervisor of banking of the executed agreement together with copies of the resolutions of the stockholders of each merging state or national bank approving it, certified by the bank's president or a vice-president and a secretary. The charters of the merging banks, other than the resulting bank, shall thereupon automatically terminate.

Resulting state bank by merger; effective date.

Termination of charters of merging banks.

The supervisor of banking shall thereupon issue to the resulting state bank a certificate of merger specifying the name of each merging state or national bank and the name of the resulting state bank. Such certificate shall be conclusive evidence of the merger and of the correctness of all proceedings therefor in all courts and places, and may be recorded in any office for the recording of deeds to

Certificate of merger.

evidence the new name in which the property of the merging state or national bank is held.

Conversion of national bank to state bank; charter requirements.

SEC. 7. Except as provided in section 10, a national bank located in this state which follows the procedure prescribed by the laws of the United States to convert into a state bank shall be granted a state charter by the supervisor of banking if he finds that the bank meets the standards as to location of offices, capital structures, and business experience and character of officers and directors for the incorporation of a state bank.

Application for charter.

The national bank may apply for such charter by filing with the supervisor of banking a certificate signed by its president and cashier and by a majority of the entire board of directors, setting forth the corporate action taken in compliance with the provisions of the laws of the United States governing the conversion of a national to a state bank, and the articles of incorporation, approved by the stockholders, for the government of the bank as a state bank.

Resulting state or national bank; status.

SEC. 8. A resulting state or national bank shall be the same business and corporate entity as each merging state or national bank or as the converting state or national bank with all property, rights, powers and duties of each merging state or national bank or the converting state or national bank, except as affected by the state law in the case of a resulting state bank or the federal law in the case of a resulting national bank, and by the charter and bylaws of the resulting state or national bank.

Use of name of merging or converting bank.

A resulting state or national bank shall have the right to use the name of any merging state or national bank or of the converting bank whenever it can do any act under such name more conveniently.

Any reference to a merging or converting state or national bank in any writing, whether executed

or taking effect before or after the merger or conversion, shall be deemed a reference to the resulting state or national bank if not inconsistent with the other provisions of such writing.

Written reference to merging or converting bank.

SEC. 9. The owner of shares of a state bank which were voted against a merger to result in a state bank, or against the conversion of a state bank into a national bank, shall be entitled to receive their value in cash, if and when the merger or conversion becomes effective, upon written demand made to the resulting state or national bank at any time within thirty days after the effective date of the merger or conversion, accompanied by the surrender of the stock certificates. The value of such shares shall be determined, as of the date of the shareholders' meeting approving the merger or conversion, by three appraisers, one to be selected by the owners of two-thirds of the dissenting shares, one by the board of directors of the resulting state or national bank, and the third by the two so chosen. The valuation agreed upon by any two appraisers shall govern. If the appraisal is not completed within ninety days after the merger or conversion becomes effective, the supervisor of banking shall cause an appraisal to be made.

Liquidation of state bank shares voted against merger, or conversion.

Appraisal.

The expenses of appraisal shall be paid by the resulting state bank.

Expense of appraisal.

The resulting state or national bank may fix an amount which it considers to be not more than the fair market value of the shares of a merging or the converting bank at the time of the stockholders' meeting approving the merger or conversion, which it will pay dissenting shareholders of the bank entitled to payment in cash. The amount due under such accepted offer or under the appraisal shall constitute a debt of the resulting state or national bank.

Offer by resulting bank to dissenting stockholders.

Amount due constitutes debt of resulting bank.

SEC. 10. Where a resulting state bank is not to exercise trust powers, the supervisor of banking shall

Resulting state bank not to exercise trust powers.

not approve a merger or conversion until satisfied that adequate provision has been made for successors to fiduciary positions held by the merging state or national banks or the converting state or national bank.

Merging or converting bank assets or business activities prohibited to resulting state bank.

SEC. 11. If a merging or converting state or national bank has assets which do not conform to the requirements of state law for the resulting state bank or carries on business activities which are not permitted for the resulting state bank, the supervisor of banking may permit a reasonable time to conform with state law.

Valuation of assets of resulting state bank.

SEC. 12. Without approval by the supervisor of banking no asset shall be carried on the books of the resulting state bank at a valuation higher than that on the books of the merging or converting state or national bank at the time of its last examination by a state or national bank examiner before the effective date of the merger or conversion.

Severability clause.

SEC. 13. 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 the act are declared to be severable. The invalidity of any provision as to a national bank or as to the stockholders of a national bank shall not affect its validity as to a state bank or as to the stockholders of a state bank.

Repealing clause.

SEC. 14. Chapter 30.48, and sections 30.08.100 and 30.08.130, RCW, are repealed.

Passed the House February 14, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 235.

[H. B. 289.]

REAL ESTATE BROKERS AND SALESMEN—
REAL ESTATE COMMISSION.

AN ACT relating to real estate brokers and real estate salesmen, amending sections 18.85.010, 18.85.040, 18.85.050, 18.85.080, 18.85.090, 18.85.120, 18.85.140, 18.85.150, 18.85.161, 18.85.210, 18.85.220, 18.85.230, 18.85.310, 18.85.320, 18.85.330, and 18.85.350, RCW, adding two new sections to chapter 18.85, RCW, and repealing sections 18.85.020 and 18.85.070, RCW.

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

SECTION 1. Section 18.85.010, RCW, as derived from section 2, chapter 252, Laws of 1941, as last amended by section 1, chapter 222, Laws of 1951, is amended to read as follows: Amendment.

In this chapter words and phrases have the following meanings unless otherwise apparent from the context: Definitions.

(1) "Real estate broker," or "broker," means a natural or artificial person, acting independently, who for commissions or other compensation, engages in the purchase, sale, exchange, rental, or negotiation therefor, of real estate, or interests therein, and for business opportunities or interest therein, belonging to others, or holds himself out to the public as being so engaged; "Real estate broker" or "broker."

(2) "Real estate salesman" or "salesman" means any natural person who represents a real estate broker in any of his activities; "Real estate salesman" or "salesman."

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a designated broker and whose license states that he is associated with a designated broker; "Associate real estate broker."

(4) The word "person" as used in this chapter, shall be construed to mean and include a corporation or copartnership, except where otherwise restricted; "Person."

"Business opportunity."

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

"Commission."

(6) "Commission" means the real estate commission of the state of Washington;

"Director."

(7) "Director" means the director of licenses.

Amendment.

SEC. 2. Section 18.85.040, RCW, as derived from section 4, chapter 252, Laws of 1941, as last amended by section 3, chapter 222, Laws of 1951, is amended to read as follows:

Powers and duties of director of licenses.

The director, with the advice and approval of the commission, may issue rules and regulations to govern the activities of real estate brokers, associate real estate brokers and salesmen, consistent with this chapter, shall enforce all laws, rules, and regulations relating to the licensing of real estate brokers, associate real estate brokers, and salesmen, fix the times and places for holding examinations of applicants for licenses and prescribe the method of conducting them, hold such examinations, grant or deny licenses to real estate brokers, associate real estate brokers and salesmen, hold hearings and suspend or revoke the licenses of violators found guilty of violations of the real estate license law or of the rules and regulations set up and proclaimed by the commission. The director also shall institute a program of education for the benefit of the licensees hereunder including at least one statewide educational conference each year.

Amendment.

SEC. 3. Section 18.85.050, RCW, as derived from section 5, chapter 252, Laws of 1941, as last amended by section 4, chapter 222, Laws of 1951, is amended to read as follows:

Employment of persons interested in real estate business.

Neither the director nor any inspectors, clerks or employees, shall be interested in any real estate business in any capacity: *Provided*, That if any real

estate broker, associate real estate broker, or salesman is employed by the director or by the commission as an inspector, clerk, or employee, the license of such broker, associate real estate broker, or salesman shall not be revoked, suspended, or canceled by reason thereof.

Employment of brokers or salesmen by director or commission; license not affected.

SEC. 4. Section 18.85.080, RCW, as derived from section 14, chapter 252, Laws of 1941, as last amended by section 6, chapter 222, Laws of 1951, is amended to read as follows:

Amendment.

The six board members of the commission shall receive as compensation twenty-five dollars for each day actually spent on official business, plus traveling, hotel and meal expenses when they shall be called into session by the director or when presiding at examinations for applicants for licenses or when otherwise engaged in the business of the commission.

Compensation of commission members.

SEC. 5. Section 18.85.090, RCW, as derived from section 15, chapter 252, Laws of 1941, as last amended by section 7, chapter 222, Laws of 1951, is amended to read as follows:

Amendment.

The commission shall prepare the examination questions to be submitted to applicants, and shall make and file with the director a list, signed by all the members of the commission conducting the examination, of all applicants who successfully passed the examination and of those who failed, together with all examination questions and the written answers thereto.

Examination duties of commission.

Any applicant who fails to pass the examination may apply again: *Provided*, That no applicant shall be permitted to take the examination for a real estate broker's license without first satisfying the director that he has had a minimum of one year of actual experience as a full time real estate salesman in this state or in another state having comparable requirements or is, in the opinion of the director, otherwise and similarly qualified, or is otherwise qualified, or is

Right to re-examination. Qualifications for real estate broker's examination.

otherwise qualified by reason of practical experience in a business allied with or related to real estate.

Amendment.

SEC. 6. Section 18.85.120, RCW, as derived from sections 11 and 16, chapter 252, Laws of 1941, as last amended by section 10, chapter 222, Laws of 1951, is amended to read as follows:

License applications.

Any person desiring to be a real estate broker, associate real estate broker, or real estate salesman with the exception of applicants meeting the requirements of RCW 18.85.161, must successfully pass an examination as provided in this chapter, and shall make application to the director for a license, and upon a form to be prescribed and furnished by the director, giving his full name and business address. With this application the applicant shall:

Examination fees.

(1) Pay an examination fee of fifteen dollars if a salesman's license is applied for and of twenty-five dollars if a broker's license is applied for, such fees to accompany the application.

Corporation and partnership applications.

(2) If the applicant is a corporation, furnish a list of its officers and directors and their addresses, and if the applicant is a copartnership, a list of the members thereof and their addresses.

Nonresident applicants.

(3) If the applicant is a nonresident of this state, give an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the plaintiff resides, and that service of any process or pleadings may be made by delivery thereof to the director. Such service shall be held in all courts as valid and binding upon the applicant. The irrevocable consent shall be in a form prescribed by the director, acknowledged before a notary public and, if the applicant is a corporation, shall be accompanied by a certified copy of the resolution of the board of directors authorizing the execution of the same. Any process or pleading so served upon the director shall be 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 address of the applicant given in his application, and service shall be deemed to have been made upon the applicant on the third day following the deposit in the mail of such copy.

(4) Furnish such other proof as the director may require concerning the honesty, truthfulness, and good reputation of any applicant for a license, or of the officers of a corporation making the application. Other proof.

SEC. 7. Section 18.85.140, RCW, as derived from sections 11 and 12, chapter 252, Laws of 1941, as last amended by section 12, chapter 222, Laws of 1951, is amended to read as follows: Amendment.

Before receiving his license every real estate broker must pay a license fee of twenty-five dollars, every associate real estate broker must pay a license fee of twenty-five dollars, and every real estate salesman must pay a license fee of fifteen dollars. Every license issued under the provisions of this chapter expires on the thirty-first day of December of the year of its issue. On or before the first day of January thereafter an annual renewal license fee in the same amount must be paid. License fees.

Every license issued under the provisions of this chapter expires on the thirty-first day of December of the year of its issue. On or before the first day of January thereafter an annual renewal license fee in the same amount must be paid. Expiration date.

On or before the first day of January thereafter an annual renewal license fee in the same amount must be paid. Renewal fee.

If the application for a renewal license is not received by the director on or before January 1st, the renewal license fee shall be thirty-five dollars for a real estate broker and associate real estate broker and twenty dollars for a real estate salesman. Acceptance by the director of an application for renewal after January 1st shall not be a waiver of the delinquency.

SEC. 8. Section 18.85.150, RCW, as derived from sections 11 and 12, chapter 252, Laws of 1941, as last amended by section 13, chapter 222, Laws of 1951, is amended to read as follows: Amendment.

The director may issue a temporary salesman's permit pending examination, to any applicant who, Temporary salesman's permit.

in his opinion, is qualified, except for the examination provided for in this chapter, when a satisfactory credit and character report shall have been made by the employing broker upon a form to be supplied by the director, with full responsibility for such temporary salesmen to rest with the employing broker, no temporary permit thus granted to be transferable from the originating broker to any other broker. The application fee for such temporary permit shall be five dollars which shall not be refunded for any cause, nor shall such application fee be considered any part of any license or examination fee. The examination fee for an applicant for a temporary permit shall be fifteen dollars, no part of which shall be refunded for any cause. Such temporary permit shall be valid only until the results of the next examination for licensees are available which in no event shall be longer than six months. The director, however, shall not require any such applicant to take such examination until at least sixty days have elapsed after the issuance of the temporary permit. Only one temporary permit shall be issued to any one person. No person issued a temporary permit who fails to take or pass the examination shall be entitled to have returned any fees previously paid. Failure to take the examination next following the sixty day period after issuance of the temporary permit shall cause forfeiture of the temporary permit and of any and all fees paid.

Application fee.

Examination fee.

Duration of permit.

Examination date limitation.

One permit per person.

Failure to take or pass examination.

Temporary broker's permit.

A temporary broker's permit may, in the discretion of the director, be issued to the legally accredited representative of a deceased broker, the senior qualified salesman in that office or other qualified representative of the deceased, which shall be valid for a period not exceeding four months and in the case of a partnership or a corporation, the same rule shall prevail in the selection of a person to whom a temporary broker's permit may be issued.

SEC. 9. Section 18.85.161, RCW, as derived from section 21, chapter 222, Laws of 1951, is amended to read as follows: Amendment.

A nonresident broker may apply for and be issued a nonresident broker's license upon compliance with all of the provisions of this chapter. He shall not be required to maintain a definite place of business within this state, but shall retain in this state all funds arising from transactions within this state, until such funds are distributed to the proper parties involved, and he shall be subject to the requirements of this act relating to the handling and depositing of closing funds. Nonresident broker's license; requirements.

Any privileges accorded herein to a nonresident shall apply only to a licensed real estate broker of one year's experience or more and only so long as the broker shall (1) maintain an active place of business within the state of his domicile, and (2) maintain his license in good standing in the state of his domicile: *Provided*, That such nonresident is domiciled in a state which extends similar recognition and courtesies to licensed real estate brokers of this state: When any broker moves into this state from a state having similar reciprocal laws and desires a license, and if such broker has maintained a license in his home state in good standing prior to his moving into this state, he shall, in the discretion of the director, not be required to take the state examination for a license. Conditions.
Reciprocity.

The director may waive the requirement of examination of any applicant for a license in the case of an application from a nonresident who is licensed in a state having similar requirements, under the laws of which, similar recognition and courtesies are extended to licensees of this state. Waiver of examination.

Salesmen employed by a nonresident broker who has been issued a nonresident broker's license may operate for such broker in this state upon payment Salesmen of nonresident broker licensee.

of the license fee required of salesmen, during such time as they continue licensed under the nonresident broker in this state and if such salesman maintains a license in good standing under his broker in his home state.

Amendment.

SEC. 10. Section 18.85.210, RCW, as derived from section 27, chapter 252, Laws of 1941, as last amended by section 8, chapter 203, Laws of 1947, is amended to read as follows:

Annual
publication
of director.

The director shall publish annually a list of names and addresses of brokers and salesmen licensed under the provisions hereof, together with a copy of this chapter not later than August 15th, and such information relative to the enforcement of the provisions hereof as he may deem of interest to the public; and he shall mail one copy thereof to each licensed broker. The director may, if it seems advisable, recommend standard forms for use by real estate brokers and include them in the manual or directory.

Amendment.

SEC. 11. Section 18.85.220, RCW, as derived from section 7, chapter 252, Laws of 1941, is amended to read as follows:

Disposition
of license and
examination
fees.

All fees required under the provisions of this chapter shall be paid to the state treasurer. The sum of five dollars from each license fee and each renewal fee received from a broker, associate real estate broker, or salesman, shall be placed in the general fund. The balance of such fees and all other fees paid under the provisions of this chapter shall be placed in a special fund to be designated the real estate commission fund, at least one half of which shall be held and used for the sole purpose of inspecting the books, records and operations of the brokers, associate brokers, and salesmen.

SEC. 12. Section 18.85.230, RCW, as derived from section 19, chapter 252, Laws of 1941, as last amended by section 16, chapter 222, Laws of 1951, is amended to read as follows:

- 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, associate real estate broker, or real estate salesman, regardless of whether the transaction was for his own account or in his capacity as broker, and may temporarily suspend or permanently revoke or deny the license of any holder who is guilty of:
- (1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director; Investigation by director; authorized.
- (2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto; Grounds for license suspension, revocation or denial:
- (3) A crime against the laws of this or any other state or government, involving moral turpitude or dishonest dealings; License wrongfully obtained.
- (4) 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 thereon to his damage or injury, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises; Violation of act.
- (5) 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 acts to his injury or damage; Criminal conduct.
- (6) Accepting the services of, or continuing in a representative capacity, any salesman who has not False statements.
- Fraudulent conduct.
- Employing unlicensed salesman.

been granted a license, or after his license has been revoked or during a suspension thereof;

Conversion.

(7) Conversion of 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 of any other person, when delivered to him in trust or on condition, in violation of the trust, or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

Failure to disclose information to director.

(8) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book or record in his possession for inspection of the director or his authorized representatives acting by authority of law;

Making sales after objections made.

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

Dishonest acts.

(10) Committing any act of fraudulent or dishonest dealing and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

Advertising improperly.

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesman or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesman or associate broker operates, to the advertisement;

Taking other than cash as earnest money.

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction;

Compensation from more than one party.

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

Undisclosed commissions, etc.

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

Appraisal on a predetermined value.

(16) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless his interest is clearly stated in the appraisal report;

Undisclosed interest in appraisal report.

(17) Misrepresentation of his membership in any state or national real estate association.

Misrepresentation of membership.

SEC. 13. Section 18.85.310, RCW, as derived from section 18, chapter 252, Laws of 1941, as last amended by section 19, chapter 222, Laws of 1951, is amended to read as follows:

Amendment.

Every licensed real estate broker shall keep adequate records of all real estate transactions handled by or through him. The records shall include, but are not limited to, a copy of the earnest money receipt, and an itemization of the broker's receipts and disbursements with each transaction. These records and all other records hereinafter specified shall be open to inspection by the director or his authorized representatives.

Brokers; records required to be kept.

Inspection.

Every real estate broker shall also deliver or cause to be delivered to all parties signing the same, at the time of signing, conformed copies of all earnest money receipts, listing agreements and all other like or similar instruments signed by the parties, including the closing statement.

Copies of earnest money receipts, etc., to parties.

Every real estate broker shall also keep separate real estate fund accounts in a recognized Washington state depository authorized to receive funds in

Separate real estate fund accounts.

which shall be kept separate and apart and physically segregated from licensee broker's own funds, all funds or moneys of clients which are being held by such licensee broker pending the closing of a real estate sale or transaction, or which have been collected for said client and are being held for disbursement for or to said client and such funds shall be deposited not later than the first banking day following receipt thereof.

Revocation of license; grounds.

Any violation by a real estate broker of any of the provisions of this section, or RCW 18.85.230, shall be grounds for revocation of the licenses issued to the broker.

Amendment.

SEC. 14. Section 18.85.320, RCW, as derived from section 26, chapter 252, Laws of 1941, as last amended by section 7, chapter 203, Laws of 1947, is amended to read as follows:

Salesmen and associate brokers; license.

The license of a real estate salesman or associate real estate broker shall be retained at all times by his designated broker and when any real estate salesman or associate real estate broker ceases 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 such notice shall be accompanied by and include the surrender of the salesman's or associate real estate broker's license.

Notice of termination.

Failure to notify.

Failure of any broker to promptly notify the director of such salesman's or associate real estate broker's termination after demand by the affected salesman or associate real estate broker shall work a forfeiture of the broker's license. Upon application of the salesman or associate real estate broker and the payment of five dollars, the director shall issue a new license for the unexpired term, if such salesman or associate real estate broker is otherwise entitled thereto. When a real estate salesman's or associate real estate broker's services shall be terminated by his broker for a violation of any of the provisions of

Notice of termination for violation.

RCW 18.85.230, a written statement of the facts in reference thereto shall be filed forthwith with the director by the broker.

SEC. 15. Section 18.85.330, RCW, as derived from section 24, chapter 252, Laws of 1941, as last amended by section 6, chapter 118, Laws of 1943, is amended to read as follows: Amendment.

It shall be unlawful for any licensed broker to pay any part of his commission or other compensation to any person who is not a licensed real estate broker in any state of the United States or its possessions or any province of the Dominion of Canada, or to a real estate salesman not licensed to do business for such broker; or for any licensed salesman to pay any part of his commission or other compensation to any person, whether licensed or not, except through his broker. Sharing
commission
or com-
pensation;
brokers.

Salesmen.

SEC. 16. Section 18.85.350, RCW, as derived from sections 21 and 22, chapter 252, Laws of 1941, as last amended by section 6, chapter 203, Laws of 1947, is amended to read as follows: Amendment.

The director may prefer a complaint for violation of any section of this chapter before any court of competent jurisdiction. Enforcement
of chapter;
director.

The prosecuting attorney of each county shall prosecute any violation of the provisions of this chapter which occurs in his county, and if the prosecuting attorney fails to act, the director may request the attorney general to take action in lieu of the prosecuting attorney. Prosecuting
attorney.

Attorney
general.

Process issued by the director shall extend to all parts of the state, and may be served by any person authorized to serve process of courts of record. Process.

The director may petition the superior court in any county in this state for the immediate appointment of a receiver to take over, operate or close any real estate office in this state which is found, upon inspection of its books and records to be operating Receiver.

in violation of the provisions of this chapter, pending a hearing as herein provided.

New section.

SEC. 17. Chapter 18.85, RCW, as derived from chapter 252, Laws of 1941, as amended, is amended by adding a new section thereto reading as follows:

Real estate commission; creation and composition.

There is established the Real Estate Commission of the state of Washington, consisting of the director of the commission and six board members who shall act in an advisory capacity to the director.

Appointment. Terms of office.

The six board members shall be appointed by the governor in the following manner: For a term of six years each, with the exception of the first appointees, who shall be appointed one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and one for a term of six years, with all other subsequent appointees to be appointed for a six-year term.

Geographic requirements.

Three of the board members shall be selected from the area in the state west of the Cascade mountain range and three shall be selected from that area of the state east of the Cascade mountain range.

Qualifications.

No commission member shall be appointed who has had less than five years experience in the sale, operation or management of real estate in this state, or has had at least three years experience in investigative work or work of a similar nature, preferably in connection with the administration of real estate license law of this state or elsewhere.

Vacancies.

Any vacancies on the commission shall be filled by appointment by the governor for the unexpired term.

New section.

SEC. 18. Chapter 18.85, RCW, as derived from chapter 252, Laws of 1941, as amended, is amended by adding a new section thereto reading as follows:

Real estate commission; powers and duties.

The commission shall have authority to hold educational conferences for the benefit of the industry, and shall conduct examinations of applicants for licenses under this chapter. It shall be charged with

the preparation of such examinations and shall administer them at stated periods, with not less than three examinations per year in each of the following six areas of the state per year: northwest Washington, southwest Washington, northeast Washington, southeast Washington, north central Washington, and south central Washington.

SEC. 19. Section 18.85.020, RCW, as derived from section 1, chapter 252, Laws of 1941, and section 18.85.070, RCW, as derived from section 13, chapter 252, Laws of 1941, as last amended by section 5, chapter 222, Laws of 1951, are repealed. Repealing clause.

Passed the House March 5, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 236.

[H. B. 256.]

BANKS AND TRUST COMPANIES—LIQUIDATIONS.

AN ACT relating to banks and trust companies, liquidations thereof and amending section 30.44.240, RCW.

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

Amendment.

SECTION 1. Section 30.44.240, RCW, as derived from section 75, chapter 80, Laws of 1917, as last amended by section 12, chapter 115, Laws of 1923, is amended to read as follows:

Transfer of assets and liabilities on voluntary liquidation.

A bank or trust company may for the purpose of voluntary liquidation transfer its assets and liabilities to another bank or trust company, by a vote, or with the written consent of the stockholders of record owning two-thirds of its capital stock, but only with the written consent of the supervisor and upon such terms and conditions as he may prescribe. Upon any such transfer being made, or upon the liquidation of any such corporation for any cause whatever or upon its being no longer engaged in the business of a bank or trust company, the supervisor shall terminate its certificate of authority, which shall not thereafter be revived or renewed. When the certificate of authority of any such corporation shall have been revoked, it shall forthwith collect and distribute its remaining assets, and when that is done the supervisor shall certify the fact to the secretary of state, whereupon the corporation shall cease to exist and the secretary of state shall note that fact upon his records.

Revocation of certificate.

Passed the House February 14, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 237.

[H. B. 284.]

CONSTABLES.

AN ACT relating to constables, permitting the county commissioners to abolish the office or vary the duties, and amending section 3.08.010, RCW.

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

SECTION 1. Section 3.08.010, RCW, as derived from section 13, page 225, Laws of 1854, as amended by section 2796, Laws of 1881, is amended to read as follows: Amendment.

At each general election for the election of county officers there may be elected by the qualified electors of each precinct as many constables as there are justices of the peace elected, or authorized to be elected therein. Election.

SEC. 2. The county commissioners of any county may, by resolution, abolish the office of constable in that county: *Provided*, That the resolution shall not affect the length of term nor the amount of compensation of any constable holding office at the time the resolution is adopted for the balance of his unexpired term. Abolishment of office.

SEC. 3. The county commissioners of any county may, by resolution, broaden or restrict the powers and duties of constables in that county: *Provided*, That no constable shall be given powers or duties broader than those provided by law for constables or for deputy sheriffs: *Provided further*, That such a resolution shall not affect the length of term nor amount of compensation of any constable holding office at the time the resolution is adopted during the balance of his unexpired term. Powers and duties may be changed.

Passed the House February 19, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 238.

[H. B. 294.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks, and amending chapter 32.20, sections 32.12.010, 32.12.070, 32.12.090, 32.20.050, 32.20.120 and 32.20.260, RCW.

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

Amendment:

SECTION 1. Section 32.12.010, RCW, as derived from section 17, chapter 175, Laws of 1915, as last amended by section 4, chapter 119, Laws of 1949, is amended to read as follows:

Limitation on amount of deposit.

When the aggregate amount of deposits and dividends to the credit of any depositor, including in such aggregate all deposits and dividends credited to the depositor as trustee or beneficiary of any voluntary and revocable trust and all deposits and dividends credited to the depositor and another, or others, in either joint or several form, is ten thousand dollars or more, such aggregate shall not be increased by the receipt from the depositor of any further deposit but may be increased by the crediting of dividends or by the consolidation of savings banks having common depositors. Additional accounts may, however, be maintained in the name of a parent as trustee for a dependent or minor child, or in the name of a child as trustee for a dependent parent, but not more than one thousand dollars shall be deposited to any such additional account during any six months period; and additional accounts may be maintained by a person, society, or corporation as administrator, executor, guardian, or trustee under a will: *Provided*, That notwithstanding anything contained in this section, mutual savings banks may accept deposits to the fullest extent that such deposits are insured by the United States government, or any agency thereof, including the federal deposit insurance corporation.

Every such bank may further limit the aggregate amount which an individual or any corporation or society may have to his or its credit to such sum as such bank may deem expedient to receive; and may in its discretion refuse to receive a deposit, or may at any time return all or any part of any deposits or require the withdrawal of any dividend.

Bank may limit deposit or require withdrawal.

SEC. 2. Section 32.12.070, RCW, as derived from section 23, chapter 175, Laws of 1915, as last amended by section 3, chapter 15, Laws of 1941, is amended to read as follows:

Amendment.

(1) Gross current operating earnings. Every savings bank shall close its books, for the purpose of computing its net earnings, at the end of any period for which a dividend is to be paid, and in no event less frequently than semiannually. To determine the amount of gross earnings of a savings bank during any dividend period the following items may be included:

Computation of earnings; banks to close books.

Gross earnings.

(a) All earnings actually received during such period, less interest accrued and uncollected included in the last previous calculation of earnings;

(b) Interest accrued and uncollected upon debts owing to it secured by authorized collateral, upon which there has been no default for more than one year, and upon corporate bonds, or other interest bearing obligations owned by it upon which there is no default;

(c) The sums added to the cost of securities purchased for less than par as a result of amortization;

(d) Any profits actually received during such period from the sale of securities, real estate or other property owned by it;

(e) Such other items as the supervisor, in his discretion and upon his written consent, may permit to be included.

Net earnings.

(2) Net current earnings. To determine the amount of its net earnings for each dividend period the following items shall be deducted from gross earnings:

(a) All expenses paid or incurred, both ordinary and extraordinary, in the transaction of its business, the collection of its debts and the management of its affairs, less expenses incurred and interest accrued upon its debts deducted at the last previous calculation of net earnings for dividend purposes;

(b) Interest paid or accrued and unpaid upon debts owing by it;

(c) The amounts deducted through amortization from the cost of bonds or other interest bearing obligations purchased above par in order to bring them to par at maturity.

The balance thus obtained shall constitute the net earnings of the savings bank for such period.

Amendment.

SEC. 3. Section 32.12.090, RCW, as derived from section 25, chapter 175, Laws of 1915, as last amended by section 4, chapter 156, Laws of 1921, is amended to read as follows:

Dividends;
rate.

(1) Every savings bank shall regulate the rate of dividends not to exceed six percent per annum upon the amounts to the credit of depositors therewith, in such manner that depositors shall receive as nearly as may be all the earnings of the bank after transferring the amount required by section RCW 32.08.120 and such further amounts as its trustees may deem it expedient and for the security of the depositors to transfer to the guaranty fund, which to the amount of ten percent of the amount due its depositors the trustees shall gradually accumulate and hold. Such trustees may also deduct from its net earnings, and carry as reserves for losses, or other contingencies, or as undivided profits, such additional sums as they may deem wise.

(2) Every savings bank may classify its depositors according to the character, amount or duration of their dealings with the savings bank, and may regulate the dividends in such manner that each depositor shall receive the same ratable portion of dividends as all others of his class.

Classification of depositors.

(3) Unimpaired contributions to the initial guaranty fund and to the expense fund, made by the incorporators or trustees of a savings bank, shall be entitled to have dividends apportioned thereon, which may be credited and paid to such incorporators or trustees. Whenever the guaranty fund of any savings bank is sufficiently large to permit the return of such contributions, the contributors may receive dividends thereon not theretofore credited or paid at the same rate paid to depositors.

Unimpaired contributions of incorporators and trustees.

(4) A savings bank shall not:

Prohibitions.

(a) Declare, credit or pay any dividend except as authorized by a vote of a majority of the board of trustees duly entered upon its minutes, whereon shall be recorded the ayes and noes upon each vote;

(b) Pay any dividend other than the regular quarterly or semiannual dividend, or the extra dividend prescribed in subsection (5) of this section;

(c) Declare, credit or pay dividends on any amount to the credit of a depositor for a longer period than the same has been credited: *Provided*, That deposits made not later than the tenth business day of the month commencing any semiannual or quarterly dividend period, or the fifth business day of any month, or withdrawn upon one of the last three business days of the month ending any quarterly or semiannual dividend period, may have dividends declared upon them for the whole of the period or month when they were so deposited or withdrawn: *Provided further*, That, if the bylaws so provide, accounts closed between dividend periods may be credited with dividends at the rate of

the last dividend, computing from the first dividend period to the date when closed.

Extra dividends.

(5) The trustees of any savings bank whose undivided profits and guaranty fund, determined in the manner prescribed in RCW 32.12.070, amount to more than twenty-five percent of the amount due its depositors, shall at least once in three years divide equitably the accumulation beyond such twenty-five percent as an extra dividend to depositors in excess of the regular dividend authorized. A notice posted conspicuously in a savings bank of a change in the rate of dividends shall be equivalent to a personal notice.

Amendment.

SEC. 4. Section 32.20.050, RCW, as derived from section 4, chapter 74, Laws of 1929, is amended to read as follows:

Investment in bonds or interest bearing obligations of state or state agency.

A mutual savings bank may invest its funds in the bonds or interest bearing obligations of this state, or any agency thereof, issued pursuant to the authority of any law of this state, whether such bonds or interest bearing obligations are general or limited obligations of the state or such agency.

Amendment.

SEC. 5. Section 32.20.120, RCW, as derived from section 9, chapter 74, Laws of 1929, is amended to read as follows:

Investment in bonds or warrants of city or town L. I. D.'s; authorized.

A mutual savings bank may invest not to exceed fifteen percent of its funds in the bonds or warrants of any local improvement district of any city or town of this state (except bonds or warrants issued for an improvement consisting of grading only), unless the total indebtedness of the district after the completion of the improvement for which the bonds or warrants are issued, plus the amount of all other assessments of a local or special nature against the land assessed or liable to be assessed to pay the bonds, exceed fifty percent of the value of the benefited property, exclusive of improvements, at the time the bonds or warrants are purchased or taken by the

bank, according to the actual valuation last placed upon the property for general taxation.

Before any such bonds or warrants are purchased or taken as security the condition of the district's affairs shall be ascertained and the property of the district examined by at least two members of the board of investment who shall report in writing their findings and recommendations; and no bonds or warrants shall be taken unless such report is favorable, nor unless the executive committee of the board of trustees after careful investigation is satisfied of the validity of the bonds or warrants and of the validity and sufficiency of the assessment or other means provided for payment thereof: *Provided*, That, excepting bonds issued by local improvement districts in cities of the first or second class, for improvements ordered after June 7, 1927, no local improvement district bonds falling within the twenty-five percent in amount of any issue last callable for payment, shall be acquired or taken as security.

Investigation.

Bonds within 25% in amount of issue last callable for payment.

SEC. 6. Section 32.20.260, RCW, as derived from section 5, chapter 228, Laws of 1945, is amended to read as follows:

Amendment.

A mutual savings bank may invest not to exceed fifteen percent of its funds in contracts for the sale of real estate subject to the following restrictions:

Investment in real estate contracts.

- (1) That it acquire the title in fee to the property covered by such contract;
- (2) That the property subject to the contract is such as would be eligible, and that the balance owing thereon is no greater and is payable within the times prescribed under RCW 32.20.250 for a mortgage loan secured by the property;
- (3) That the purchaser shall not be in default in any of the terms of the contract.

The total amount which a mutual savings bank may invest in contracts for the sale of realty, mortgages upon real estate and participations therein, and

mortgages upon leasehold estates shall not exceed seventy percent of its funds.

New section.

SEC. 7. Chapter 32.20, RCW, as derived from chapter 74, Laws of 1929, as amended, is amended by adding thereto a new section to read as follows:

Investment in loans.

A mutual savings bank may invest in loans secured by first mortgages which are eligible for investment by such banks, the making or holding of which is participated in by others. The note, mortgage and insurance may run to the participants as their interests may appear and may be held by any one of the participants.

Passed the House February 17, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 239.

[H. B. 295.]

AUCTION SALES—JEWELRY—APPLIANCES.

AN ACT relating to sales of jewelry and appliances at auction; defining terms; providing for the issuance of licenses; prescribing fees therefor; and providing penalties.

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

Definitions.

SECTION 1. When used herein the following terms shall have the following meanings:

"Jewelry."

"Jewelry" includes gold, silver, plated ware, precious or semiprecious stones, mounted or unmounted, watches, clocks, and goods, wares and merchandise commonly classified as jewelry and commonly offered for sale in jewelry stores.

"Appliances."

"Appliances" means new, as distinguished from used, radios, television sets, washing machines, refrigerators, toasters, food mixers, waffle irons, and similar items commonly sold in retail jewelry stores.

“Auction” means the sale of jewelry and appliances at either private or public sale, upon oral or written bids, to the highest bidder, and shall include all such sales although denominated as “action” sales, or by any similar words. “Auction.”

SEC. 2. It shall be unlawful to sell, offer for sale, or attempt to sell at auction any jewelry or appliances unless a license has been obtained as hereinafter provided. License:
required.

SEC. 3. The county commissioners, in the county in which the auction sale is to be held, shall grant licenses for jewelry and appliance auctions only when the application therefor indicates: Application
require-
ments.

(1) The sale is to be held at the applicant's regularly established place of business, or at the place wherein his regular business has been operated for a period of at least one year prior to the application.

(2) The applicant has not been convicted of violating this act within a period of six years just prior to the date of application.

SEC. 4. The application shall also indicate the name, residence, address and business address of the applicant; the purpose for which the sale is to be held; the type of business engaged in during the prior two years, if any, and its location; whether the proposed sale is to be held at the applicant's existing regularly established place of business; whether the applicant will personally participate at the auction sale; whether any additions to the stock to be sold at auction have been made within sixty days prior thereto; the name, address and occupational history for the preceding two years of any person who will participate in conducting the sale. Same.

SEC. 5. The application shall also indicate whether the applicant will make or permit additions to be made to the stock described in the inventory, hereinafter referred to, after his filing the said inventory; Same.

whether he has conducted any auction of jewelry or appliances within a period of five years prior thereto, and if so, a statement when and where it occurred.

Same. SEC. 6. The application shall have attached thereto a detailed inventory listing each article to be sold, together with an inventory number for each article. Prior to the auction, the applicant shall cause to be attached to each article the inventory number, and this marking or tag must be attached to the article at all times during the duration of the auction sale.

Same. SEC. 7. The application shall indicate that no person will be employed in any manner in the conduct of the auction sale who has been convicted of any violation of this act within a period of six years prior thereto.

Same. SEC. 8. The applicant shall verify under oath or affirmation that all the data and statements in the application and the inventory are true and correct.

Articles that may be sold. SEC. 9. No articles shall be sold at the auction for which the application was obtained unless it was listed in the inventory accompanying the application, except that such articles may be sold if listed on a supplemental inventory subsequently approved by a majority of the board of county commissioners of the county in which such auction is held.

Articles purchased or stocked within 60 days prior to application. SEC. 10. No article shall be listed in the inventory or sold at the auction which was purchased or stocked by the applicant within sixty days prior to the application for auction, except that such articles may be sold if listed on a supplemental inventory subsequently approved by a majority of the board of county commissioners of the county in which such auction is held.

Conduct of auction; representations. SEC. 11. At all such auctions the applicant, and his employees and agents, shall represent to the public the true manufacture, quality and kind of said arti-

cles. If requested by anyone, a copy of the inventory will be shown. Copy of inventory to be shown.

SEC. 12. No article shall be sold at auction which has been falsely described or concerning which any false statement has been made by the applicant or his employees or agents. Effect of misrepresentation.

SEC. 13. The applicant shall cause to be displayed in a prominent place on the premises where the auction is being conducted a notice that all merchandise purchased may be returned, if it is at the time in the same condition as when purchased, for the amount paid, if returned within forty-eight hours from time of purchase. The said notice shall be of sufficient size as to be readily discernible by the bidders. Notice that purchased articles may be returned.

SEC. 14. No auction sale of jewelry or appliances shall be licensed for a period of more than thirty consecutive days, legal holidays excepted. Duration of license.

SEC. 15. The applicant will be responsible for compliance with this act whether he is present at or absent from the auction sale. Liability of applicant.

SEC. 16. In addition to the foregoing requirements, before issuance of a license for an auction of jewelry or appliances, the applicant shall pay therefor a fee of \$250.00, and shall file with the county commissioners a bond in a form approved by the county commissioners, executed by a surety company authorized to do business in this state, in an amount equal to one-half of the cost value of the articles inventoried for sale, said bond shall be approved by the county commissioners. Said bond shall run to the state of Washington and shall be conditioned that it is for the use or benefit of the person who may be damaged by the violation of this act by the licensee, his employees or agents, or who may have the cause of action against said licensee, his employees or agents, by reason of any matters arising out of the License; fee. Bond.

conduct of said auction sale. Any such person shall have, in addition to any other right of action which he may have, a right of action on such bond for all damages not exceeding \$1,000.00, and the aggregate liability of the surety upon said bond for all claims which may arise thereunder shall not exceed the sums specified in said bond. The county commissioners shall, upon compliance with all the above requirements, issue a license to hold an auction for the sale of jewelry and appliances.

County commissioners to issue, when.

Suspension and restoration of licenses.

Appeals.

SEC. 17. The County Commissioners may suspend and restore licenses as they deem reasonable or necessary to assure compliance with the provisions of this act. Appeal from such decision of County Commissioners may be made within ten days from date of filing of said decision of said County Commissioners, to the Superior Court by the applicant or any aggrieved person. Said appeal may be taken by the issuance of an order to show cause directed to said County Commissioners or by any other appropriate legal remedy afforded by law. Said appeal shall be speedily heard by said Superior Court under the rules of said Superior Court.

Exempt from act.

SEC. 18. This act shall not apply to any sale of second-hand jewelry or appliances, judicial sales or government sales, or sales by any executor, administrator, guardian, receiver, or trustee in bankruptcy so authorized by any court of competent jurisdiction.

License in addition to municipal licenses.

SEC. 19. Any such license shall be in addition to a license required by the ordinance of any municipality in which said sale is to be held.

Penalty.

SEC. 20. Any violation of this act is punishable, upon conviction, by a fine not exceeding five hundred dollars or by confinement in the county jail for not exceeding six months, or both.

Severability clause.

SEC. 21. If any section, subsection, phrase or provision of this act should be held invalid by any court

for any reason, such invalidity shall in no way affect the validity of the remainder of the act.

Passed the House March 5, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 240.

[H. B. 306.]

CIGARETTE TAX—FUND—COMPENSATION TO DEALERS.

AN ACT relating to certain excise taxes on cigarettes, allowing certain dealers compensation for affixing stamps; and amending section 73.32.130, RCW, and section 82.24.070, RCW.

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

SECTION 1. Section 73.32.130, RCW, as derived from section 9, chapter 180, Laws of 1949, is amended to read as follows: Amendment.

For the purpose of creating the fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by chapter 82.24 as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the war veterans' compensation bond retirement fund hereinafter provided for. Cigarette excise tax; disposition of proceeds.

In addition thereto, there is hereby levied and there shall be collected by the tax commission from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling or distribution of cigarettes in an amount equal to one cent upon each ten cents or fraction of the intended retail selling price thereof, but the provisions of RCW 82.24.070 allowing dealers' compensa- Additional cigarette excise tax; levy.

Compensation of wholesalers and retailers.

tion for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24, RCW, shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

Disposition of proceeds.

All money derived from such tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Disposition of excess proceeds from cigarette excise taxes.

Whenever the receipts into the war veterans' compensation bond retirement fund during any year exceed four million five hundred thousand dollars, all sums received above that amount shall be transferred by the state treasurer to the state general fund, and whenever there has accumulated in the war veterans' compensation bond retirement fund four million one hundred thousand dollars in excess of the amount required in any year, as determined by the state finance committee, to meet obligations during that year for bond retirement and interest, the state treasurer shall transfer from such fund to the general fund all money in excess of such amount.

Amendment.

SEC. 2. Section 82.24.070, as derived from section 82, chapter 180, Laws of 1935, as amended by section 13, chapter 228, Laws of 1949, is amended to read as follows:

Cigarette excise tax; compensation of dealers.

Wholesalers and retailers subject to the provisions of this chapter shall be allowed as compensation for their services in affixing the stamps herein required

a sum equal to five percent of the value of the stamps purchased or affixed by them.

Passed the House March 6, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 241.

[H. B. 362.]

APPROPRIATION—DEFICIENCY—CITIES AND COUNTIES—HIGHWAYS.

AN ACT relating to public highways; making a deficiency appropriation for incorporated cities and towns and counties from motor vehicle fund; 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 to incorporated cities and towns made by regular session of the 1951 legislature, (section 19, chapter 273, Laws of 1951), the sum of seven hundred fifty thousand dollars, or so much thereof as shall become available under the provisions of chapter 181, Laws of 1939, and amendments thereof, is hereby appropriated to incorporated cities and towns from the motor vehicle fund, to be paid out and expended in the manner provided by law, for the biennium ending March 31, 1953.

Deficiency appropriation to cities and towns.

SEC. 2. By reason of a deficiency existing in the appropriation to counties of the state, including counties composed entirely of islands, made by regular session of the 1951 legislature, (section 20, chapter 273, Laws of 1951), the sum of two million three hundred thousand dollars, or so much thereof as shall become available under the provisions of chapter 181, Laws of 1939, and amendments thereof, is hereby appropriated to counties of the state, including counties composed entirely of islands, from the motor

Deficiency appropriation to counties.

vehicle fund to be paid out and expended in the manner provided by law, for the biennium ending March 31, 1953.

Emergency.

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

Passed the House February 24, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 242.

[H. B. 347.]

BALLOT TITLES.

AN ACT relating to elections, amending sections 29.27.060 and 29.79.040, RCW, and amending chapter 29.27, RCW, by adding two new sections thereto.

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

Amendment.

SECTION 1. Section 29.27.060, RCW, as derived from section 1, chapter 135, Laws of 1913, is amended to read as follows:

State-wide elections; statement of proposition.

When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement not exceeding seventy-five words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

County or municipal elections; advertisement of proposition.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement not exceeding seventy-five words containing the essential features thereof expressed in such a

manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

Statement of proposition.

In addition to such a statement, the official preparing the statement, whether the attorney general, city attorney, or prosecuting attorney, as the case may be, shall also prepare a caption, not to exceed five words in length, to permit the voters readily to identify the proposition and distinguish it from other propositions on the ballot. This caption shall be placed on the ballot immediately before the statement, and shall be printed in heavy black type in such a manner as to be readable at a glance. The caption and statement together shall constitute the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

Captions.

Ballot title; defined.

Certification.

SEC. 2. Section 29.79.040, RCW, as derived from section 2, chapter 138, Laws of 1913, is amended to read as follows:

Amendment.

Within ten days after the receipt of an initiative or referendum measure the attorney general shall formulate therefor and transmit to the secretary of state a statement of not to exceed one hundred words, bearing the serial number of the measure. The statement may be distinct from the legislative title of the measure, and shall express, and give a true and impartial statement of the purpose of the measure; it shall not be intentionally an argument, nor likely to create prejudice, either for or against the measure. In addition to such statement, the attorney general shall also prepare a caption, not to exceed five words in length, to permit the voters readily to identify the

Initiative and referendum; statement of proposition.

Caption.

Ballot title defined. initiative or referendum measure and distinguish it from other questions on the ballot. This caption and the statement together shall constitute the ballot title. The ballot title formulated by the attorney general shall be the ballot title of the measure unless changed on appeal.

New section. SEC. 3. Chapter 29.27, RCW, is amended by adding a new section thereto reading as follows:

Notice of ballot title language. Upon the filing of a ballot title as defined in RCW 29.27.060, the secretary of state, in event it is a state question, or the county auditor in the event it is a county or other local question, shall forthwith notify the persons proposing the measure of the exact language of the ballot title.

New section. SEC. 4. Chapter 29.27, RCW, is amended by adding a new section thereto reading as follows:

Appeals; petition. If the persons filing any state or local question covered by RCW 29.27.060 are dissatisfied with the ballot title formulated by the attorney general, city attorney, or prosecuting attorney preparing the same, they may at any time within ten days from the time of the filing of the ballot title appeal to the superior court of Thurston county if it is a state-wide question, or to the superior court of the county where the question is to appear on the ballot, if it is a county or local question, by petition setting forth the measure, the ballot title objected to, their objections to the ballot title and praying for amendment thereof. The time of the filing of the ballot title, as used herein in determining the time for appeal, is the time the ballot title is first filed with the secretary of state, if concerning a state-wide question, or the county auditor, if a local question, the secretary of state or the county officer being herein called the "filing officer."

Service. A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the filing officer and the official preparing the

ballot title. Upon the filing of the petition on appeal, the court shall forthwith, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed measure, the ballot title filed and the objections thereto and may hear arguments thereon, and shall as soon as possible render its decision and certify to and file with the filing officer such ballot title as it determines will meet the requirements of this chapter. The decision of the superior court shall be final, and the title so certified shall be the established ballot title. Such appeal shall be heard without cost to either party.

Hearing.

Decision.

Costs.

Passed the House March 3, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 243.

[H. B. 348.]

PORT DISTRICTS—LEASING OF PROPERTY.

AN ACT relating to the leasing of property by port districts, amending section 53.08.080, RCW, and declaring an emergency.

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

SECTION 1. Section 53.08.080, RCW, as derived from section 4, chapter 92, Laws of 1911, as last amended by section 2, chapter 166, Laws of 1943, is amended to read as follows:

Amendment.

A district may lease all lands, wharves, docks, and property owned and controlled by it, upon such terms as the port commission deems proper: *Provided*, That no lease shall be for a period longer than thirty years, and each lease shall be secured by a bond, with surety satisfactory to the port commis-

Authorized.

30 year
maximum.

Bond.

Airport
purposes.

Bonds for
leases over
5 years.

sion, in a penalty not less than the rental for one-sixth of the term, but in no case less than the rental for one year where the term is one year or more, conditioned to perform the terms of such lease: *Provided further*, That where the property involved is or is to be devoted to airport purposes and construction work and/or to the construction or maintenance of facilities for the comfort and accommodation of air travelers (but which facilities shall also be open to the general public) or the installation of new facilities is contemplated, the port commission may lease said property for such period as may equal the estimated useful life of such work or facilities, but not to exceed seventy-five years: *Provided further*, That in a lease the term of which exceeds five years, and when at the option of the port commission it is so stipulated in the lease, the commission shall accept, with surety satisfactory to it, a bond conditioned to perform the terms of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder) and in every such case the commission shall require of the lessee, another or other like bond to be delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term so that there will always be in force a bond securing the performance of the lease, and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no bond shall be construed to secure the furnishing of any other bond.

Emergency.

SEC. 2. 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 3, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 244.

[S. B. 239.]

PUBLIC LANDS—SALE OF PROPERTY IN COWLITZ COUNTY.

AN ACT relating to the sale and conveyance of certain real property in Cowlitz county; and providing for the disposition of the proceeds thereof.

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

SECTION 1. The director of conservation and development may sell lots 1, 2, 3 and 4 of block 2, Central Addition to the city of Kelso, Cowlitz county, Washington, according to the duly recorded plat thereof, together with appurtenances, to the Kelso Young Men's Christian Association, for such price as will meet the approval of the governor.

Authority
to sell and
description.

SEC. 2. The governor is hereby authorized and directed to execute, and the secretary of state to attest, a proper deed to effectuate the purposes of section 1 hereof.

Deed.

SEC. 3. The consideration received from the sale provided for in section 1 hereof shall be credited to the Clark-McNary fund.

Disposition
of proceeds.

Passed the Senate February 18, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 245.

[S. B. 378.]

INTOXICATING LIQUOR LICENSES—RESTRICTIONS—
INSPECTION OF PREMISES.

AN ACT relating to intoxicating liquor; and amending section
66.24.020, RCW.

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

Amendment. SECTION 1. Section 66.24.020, RCW, as derived
from section 1, chapter 144, Laws of 1947, is amended
to read as follows:

Inspection. For the purpose of considering any application for
a license, the board may cause an inspection of the
premises to be made, and may inquire into all mat-
ters in connection with the construction and opera-
tion of the premises. The board may, in its discre-
tion, grant or refuse the license applied for. No
retail license of any kind shall be issued to:

License
discretionary
with board.
License
not to be
issued to:

Alien unless
treaty. (1) A person who is not a citizen of the United
States, except when the privilege is granted by
treaty;

Nonresident.
Exception. (2) A person who has not resided in the state for
at least one year prior to making application, except
in cases of licenses issued to dining places on rail-
roads, boats, or aircraft;

Felon. (3) A person who has been convicted of a felony
within five years prior to filing his application;

Copartner-
ship unless
all members
qualified. (4) A copartnership, unless all of the members
thereof are qualified to obtain a license, as pro-
vided in this section;

Person,
unless his
manager
or agent is
qualified. (5) A person whose place of business is con-
ducted by a manager or agent, unless such manager
or agent possesses the same qualifications required
of the licensee;

Person
convicted of
violating
liquor laws
or forfeiting
bond. (6) A person who has been convicted of a viola-
tion of any federal or state law concerning the manu-
facture, possession, or sale of alcoholic liquor within

the last preceding five years, or has forfeited his bond to appear in court within the last preceding five years to answer charges for any such violation;

(7) A corporation, unless all of the officers thereof are citizens of the United States.

Corporation unless officers are U. S. citizens.

Passed the Senate February 27, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 246.

[S. B. 57.]

BLACKBERRIES—LABELING OF CONTAINERS.

AN ACT relating to labeling of containers of cold processed blackberries; and defining crimes.

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

SECTION 1. All cold processed blackberries packed or offered for sale shall be legibly labeled or stamped to state whether they are from undomesticated and uncultivated canes or from domesticated, cultivated canes.

Cold processed blackberries label requirements.

SEC. 2. Every violation of this act is a misdemeanor.

Penalty.

Passed the Senate February 16, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 247.

[S. B. 271.]

BULK SALES LAW.

AN ACT relating to the purchase, sale and transfer of certain businesses, stocks of goods, wares and merchandise, fixtures and equipment in bulk; amending sections 63.08.020, 63.08-.030, 63.08.040 and 63.08.050, RCW.

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

Amendment.

SECTION 1. Section 63.08.020, RCW, as derived from section 1, chapter 98, Laws of 1943, is amended to read as follows:

Affidavit as to creditors; required.

Every person who bargains for or purchases all or substantially all of any stock of goods, wares, or merchandise, or a restaurant, cafe, beer parlor, tavern, hotel, club, or gasoline service station, 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, shall, 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, demand of and receive from the vendor or his agent, or, if the vendor or agent is a corporation, from the president, vice-president, secretary, treasurer, or managing agent of the corporation, a statement in writing, sworn to substantially as hereinafter provided, giving the names and addresses of all persons to whom the vendor is indebted for or on account of services, commodities, goods, wares, or merchandise, 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, or fixtures and equipment, bargained for or purchased, are a part, together with the amount

Contents.

of indebtedness due and owing and to become due and owing, by the vendor, to each of the creditors and the amount of unpaid taxes with respect to the operation of the business of the vendor; and the vendor or agent shall furnish the statement together with a statement of the consideration to be paid.

SEC. 2. Section 63.08.030, as derived from section 1, chapter 98, Laws of 1943, is amended to read as follows: Amendment.

The statement shall be to the following effect:

State of Washington }
 County of } ss.

Form of affidavit as to creditors.

....., 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), 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, vendee, whose address is No., street, in the city (or town) of, county of, state of Washington, for and in consideration of \$.....; that the foregoing statement contains the names of all the creditors of, the vendor, to whom the vendor is indebted, for or on account of services, commodities, goods, wares, or merchandise, 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, 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, the vendor, to such creditors respectively; that all taxes with respect to the operation of the business of the vendor have been paid, or if unpaid, that the amount of taxes set forth is the correct amount due according to the best knowledge of the vendor but subject to the final audit of the vendor's records by the state tax commission; that there are no creditors holding claims for or on account of such services, commodities, goods, wares, or merchandise, 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 business of the vendor, due or to become due from the vendor, other than as set forth in said statement; and that the matters set forth in said statement and in this affidavit are within my personal knowledge.

.....
 Subscribed and sworn to before me this.....
 day of, 19.....

.....
 Title of officer taking oath

Amendment.

SEC. 3. Section 63.08.040, RCW, as derived from section 1, chapter 98, Laws of 1943, is amended to read as follows:

The verified statement shall be made and executed in triplicate and delivered to the vendee who shall cause one of such statements to be filed in the office of the county auditor of the county in which the stock or fixtures proposed to be purchased are situated and served upon the office of the state tax commission, by mail or otherwise, at least seven days before the consummation of the purchase, and it shall be indexed as chattel mortgages are indexed,

Affidavit as to creditors; in triplicate.

Filing with county auditor.

Service on state tax commission.

Indexed as chattel mortgage.

the name of the vendor being indexed as mortgagor and the name of the intending purchaser as mortgagee.

SEC. 4. Section 63.08.050, RCW, as derived from section 2, chapter 122, Laws of 1939, is amended to read as follows: Amendment.

Whenever a person bargains for or purchases all or substantially all of a stock of goods, wares, or merchandise, or any restaurant, cafe, beer parlor, tavern, hotel, club, or gasoline service station, or all or substantially all of the fixtures and equipment used in and about the business of the vendor, in bulk, for cash or credit, and pays any part of the purchase price, or executes, or delivers to the vendor thereof, or to his order, or to any person for his use, a promissory note or other evidence of indebtedness for the purchase price, or any part thereof, without having demanded and received from the vendor or from his agent, the statement hereinbefore provided for, and without applying or causing to be applied such purchase price first, to the taxes with respect to the operation of the business of the vendor and without applying or causing to be applied the balance of such purchase price; secondly, pro rata to the payment of the bona fide claims of the creditors of the vendor as shown upon the statement, and without filing the statement in the office of the county auditor at least seven days before the consummation of the purchase, the sale or transfer shall be fraudulent and void as to creditors of the vendor, of the character to be included in the statement: *Provided*, That if the vendor produces and delivers a written waiver of the provisions of this act, from his creditors, as shown by the statement, the provisions of this section shall not apply. Transfer fraudulent and void as to creditors, when.

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 248.

[S. B. 276.]

MOTOR VEHICLES—STOPPING AND TURNING—SIGNALS.

AN ACT relating to motor vehicles; providing for mechanical turning and stopping signals; requiring certain hand signals; and for other purposes; and amending sections 46.60-.120 and 46.40.090, RCW.

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

Amendment. SECTION 1. Section 46.60.120, RCW, as derived from section 3, chapter 157, Laws of 1949, is amended to read as follows:

Stop and turn signals; authorized means of giving.

(1) Any stop or turn signal when herein required shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device except as otherwise provided in paragraph (2);

Signal lamps or mechanical signals required, when.

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, and also to any combination of vehicles;

Hand signals; giving of.

(3) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

Left turn.

(a) Left turn—hand and arm extended horizontally beyond the side of the vehicle;

Right turn.

(b) Right turn—hand and arm extended upward beyond the side of the vehicle;

(c) Stop or sudden decrease of speed signal—hand and arm extended downward beyond the side of the vehicle.

Decrease in speed or stopping.

(4) (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 46.60.110, RCW, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinbefore provided in the event any other traffic may be affected by such movement.

Turning at an intersection.

Turning from a direct course.

Turn signal required, when.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning or during a period of time not less than that time required to traverse a distance in feet equal to five times the maximum speed in miles per hour allowed by law during the approach to the point of turning or stopping.

Duration of turn signals.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Decrease in speed or stop signal required, when.

SEC. 2. Section 46.40.090, RCW, as derived from section 4, chapter 267, Laws of 1947, as amended, is amended to read as follows:

Amendment.

Any motor vehicle may be equipped, and when required under this chapter, shall be equipped with the following signal lamps and devices:

Signal lamps and devices.

(1) (a) A stop lamp on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp.

Stop lamp.

Device to indicate intention to turn.

(b) A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear from a distance of one hundred feet.

Self-cancelling turn signals.

(c) No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer or semi-trailer, except a motorcycle or a motor-driven cycle, registered in this state and manufactured, or assembled after January 1, 1954, unless it is equipped with mechanical or electrical self-cancelling turn signals meeting requirements as established from time to time by the commission on equipment pursuant to authority vested under RCW 46.36.010: *Provided*, That such turn signals shall not be self-cancelling with respect to trailers or semi-trailers, and need not be self-cancelling with respect to any truck designed for use in combination with another vehicle.

Visibility of stop and signal lamps.

(2) A stop lamp shall be plainly visible and understandable from a distance of one hundred feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating an intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

Self-illumination of mechanical signal devices.

(3) On or after January 1, 1948, all mechanical signal devices shall be self-illuminated when permitted or required under the provisions of this chapter.

Approval of signal lamps and devices.

(4) No signal lamp or signal device shall be used to give signal of intention to stop or of intention to turn to the right or left unless and until the

same has been approved by the state commission on equipment.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 249.

[S. B. 347.]

SUPPORT OF COUNTY LAW LIBRARIES.

AN ACT relating to county law libraries; creating a fund for the maintenance thereof; prescribing duties of clerks of superior courts and justices of the peace; and amending sections 27.24.070, 27.24.080 and 27.24.090, RCW.

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

SECTION 1. Section 27.24.070, RCW, as derived from section 8, chapter 84, Laws of 1919, is amended to read as follows: Amendment.

In every civil action commenced in the superior courts, there shall be paid to the clerk of the court, and in every civil action commenced in any justice court in which the demand or value of the property in controversy is one hundred dollars or more there shall be paid to the clerks of the justice court, in addition to the other fees required by law the following fees which are to be taxed as part of the costs in each case: Additional filing fees in superior and justice courts; authorized.

(1) By each person instituting an action, when the first paper is filed, one dollar and fifty cents in class A counties; one dollar in first, second, third, fourth, fifth, and sixth class counties. Person instituting action.

(2) By each defendant, other adverse party, or intervenor, appearing separately, when his appearance is entered on his first paper filed, one dollar and fifty cents in class A counties; one dollar in first, second, third, fourth, fifth, and sixth class counties. Defendant, adverse party or intervenor.

Probate
proceedings.

(3) In first, second, third, fourth, fifth, and sixth class and class A counties, in addition to the other fees required by law, the clerk shall also collect one dollar from each person initiating a probate proceeding and also from each person obtaining a final decree in a probate proceeding.

Amendment.

SEC. 2. Section 27.24.080, RCW, as derived from section 8, chapter 84, Laws of 1919, is amended to read as follows:

Disposition
of fees.

The clerk of the superior court or justice court shall pay the fees collected under authority of RCW 27.24.070 into the county treasury where they shall be credited to the county law library fund.

Amendment.

SEC. 3. Section 27.24.090, RCW, as derived from section 8, chapter 84, Laws of 1919, is amended to read as follows:

Discontinu-
ance of fees.

The collection of the fees directed in RCW 27.24.070 shall be discontinued whenever the board of trustees of a county library files with the county clerk and clerks of the justice courts a written resolution to the effect that the county library fund in its county is sufficient for all present needs, which resolution shall remain effective until it is later rescinded. Upon its rescission, the county clerk and clerks of the justice courts shall resume the collection of such fees.

Passed the Senate March 4, 1953.

Passed the House March 12, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 250.

[S. B. 430.]

SEWER DISTRICTS.

AN ACT relating to sewer districts; providing for submission to the electors of the proposition for a general tax levy at the election for formation of the sewer district; providing for the election of sewer commissioners; providing for the sale of unneeded property; providing a method of requiring connection to the public sewer; providing for adoption, amendment and revision of the comprehensive plan and additions and betterments thereto, both for the original area and annexed areas, by resolution, after approval by the board of health and an engineer appointed by the county commissioners; authorizing sewer districts to contract with counties, cities, towns, sewer districts, water districts, and other municipal corporations and with private persons, firms and corporations for joint use of property, facilities and services; providing for the issuance and sale of revenue bonds, by resolution of the commissioners, to pay for additions and betterments to the original comprehensive plan for both the original area and for annexed areas; providing for the collection and enforcement of sewer service and connection charges; authorizing the issuance and sale of refunding general obligation and sewer revenue bonds; providing for the formation of utility local improvement districts, either upon petition or upon resolution of the sewer commissioners; providing for divesting of the jurisdiction of the sewer commissioners to proceed with the formation of a utility local improvement district, initiated by resolution, on filing of written protest by the owners of forty percent of the property within the area; providing for the segregation of special assessments; providing for alternative methods for annexation of territory adjoining or in close proximity to the district; providing for the withdrawal of territory from a sewer district; amending sections 56.04.050, 56.08.010, 56.08.020, 56.08.030, 56.08.040, 56.08.050, 56.08.060, 56.12.030, 56.16.010, 56.16.020, 56.16.030, 56.16.040, 56.16.100, 56.16.110, 56.20.020, 56.20.030, 56.20.040, 56.24.010, 56.24.020, 56.24.030, 56.24.050, 56.24.060, RCW; adding a new section to chapters 56.08, 56.16 and 56.20, and declaring an emergency.

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

SECTION 1. Section 56.04.050, RCW, as derived Amendment.
from section 4, chapter 140, Laws of 1945, is amended to read as follows:

Upon entry of the findings of the final hearing on

Special election.

Time.

Notice.

Ballots.

the petition, if the commissioners find the proposed sewer system will be conducive to the public health, welfare, and convenience and be of special benefit to the land within the boundaries of the said proposed or reorganized district, they shall by resolution call a special election to be held not less than thirty days and not more than sixty days from the date thereof, and shall cause to be published a notice of such election at least once a week for four successive weeks in a newspaper of general circulation in the county, setting forth the hours during which the polls will be open, the boundaries of the proposed or reorganized district as finally adopted, and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed or reorganized district. The proposition shall be expressed on the ballots in the following terms:

Sewer DistrictYes

Sewer DistrictNo

or in the reorganization of a district, the proposition shall be expressed on the ballot in the following terms:

Sewer District Reorganization..Yes

Sewer District Reorganization..No

giving in each instance the name of the district as decided by the board.

Commissioners to submit tax levy proposition.

At the same election the county commissioners shall submit a proposition to the voters, for their approval or rejection, authorizing the sewer district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the forty-mill tax limitation provided by law, of not to exceed five mills, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

One year 5 mill tax.....Yes

One year 5 mill tax.....No

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition and the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area encompassed by the proposed district at the last preceding general state election.

Same: vote
required.

SEC. 2. There is added to chapter 56.08, RCW, a new section to read as follows:

The board of commissioners of a sewer district may sell, at public or private sale, property belonging to the district if the board determines by unanimous vote that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided.

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

Vetoed

No real property of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not less than six months prior to the date of sale by three disinterested real-estate brokers licensed under the laws of the state of Washington. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof.

Amendment.

SEC. 3. Section 56.08.010, RCW, as derived from section 9, chapter 140, Laws of 1945, is amended to read as follows:

Power to acquire property and rights.

Eminent domain.

Construction, etc., and operation, etc., of system.

Conduct sewage.

Sewage treatment plants.

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including the drainage of public highways, streets, and roads, with full authority to regulate the use and operation thereof and the service rates to be charged. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets; within and without the district, and condemn and purchase or acquire land and rights-of-way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or water courses and also other areas of land from pollution, from its sewers or its sewage treatment plant. A district may compel all property

owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems within the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Connecting of private drains and systems to district system.

SEC. 4. Section 56.08.020, RCW, as derived from section 2, chapter 212, Laws of 1947, is amended to read as follows:

Amendment.

The sewer commissioners before creating any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a plan for a system of sewers for the district suitable and adequate for present and future needs thereof. The comprehensive plan shall provide for the collection and disposal of sewage and industrial and other liquid wastes produced within the district; provide for the construction of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, treatment plants, and other methods of disposal of sewage. The comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carry-

Comprehensive plan.

Collection and disposal.

Cost and expense distribution.

Engineering and legal services.

ing out the purposes hereof. The comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the county commissioners and to the director of health, and must be approved in writing by the engineer and director of health.

Approval by engineer and director of health.

If the district includes portions of all of one or more cities or towns, the comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns before becoming effective. This section and RCW 56.08.030, 56.08.040, 56.08.050, 56.16.010, and 56.16.020, shall not apply to reorganized districts, except as specifically referred to in this section.

Amendment.

SEC. 5. Section 56.08.030, RCW, as derived from section 12, chapter 210, Laws of 1941, is amended to read as follows:

Expenditures before plan adopted and approved.

No expenditure for carrying on any part of such plan shall be made other than the necessary salaries of engineers, clerical, and office expenses of the district, and the cost of engineering, surveying, preparation, and collection of data necessary for making and adopting a general plan of improvements in the district, until the general plan of improvements has been adopted by the commissioners and approved as provided in section 4 of this act.

SEC. 6. Section 56.08.040, RCW, as derived from section 1, chapter 129, Laws of 1951, is amended to read as follows:

Area annexed; adoption of plan for additions and betterments.

Whenever an area has been annexed to a district after the adoption of the comprehensive plan, the commissioners shall have the right and duty to adopt by resolution a plan for additions and betterments to the original comprehensive plan to provide for the needs of the area annexed.

Amendment.

SEC. 7. Section 56.08.050, RCW, as derived from section 15, chapter 210, Laws of 1941, is amended to read as follows:

When the electors of a district have authorized the issuance of general obligation bonds or sewer revenue bonds of the district to carry out the comprehensive plan, the commissioners may proceed with the improvement to the extent specified in the proposition or propositions to incur the indebtedness and issue the bonds.

Commissioners to carry out plan.

SEC. 8. Section 56.08.060, RCW, as derived from section 48, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

A sewer district may enter into contracts with any county, city, town, sewer district, water district, or any other municipal corporation, or with any private person, firm or corporation, for the joint use of any property, facilities, or services, and a sewer district may provide sewer service to property owners outside the limits of the sewer district.

Contracts for joint use of property, etc.

SEC. 9. Section 56.12.030, RCW, as derived from section 1, chapter 212, Laws of 1947, is amended to read as follows:

Amendment.

Nominations for the first board of commissioners to be elected at the election for the formation of the sewer district shall be by petition of fifty qualified electors or ten percent of the qualified electors of the district, whichever is the smaller. The petition shall be filed in the auditor's office of the county in which the district is located at least thirty days before the election. Thereafter candidates for the office of sewer commissioner shall file declarations of candidacy and their election shall be conducted as provided by the general election laws. A vacancy shall be filled by appointment by the remaining commissioners until the next regular election for commissioners: *Provided*, That if there is a vacancy of the entire board a new board may be appointed by the board of county commissioners. Any person residing in the district who is at the time of election a qualified voter may vote at any election held in the sewer district.

Nominations for board of commissioners.

Election.

Vacancies.

Election
expense.

All expense of elections for the formation or reorganization of a sewer district shall be paid by the county in which the election is held and the expenditure is hereby declared to be for a county purpose, and the money paid for that purpose shall be repaid to the county by the district if formed or reorganized.

Amendment.

SEC. 10. Section 56.16.010, RCW, as derived from section 1, chapter 26, Laws of 1951, 2nd Extraordinary Session, is amended to read as follows:

General
indebtedness
proposition.

The sewer commissioners may submit at any general or special election, a proposition that said sewer district incur a general indebtedness payable from annual tax levies to be made in excess of the forty-mill tax limitation for the construction of any part or all of the comprehensive plan for the district. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid, and such proposition, to be effective, shall be adopted and assented to by three-fifths of the qualified voters of the said sewer district voting on said proposition at said election, at which such election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in said sewer district at the last preceding general state election.

Amendment.

SEC. 11. Section 56.16.020, RCW, as derived from section 2, chapter 129, Laws of 1951, is amended to read as follows:

Submission
of proposition
to issue
revenue
bonds.

At any general or special election, a proposition that the district issue revenue bonds for the construction or other costs of any part or all of the comprehensive plan may be submitted. The amount of the revenue bonds to be issued and the terms thereof shall be included in the proposition submitted. The proposition shall be adopted by a majority of the voters of the district voting thereon. When the prop-

osition has been adopted, the commissioners may forthwith carry out the general plan to the extent specified therein.

SEC. 12. Section 56.16.030, RCW, as derived from section 2, chapter 26, Laws of 1951, 2nd Extraordinary Session, is amended to read as follows: Amendment.

In the same manner as herein provided for the adoption of the original comprehensive scheme, and after the adoption of the original comprehensive scheme, a plan providing for additions and betterments to the original comprehensive scheme, or reorganized district may be adopted. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the forty-mill tax limitation for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the original comprehensive scheme. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners without submitting a proposition therefor to the voters. Plan for additions and betterments.
General indebtedness for additions and betterments.
Revenue bonds for additions and betterments.

SEC. 13. Section 56.16.040, RCW, as derived from section 3, chapter 26, Laws of 1951, 2nd Extraordinary Session, is amended to read as follows: Amendment.

Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize

General obligation bonds; issuance, form, interest and maturity.

a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued as hereinafter provided. The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest not to exceed six percent per annum, payable semiannually from date of said bonds until principal thereof is paid, with interest coupons, evidencing such interest to maturity, attached. The various annual maturities shall commence with the second year after the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest: *Provided*, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Same; maturity date limitation.

Such bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

Same; signatures.

The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under the seal of the sewer district, and the interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board.

Same; levy for retirement and interest.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the forty-mill tax limitation sufficient to meet the annual or semiannual payments

of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

Same; sale.

SEC. 14. Section 56.16.100, RCW, as derived from section 23, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

The commissioners shall enforce collection of the sewer connection charges and sewerage disposal service charges against property owners receiving the service, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either sewer connection charges or sewer service charges are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the district is situated, and the charges and any penalties added thereto and interest thereon at the rate of not more than eight percent per year, shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

Collection of sewer connection or service charges.

Delinquencies.

Lien.

SEC. 15. Section 56.16.110, RCW, as derived from section 24, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

The district may, at any time after the connection or service charges and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the district is situated. The court may allow, in addition to the costs and disbursements provided by statute, such an attorney's fee as it may adjudge reasonable. The action shall be *in rem*, and may be

Suits to collect delinquencies.

brought in the name of the district against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions.

New section. SEC. 16. There is added to chapter 56.16, RCW, a new section to read as follows:

Refunding general obligation bonds. The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, authorize the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. The provisions of RCW 56.16.040 specifying the form and maturities of general obligation bonds and providing for annual tax levies in excess of the forty-mill tax limitation shall apply to the refunding general obligation bonds issued under this act.

Cost.

Refunding revenue bonds; purpose. The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, at maturity thereof, or before maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of said refunding revenue bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. Any refunding revenue bonds issued hereunder shall retain the same lien priority upon the sewer revenues as that held by the revenue bonds

Cost.

refunded thereby at the time of such refunding. Uncollected assessments originally payable into the revenue bond fund of a refunded revenue bond issue shall be paid into the revenue bond fund of the refunding issue. The provisions of RCW 56.16.060 specifying the form and maturities of revenue bonds shall apply to the refunding revenue bonds issued under this act.

Refunding general obligation bonds or refunding revenue bonds may be exchanged for the bonds being refunded or may be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district.

Exchange
or sale
of bonds.

SEC. 17. Section 56.20.020, RCW, as derived from section 27, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

Utility local improvement districts to carry out all or any portion of the comprehensive plan, or additions and betterments thereof, adopted for the sewer district may be initiated either by resolution of the board of sewer commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of the land within the limits of the utility local improvement district to be created.

Utility local
improvement
districts.

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

Same;
formation by
resolution.

Same;
formation by
petition.

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

Sufficiency
of petition.

Resolution of
intention.

Same;
publication.

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

Same;
notice.

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

SEC. 18. Section 56.20.030, RCW, as derived from section 28, chapter 210, Laws of 1941, is amended to read as follows: Amendment.

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

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with

any such improvement initiated by petition or resolution: *Provided*, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district.

Commissioners to proceed with improvement.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, provide the general funds of the sewer district to be applied thereto, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the sewer district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the district to proceed with the work. The board of sewer commissioners shall proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Special assessments levy.

Amendment.

SEC. 19. Section 56.20.040, RCW, as derived from section 29, chapter 210, Laws of 1941, is amended to read as follows:

Publication of special assessments tax levy roll.

Before the approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the local district, stating that the roll is on file and open to inspection in the office of the secretary, and fixing the time, not less than fifteen or more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary

against any assessments shown thereon, and fixing a time when a hearing will be held by the commission on the protests. The notice shall also be given by mailing at least fifteen days before the hearing, a similar notice to the owners or reputed owners of the land in the local district as they appear on the books of the treasurer of the county in which the sewer district is located.

Hearing.

Notice.

SEC. 20. There is added to chapter 56.20, RCW, a new section to read as follows:

New section.

Whenever any land against which there has been levied any special assessment by any sewer district shall have been sold in part or subdivided, the board of sewer commissioners of such district shall have the power to order a segregation of the assessment.

Sale or subdivision of land; segregation of assessment.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the board of commissioners of the sewer district which levied the assessment. If the sewer commissioners determine that a segregation should be made, they shall by resolution order the county treasurer to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the board of sewer commissioners may require as a condition to the order of segre-

Application.

Resolution to make segregation of assessment.

Same; contents.

Same; fee.

Engineering and clerical costs.

gation that the person seeking it pay the district the reasonable engineering and clerical costs incident to making the segregation.

Amendment.

SEC. 21. Section 56.24.010, RCW, as derived from section 4, chapter 26, Laws of 1951, Second Extraordinary Session, is amended to read as follows:

Annexation of territory.

The territory adjoining or in close proximity to and in the same county with a sewer district, may be annexed to the district. It may either comprise or include the area of one or more other sewer districts. Annexation may be effected by any one of the following methods:

Methods.

(1) By resolution of the board of county commissioners upon the filing of a petition, signed by the owners of not less than sixty percent of the area of land within the territory to be annexed, concurred in by the sewer commissioners of the district. No election shall be required under this procedure.

(2) By vote of the qualified electors residing in the territory to be annexed at an election to be held as provided in sections 24 and 25 of this act after the filing of a petition signed by registered voters residing in the territory to be annexed totaling in number at least twenty percent of the number of votes cast in said territory at the last preceding general election, concurred in by the board of sewer commissioners and the board of county commissioners.

(3) By vote of the qualified electors residing in the territory to be annexed at an election to be held as provided in sections 24 and 25 of this act after certification by the county health officer that the public health and safety require the annexation, concurred in by the board of sewer commissioners and the board of county commissioners.

Amendment.

SEC. 22. Section 56.24.020, RCW, as derived from section 35, chapter 210, Laws of 1941, is amended to read as follows:

Upon the filing of a petition of registered voters with the sewer commissioners, if they concur therein, they shall file the petition with the county auditor, who shall, within ten days, examine the signatures thereon and certify to the sufficiency thereof. If the petition is found to contain a sufficient number of signatures, the auditor shall transmit it, together with his certificate of sufficiency attached thereto, to the sewer district commissioners.

Annexation
petition;
certificate of
sufficiency.

SEC. 23. Section 56.24.030, RCW, as derived from section 36, chapter 210, Laws of 1941, is amended to read as follows:

Amendment.

If the sewer commissioners are satisfied as to the sufficiency of a petition of registered voters or a petition of property owners, and concur therein, they shall transmit it, together with their certificate of concurrence attached thereto, to the board of county commissioners. The county commissioners, upon receipt of a petition certified to contain a sufficient number of signatures, or upon a receipt of a petition signed by the owners of not less than sixty percent of the area of land within the territory to be annexed, together with a certificate of concurrence, shall at a regular or special meeting, cause to be published for at least two weeks in two successive weekly issues of some weekly newspaper published in the county, and in general circulation throughout the territory, and if there is no such newspaper, then at least once a week for two successive weeks in some newspaper of general circulation therein, a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Same;
certificate of
concurrence.

Publication.

SEC. 24. Section 56.24.050, RCW, as derived from section 38, chapter 210, Laws of 1941, is amended to read as follows:

Amendment

Upon the entry of the findings of the county commissioners, if they find the proposed annexation to be conducive to the public health, welfare, and convenience and to be of special benefit to the land proposed to be annexed, they shall: (1) in the case of annexation petitioned for by property owners, declare the area as established by the board of county commissioners to be annexed to the sewer district, and said area shall then forthwith be a part of the district; or (2) in the case of annexation petitioned for by registered voters or requested by the health officer, give notice of a special election to be held in the area to determine whether it shall be annexed. The notice shall particularly describe the boundaries established by the county commissioners on their final hearing of the petition, and shall state the name of the district to which the territory is proposed to be annexed. The notice shall be published weekly for at least two weeks prior to the election in a weekly newspaper published in the county, and if there is no such newspaper, then in some newspaper of general circulation therein at least once a week for two successive weeks, and the notice shall be posted for the same period in at least four public places within the territory. The notice shall designate the places in the territory where the election will be held, and shall require the voters to cast ballots which shall contain the words:

Declaration of annexation; when.

Special election for annexation; when.

Notice.

Publication.

Ballots.

- For annexation to sewer district.
- Against annexation to sewer district.

Judges.

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

Amendment.

SEC. 25. Section 56.24.060, RCW, as derived from section 39, chapter 210, Laws of 1941, is amended to read as follows:

Conduct of election.

The election shall be held on the date designated in the notice and shall be conducted in accordance with general election laws. Only qualified electors,

at the date of election, residing in the territory shall be permitted to vote at the election. The judges of election shall make return thereof to the sewer commissioners, who shall canvass the returns and enter a statement of the result of the election on their records. If the majority of the votes cast favor annexation, the territory shall immediately become annexed to the district and shall then forthwith be a part of the district.

Electors.

Canvass.

SEC. 26. Wherever in Title 56, RCW, petitions are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof:

Petition signatures; rules governing.

(1) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse.

(2) In the case of mortgaged property, the signature of the mortgagor shall be sufficient.

(3) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient.

(4) Any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of such corporation, provided that there shall be attached to the petition a certified excerpt from the bylaws showing such authority.

(5) If any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed the signature of the executor, administrator or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

SEC. 27. Territory within a sewer district may be withdrawn therefrom in the same manner provided by law for withdrawal of territory from water districts, and in addition thereto, territory may be with-

Withdrawal of territory from district.

drawn from a sewer district upon a written petition designating the territory proposed to be withdrawn signed by all of the owners of land within said territory, concurred in by unanimous vote of the sewer commissioners and approved by resolution of the board of county commissioners. The provisions of RCW 57.28.110 shall apply to territory withdrawn from a sewer district.

Emergency.

SEC. 28. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 6, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 20, 1953, with the exception of Section 2, which is vetoed.

CHAPTER 251.

[S. B. 431.]

WATER DISTRICTS.

AN ACT relating to water districts; providing for submission to the electors of a proposition for a general tax levy at the election for formation of the water district; providing for the sale of unneeded property; authorizing water districts to contract with counties, cities, towns, sewer districts, water districts and other municipal corporations and with private persons, firms and corporations for joint use of property, facilities and services; providing for the manner of election of water commissioners; providing for adoption, amendment and revision of the comprehensive plan and additions and betterments thereto, both for the original area and annexed areas, by resolution; providing for the formation of Utility Local Improvement Districts, either upon petition or resolution of the water commissioners, and for divesting of the jurisdiction of the water commissioners to proceed with the formation of a Utility Local Improvement District, initiated by resolution, on filing of written protest by the owners of forty percent of the property within the area; providing for the segregation of special assessments; authorizing the refunding of general obligation, local improvement and revenue bonds; providing for alternative methods for annexation of territory adjoining or in close proximity to the district; providing a method to determine the sufficiency of signatures to petitions; validating the organization, establishment, and existence of water districts, including all areas attempted to be annexed thereto; and local improvement districts and utility local improvement districts therein, heretofore organized or established or attempted to be organized or established under chapter 114, Laws of 1929, and amendments thereto, and 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; declaring an emergency; repealing section 57.32.110, RCW; and amending sections 57.04.050, 57.12.020, 57.16.020, 57.16.030, 57.16.040, 57.16.050, 57.16.060, 57.16.070, 57.20.010, 57.32.050, 57.32.090, 57.32.100, and 57.32.110, RCW.

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

SECTION 1. Section 57.04.050, RCW, as derived Amendment.
from section 3, chapter 114, Laws of 1929, as last amended by section 4, chapter 72, Laws of 1931, is amended to read as follows:

Upon entry of the findings of the final hearing on the petition if the commissioners find the proposed district will be conducive to the public health, welfare, and convenience and be of special benefit to the land therein, they shall by resolution call a special election to be held not less than thirty days from the date of the resolution, and cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the county in which the proposed district is located, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted ten days in ten public places in the proposed district. In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:

Special election.

Time.

Notice.

Ballots.

- Water District Yes
- Water District No

giving the name of the district as may be decided by the board.

Commissioners to submit tax levy proposition.

At the same election the county commissioners shall submit a proposition to the voters, for their approval or rejection, authorizing the water district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the forty-mill limitation provided by law, of not to exceed five mills, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

- One year 5 mill tax Yes
- One year 5 mill tax No

Same; vote required.

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition and the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes

cast in the area encompassed by the proposed district at the last preceding general state election held therein.

SEC. 2. The board of commissioners of a water district may sell, at public or private sale, property belonging to the district if the board determines by unanimous vote that the property is not and will not be needed for district purposes and if the board gives notice of intention to sell as in this section provided.

The notice of intention to sell shall be published once a week for three consecutive weeks in a newspaper of general circulation in the district. The last publication shall be at least twenty days but not more than thirty days before the date of sale. The notice shall describe the property and state the time and place at which it will be sold or offered for sale, the terms of sale, whether the property is to be sold at public or private sale, and if at public sale the notice shall call for bids, fix the conditions thereof and shall reserve the right to reject any and all bids.

No real property of the district shall be sold for less than ninety percent of the value thereof as established by a written appraisal made not less than six months prior to the date of sale by three disinterested real estate brokers licensed under the laws of the state of Washington. The appraisal shall be signed by the appraisers and filed with the secretary of the board of commissioners of the district, who shall keep it at the office of the district open to public inspection. Any notice of intention to sell real property of the district shall recite the appraised value thereof.

SEC. 3. A water district may enter into contracts with any county, city, town, sewer district, water district, or any other municipal corporation, or with any private person or corporation, for the joint use of any property, facilities, or services, and a water district may provide water services to property owners outside the limits of the water district.

Vetoed

Contracts
for joint use
of property,
etc.

Amendment.

SEC. 4. Section 57.12.020, RCW, as derived from section 6, chapter 114, Laws of 1929, as last amended by section 1, chapter 216, Laws of 1947, is amended to read as follows:

Nominations for board of commissioners.

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

Election.

Vacancies.

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

Amendment.

SEC. 5. Section 57.16.020, RCW, as derived from section 10, chapter 114, Laws of 1929, as amended by section 1, chapter 25, Laws of 1951, Second Extraordinary Session, is amended to read as follows:

General indebtedness proposition.

The commissioners may submit to the voters of the district at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the forty-mill tax limitation for the construction of any part or all of the comprehensive plan. The amount of the indebtedness and the terms thereof shall be included in the proposition submitted to the voters, and the proposition shall be adopted by three-fifths of the voters voting thereon, at which such election the total number of persons voting shall constitute not less than forty percent of the total

number [of] votes cast in said water district at the last preceding general state election. When the comprehensive plan has been adopted the commissioners shall carry it out to the extent specified in the proposition to incur general indebtedness.

SEC. 6. Section 57.16.030, RCW, as derived from section 10, chapter 114, Laws of 1929, as last amended by section 1, chapter 112, Laws of 1951, is amended to read as follows: **Amendment.**

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

The proposition to issue such revenue bonds may include provision for refunding any local improvement district bonds of a district, out of the proceeds of sale of revenue bonds, and a district may pay off any outstanding local improvement bonds with such funds either by purchase in the open market below their par value and accrued interest or by call at par value and accrued interest at the next succeeding coupon maturity date. **Refunding local improvement district bonds.**

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

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

SEC. 7. Section 57.16.040, RCW, as derived from section 10, chapter 114, Laws of 1929, as last amended **Amendment.**

by section 2, chapter 25, Laws of 1951, Second Extraordinary Session, is amended to read as follows:

Plan for additions and betterments.

In the same manner as provided for the adoption of the original comprehensive plan, a plan providing for additions and betterments to the original plan may be adopted.

General indebtedness for additions and betterments.

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

Revenue bonds for additions and betterments.

The district may issue revenue bonds to pay for the construction of the additions and the betterments in the same way revenue bonds may be issued for payment of the construction of the original comprehensive plan or any portion thereof. Revenue bonds for additions and betterments may be issued by the water commissioners without authorization of the voters of the district.

Amendment.

SEC. 8. Section 57.32.050, RCW, as derived from section 5, chapter 267, Laws of 1943, is amended to read as follows:

Upon the entry of the findings of the final hearing upon the petitions, if the commissioners find the consolidation to be conducive to the public health, welfare, and convenience and to be of special benefit to the land of the districts, they shall give notice of a special election to be held within the districts to vote upon one or more of the following propositions:

Special election.

(1) Whether or not the several districts shall be consolidated, giving the name of the district as

decided by the county commissioners. The notice shall particularly describe the boundaries of the districts, and set forth the names thereof.

Consolidation.

(2) If a comprehensive plan of water supply for the consolidated district has previously been approved and adopted by the commissioners of all the districts proposed to be consolidated, and such plan includes a proposition to incur a general indebtedness payable from annual tax levies to be made in excess of the forty-mill limitation for the construction of any part or all thereof, the proposition to incur such general indebtedness shall be submitted for ratification or rejection.

Comprehensive plan for water supply.

(3) If the comprehensive plan includes a proposition that the district issue revenue bonds for the construction or other costs of any part or all of the plan, the proposition shall be submitted for ratification or rejection.

Issuance of revenue bonds.

Each of the three foregoing propositions upon the ballots shall be submitted so as to enable the voters to vote for or against each proposition independently of any vote on the other propositions.

SEC. 9. Section 57.32.090, RCW, as derived from section 9, chapter 267, Laws of 1943, is repealed.

Repealing clause.

SEC. 10. Section 57.32.100, RCW, as derived from section 10, chapter 267, Laws of 1943, is amended to read as follows:

Amendment.

If three-fifths of the voters voting upon proposition No. 2 vote in favor of the adoption thereof, the incurring of general indebtedness as therein specified shall be authorized and the county commissioners shall so declare in their canvass of the returns; and the district commissioners shall proceed forthwith to carry out the comprehensive plan to the extent specified in the proposition to incur the general indebtedness: *Provided, however,* That the total number of persons voting on said proposition No. 2 shall constitute not less than forty per centum of the total num-

Vote required.

ber of votes cast at the last preceding general state election in all of the districts proposed to be consolidated.

Amendment. SEC. 11. Section 57.32.110, RCW, as derived from section 11, chapter 267, Laws of 1943, is amended to read as follows:

Issuance of revenue bonds; when. If a majority of the voters voting upon proposition No. 3 vote in favor of the adoption thereof, the issuance of revenue bonds shall be authorized and the county commissioners shall so declare in their canvass of the returns; and the district commissioners shall proceed forthwith to carry out the comprehensive plan to the extent specified.

Amendment. SEC. 12. Section 57.20.010, RCW, as derived from section 2, chapter 72, Laws of 1931, as last amended by section 3, chapter 25, Laws of 1951, Second Extraordinary Session, is amended to read as follows:

General obligation bonds. When general district indebtedness payable from annual tax levies to be made in excess of the forty-mill limitation has been authorized, the district may issue its general obligation bonds in payment thereof. The bonds shall be serial in form and maturity and numbered from one up consecutively and shall bear interest not to exceed six percent per year payable semiannually, with interest coupons attached. The various annual maturities shall commence with the second year after the date of the issue, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of the bonds and interest. Only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Terms. Bonds shall not be issued to run for a longer period than twenty years from the date of issue and shall as nearly as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issuance of the bonds.

The bonds shall be signed by the president of the board and attested by the secretary, under the seal of the district. The interest coupons shall be signed by the facsimile signature of the president and attested by the facsimile signature of the secretary.

Signatures.

There shall be levied by the officers or governing body charged with the duty of levying taxes, an annual levy in excess of the forty-mill tax limitation sufficient to meet the annual or semiannual payments of principal and interest on the bonds upon all taxable property within the district.

Tax levy.

The bonds shall be sold in such manner as the commissioners deem for the best interest of the district, and at a price not less than par and accrued interest.

Sale.

SEC. 13. Section 57.16.050, RCW, as derived from section 9, chapter 114, Laws of 1929, as amended by section 1, chapter 128, Laws of 1939, is amended to read as follows:

Amendment.

A district may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. The levying, collection and enforcement of such assessments and issuance of bonds shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities of the first class in so far as consistent herewith. The duties devolving upon the city treasurer are hereby imposed upon the county treasurer for the purposes hereof. The mode of assessment shall be determined by the water com-

Local improvement districts.

Special assessments.

missioners by resolution. When in the petition or resolution for the establishment of a local improvement district, and in the comprehensive plan or amendment thereto or plan providing for additions and betterments to the original plan, previously adopted, it is provided that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds, then the local improvement district shall be designated as a "utility local improvement district." No warrants or bonds shall be issued in a utility local improvement district, but the collection of interest and principal on all assessments in the utility local improvement district shall be paid into the revenue bond fund.

"Utility local improvement district."

Amendment.

SEC. 14. Section 57.16.060, RCW, as derived from section 12, chapter 114, Laws of 1929, is amended to read as follows:

Initiation of districts.

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

Same; by resolution of board of water commissioners.

In case the board of water commissioners shall desire to initiate the formation of a local improvement district or a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district or utility local improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the

improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

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

Same; by
petition of
owners.

The resolution of intention, whether adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the

Publication
of resolution
of intention.

Notice.

date fixed by such resolution for hearing before the board of water commissioners. Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date, time and place of the hearing before the board of water commissioners; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of water commissioners before the time fixed for said public hearing.

Public hearing.

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

in the manner and form and within the time herein provided for the original notice.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: *Provided*, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district.

Jurisdiction of commissioners to proceed.

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

Power of commissioners to proceed.

Tax levy roll; filed with county treasurer.

SEC. 15. Section 57.16.070, RCW, as derived from section 12, chapter 114, Laws of 1929, is hereby amended to read as follows:

Amendment.

Before approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the local district, stating that the roll is on file and open to inspection in the office of the secretary, and fixing the time, not less than fifteen or more than thirty days from the

Same; publication.

date of the first publication of the notice within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing will be held by the commissioners on the protests. Notice shall also be given by mailing, at least fifteen days before the hearing, a similar notice to the owners or reputed owners of the land in the local district as they appear on the books of the treasurer of the county in which the water district is located. At the hearing, or any adjournment thereof, the commissioners may correct, change or modify the roll, or any part thereof, or set aside the roll and order a new assessment, and may then by resolution approve it. If an assessment is raised a new notice similar to the first shall be given, after which final approval of the roll may be made. When property has been entered originally upon the roll and the assessment thereon is not raised, no objection thereto shall be considered by the commissioners or by any court on appeal unless the objection is made in writing at, or prior, to the date fixed for the original hearing upon the roll.

Hearing.

New notice.

Refunding
general
obligation
bonds.

Cost.

SEC. 16. The board of water commissioners of any water district may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof if they are subject to call for prior redemption or all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby. The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of water commissioners deems to be for the

best interest of the district, and the proceeds of such sale used exclusively for the purpose of paying, retiring, and cancelling the bonds to be refunded and interest thereon.

The provisions of RCW 57.20.010, specifying the form and maturities of general obligation bonds and providing for annual tax levies in excess of the forty-mill tax limitation shall apply to the refunding general obligation bonds issued under this act.

SEC. 17. The board of water commissioners of any water district may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, and/or all outstanding local improvement district bonds, at maturity thereof, or before maturity thereof if they are subject to call for prior redemption or all of the holders thereof consent thereto. The total interest cost to the district over the life of the refunding bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby. The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of water commissioners deems to be for the best interest of the district, and the proceeds used, except as hereinafter provided, exclusively for the purpose of paying, retiring and cancelling the bonds to be refunded and interest thereon. Any refunding revenue bonds issued hereunder shall retain the same lien priority upon the water revenues of the district as that held by the revenue bonds refunded thereby at the time of such refunding.

All unpaid utility local improvement district assessments payable into the revenue bond redemption fund established for payment of the bonds to be

Refunding
revenue
bonds.

Cost.

Lien priority.

Revenue
bond
redemption
fund.

refunded shall thereafter when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds.

Local improvement guaranty fund.

Whenever local improvement district bonds have been refunded as required by RCW 57.16.030, or pursuant to this act, all local improvement district assessments remaining unpaid shall thereafter when collected be paid into the revenue bond redemption fund established for payment of the refunding revenue bonds, and the cash balance, if any, in the local improvement guaranty fund of the district and the proceeds received from any other assets owned by such fund shall be used in whole or in part as a reserve fund for the refunding revenue bonds or be transferred in whole or in part to any other funds of the district as the board of water commissioners may determine. In the event that any warrants are outstanding against the local improvement guaranty fund of the district at the time of the issuance of such refunding revenue bonds, said bonds shall be issued in an amount sufficient also to fund and pay such outstanding warrants.

The provisions of RCW 57.20.020 shall apply to the refunding revenue bonds issued under this act.

Annexation petition.

SEC. 18. A petition for annexation of an area contiguous to a water district may be made in writing, addressed to and filed with the board of commissioners of the district to which annexation is desired. It must be signed by the owners, according to the records of the county auditor, of not less than sixty percent of the area of land for which annexation is petitioned, shall set forth a description of the property according to government legal subdivisions or legal plats, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed.

SEC. 19. If the petition for annexation filed with the board of commissioners complies with the re-

quirements of law, as proved to the satisfaction of the board of commissioners, it may entertain the petition, fix the date for public hearing thereon, and cause notice of the hearing to be published in one issue of a newspaper of general circulation in the area proposed to be annexed and also posted in three public places within the area proposed for annexation. The notice shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation. The expense of publication and posting of the notice shall be borne by the signers of the petition.

Public hearing.

Notice.

SEC. 20. Following the hearing the board of commissioners shall determine by resolution whether annexation shall be made. It may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the resolution a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

Resolution as to annexation.

SEC. 21. Upon the date fixed in the resolution the area annexed shall become a part of the district.

Date area becomes annexed.

No property within the limits of the territory so annexed shall ever be taxed or assessed to pay any portion of the indebtedness of the district to which it is annexed contracted prior to or existing at the date of annexation; nor shall any such property be released from any taxes or assessments levied against it or from liability for payment of outstanding bonds or warrants issued prior to such annexation.

Prior indebtedness.

SEC. 22. The method of annexation provided for in this act shall be an alternative method to that specified in chapter 57.24, RCW.

Method of annexation.

SEC. 23. Whenever any land against which there has been levied any special assessment by any water

Segregation of assessment.

district shall have been sold in part or subdivided, the board of water commissioners of such district shall have the power to order a segregation of the assessment.

Application for segregation.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the board of commissioners of the water district which levied the assessment. If the water commissioners determine that a segregation should be made, they shall by resolution order the county treasurer to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the board of water commissioners may require as a condition to the order of segregation that the person seeking it pay the district the reasonable engineering and clerical costs incident to making the segregation.

Resolution to make segregation.

Same; contents.

Same; fee.

Engineering and clerical costs.

Petition signatures; rules governing.

SEC. 24. Wherever in Title 57, RCW, petitions are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof:

(1) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse.

(2) In the case of mortgaged property, the signature of the mortgagor shall be sufficient.

(3) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient.

(4) Any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of such corporation: *Provided*, That there shall be attached to the petition a certified excerpt from the bylaws showing such authority.

(5) If any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

SEC. 25. Each and all of the respective areas of land heretofore attempted to be organized into water districts, including all areas attempted to be annexed thereto, or into local improvement districts or utility local improvement districts, under the provisions of chapter 114, 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 and annexation 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.

Validation
of prior
organizing
attempts.

SEC. 26. 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,

Validation
of prior
obligations,
etc., and
proceedings,
etc.

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.

Application
of chapter.

SEC. 27. The provisions of this act shall apply only to such districts attempted to be organized under chapter 114, Laws of 1929, and amendments thereto, which have maintained their organization as such since the date of such attempted organization, establishment, or creation.

Emergency.

SEC. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, and support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 6, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 20, 1953, with the exception of Section 2, which is vetoed.

CHAPTER 252.

[S. B. 461.]

MOTOR VEHICLES—CERTIFICATES OF OWNERSHIP—
VEHICLE LICENSES.

AN ACT relating to motor vehicles; registration; licensing and identification thereof; providing for renewal and transfer of certificates of ownership and registration; notification of new address; providing penalties; adding new sections to chapters 46.12 and 46.16, RCW; amending sections 46.12.100, 46.12.110, 46.16.210 and 46.16.220, RCW; and declaring an emergency.

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

SECTION 1. Section 46.12.100, RCW, as derived from section 6(a), chapter 188, Laws of 1937, as amended, is amended as follows: Amendment.

In the event of the sale or other transfer to a new registered owner of any vehicle for which a certificate of ownership and a certificate of license registration have been issued, the registered and legal owners shall endorse upon the back of the certificate of ownership an assignment thereof in form printed thereon, and shall record thereon name of purchaser and date of transaction and shall deliver the same to the purchaser or transferee at the time of the delivery to him of the vehicle. Delivery of a certificate of title to a purchaser or his agent without at the same time recording the name of the purchaser and the date of the transaction on the assignment form shall constitute a misdemeanor. Sale or transfer of vehicle; assignment of certificates.

Penalty.

SEC. 2. Section 46.12.110, RCW, as derived from section 6(b), chapter 188, Laws of 1937, as amended, is amended as follows: Amendment.

The purchaser or transferee, unless such person is a dealer, shall within fifteen days thereafter apply to the director or his duly authorized agent for the reissue of such certificate of ownership and transfer of license registration. Such application shall be Application for re-issuance of certificate and transfer of registration.

- Form. made on forms prescribed by the director and accompanied by a fee of one dollar. Upon receipt of such application, accompanied by the endorsed certificate of ownership and such other documentary evidence as is deemed necessary, the director shall, if the application is in order and if all provisions relating to certificates of ownership and license registration have been complied with, issue a new certificate of ownership and new certificate of license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund. If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery of the vehicle to him he shall be guilty of a misdemeanor and in addition thereto he shall on making application for transfer be assessed a five dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars: *Provided*, That the penalty shall not apply to a registered dealer who has purchased the vehicle for the purpose of resale.
- Fee. .
- Penalty.
- Exception.
- Amendment. SEC. 3. Section 46.16.210, RCW, as derived from section 34, chapter 188, Laws of 1937, as amended, is amended as follows:
- Application; recheck by director and correction of errors. (1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.
- Renewal of license. (2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director, accompanied by the certificate of registration for the last registra-

tion period in which the vehicle was registered in Washington, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) An application for license, new or renewal, may not be filed prior to the first day of January of the calendar year for which the license is to be issued and if the application for renewal is not filed prior to the sixteenth day of February in each year, a penalty of three dollars shall be assessed and shall not under any condition be waived unless the applicant can furnish an affidavit certifying that the vehicle has not been operated on highways in this state while owned by him since the expiration date of the last license issued in this state, or that the vehicle has been stolen or embezzled: *Provided*, That this penalty shall not apply to vehicles that were at the time of expiration held for sale by a registered dealer and on which an application for renewal license is made by the purchaser at time of sale.

SEC. 4. Section 46.16.220, RCW, as derived from section 12, chapter 164, Laws of 1947, is amended as follows:

Vehicle licenses and vehicle license number plates may be issued for the current calendar year on and after the first day of January and must be used and displayed from the date of issue or from the fifteenth day of February, whichever date is later until renewed in the succeeding calendar year: *Provided*, That no vehicle licenses and vehicle license number plates shall be valid beyond the fifteenth day of Feb-

ruary of the year next following the year in which they were issued.

New section.

SEC. 5. A new section is hereby added to chapter 46.16, RCW, to read as follows:

Truck or
trailer;
display of
license.

The owner or operator of any truck or trailer, including house trailer, shall at all times display either a vehicle license or receipt for personal property tax paid in the current year. It shall be unlawful for any person to display in lieu of the license required, a dealer or trip plate license except for the initial delivery of the vehicle from the seller. The provisions of this section shall not apply to those vehicles identified in section 46.16.065, RCW. A violation of any of the provisions of this section shall be a misdemeanor.

Partial
invalidity.

SEC. 6. 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.

Emergency.

SEC. 7. This act is necessary for the preservation of the 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 immediately.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 20, 1953.

CHAPTER 253.

[S. B. 118.]

VOLUNTEER FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to volunteer firemen's relief and pensions; authorizing an actuarial survey; and amending sections 41.24.150, 41.24.160, 41.24.170, 41.24.190, 41.24.200, 41.24.110 and 41.24.220, RCW.

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

SECTION 1. Section 41.24.150, RCW, as derived from section 15, chapter 261, Laws of 1945, is amended to read as follows: Amendment.

Whenever a fireman serving in any capacity as a member of a fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his duties, so as to be wholly prevented from engaging in each and every duty of his regular occupation, business or profession, he shall be paid from the fund monthly, the sum of two hundred twenty-five dollars for a period of not to exceed six months, or eight dollars per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he shall be entitled to draw from the fund monthly, the sum of one hundred dollars so long as the disability continues. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the income from such gainful employment bears to the income received by the pensioner at the time of his disability. Disability payments.

SEC. 2. Section 41.24.160, as derived from section 2, chapter 103, Laws of 1951, is amended to read as follows: Reopening of grant.

Amendment.

Payment to widow upon death from line of duty injury or sickness.

Whenever a fireman dies as the result of injuries received, or sickness contracted while in the performance of his duties, the board of trustees shall order and direct the payment of the sum of one thousand dollars to his widow, or if there be no widow, then to his dependent child or children, and the sum of one hundred dollars per month to his widow during her life; or, if there is no widow, or the widow dies while there are minor children, then to his minor child or children until they reach the age of eighteen years; and if there are no widow, child or children entitled thereto, then to his parents or either of them, if it is proven to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his death: *Provided*, That if the widow, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund: *Provided further*, That the pension herein provided shall be reduced by such amounts, during such period, as any of the beneficiaries herein named shall be eligible to receive under the provisions of the federal old-age retirement act.

Where no widow or widow dies.

Effect of marriage.

Federal retirement act.

Amendment.

SEC. 3. Section 41.24.170, RCW, as derived from section 1, chapter 103, Laws of 1951, is amended to read as follows:

Fireman of 25 years service in volunteer fire department.

Whenever any fireman on June 5, 1953, had been a member and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and which municipality and fireman are enrolled within three years thereafter, and the fireman has reached the age of sixty-five years, the board of trustees may order and direct that he be paid a monthly pension of fourteen dollars from the fund.

Sixty-five years of age pension.

Whenever a fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that such fireman be paid a monthly pension of sixty-five dollars from the fund upon his attaining the age of sixty-five years and for the balance of his life.

Where
annual
retirement
fee paid for
25 years.

Pension.

Whenever any fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the annual retirement fee has been paid for a period of less than twenty-five years by reason of the fact that part of such service was rendered prior to June 5, 1953, the board of trustees shall order and direct that such fireman shall receive the minimum monthly pension herein provided increased by the sum of two dollars each month for each year the annual fee has been paid, but not to exceed the maximum monthly pension herein provided, upon such fireman attaining the age of sixty-five years and for the balance of his life: *Provided, however,* That nothing herein contained shall be construed as reducing the amount of any pension to which any fireman shall have been eligible to receive under the provisions of section 1, chapter 103, Laws of 1951.

Fee paid for
less than
25 years.

Minimum
pension.

No pension herein provided shall become payable before the sixty-fifth birthday of the fireman: *Provided, however,* That nothing herein contained shall require any fireman having twenty-five years' active service to continue as a fireman after the age of fifty-five years, or such additional age as may be required to complete such twenty-five years' service.

Pensions
payable
at 65.

No pension herein provided shall be payable for any service less than twenty-five years.

25-year
minimum.

SEC. 4. Section 41.24.190, RCW, as derived from section 19, chapter 261, Laws of 1945 is amended to read as follows:

Proof of service.

The filing of reports of enrollment shall be prima facie evidence of the service of the firemen therein listed for the year of such report as to service rendered subsequent to July 6, 1945. Proof of service of firemen prior to that date shall be by documentary evidence, or such other evidence reduced to writing and sworn to under oath, as shall be submitted to the board of trustees and certified by it as sufficient: *Provided*, That such proof of service must be submitted within three years from June 5, 1953, for firemen not previously enrolled.

Amendment.

SEC. 5. Section 41.24.200, RCW, as derived from section 20, chapter 261, Laws of 1945, is amended to read as follows:

Service need not be continuous nor in single department.

The aggregate term of service of any fireman need not be continuous nor need it be confined to a single fire department nor a single municipality in this state to entitle such fireman to a pension: *Provided*, That he has been duly enrolled in a fire department of a municipality which has elected to make provisions for the retirement of its fireman at the time he becomes eligible for such pension as in this chapter provided, and has paid all fees prescribed. To be eligible to the full pension a fireman must have an aggregate of twenty-five years' service, have made twenty-five annual payments into the fund, and be at least sixty-five years of age at the time of his retirement, all of which must have been in the fire department of a municipality or municipalities which have elected to make provisions for the retirement of its volunteer firemen: *Provided, however*, That nothing herein contained shall require any fireman having twenty-five years' active service to continue as a fireman after the age

Eligibility requirements.

of fifty-five years, or such additional age as may be required to complete such twenty-five years' service.

SEC. 6. Section 41.24.110, RCW, as derived from section 1, chapter 145, Laws of 1949, is amended to read as follows: Amendment.

The board shall make provisions for the employment of a regularly licensed practicing physician for the examination of members of fire departments making application for membership. Such appointed physician shall visit and examine all sick and injured firemen, perform such services and operations and render all medical aid and care necessary for the recovery of firemen on account of sickness or disability received while in the performance of duties. Such appointed physician shall be paid his fees from said fund but not in excess of the schedule of fees for like services approved by the director of labor and industries under Title 51. No physician or surgeon, not approved by the board, shall receive or be entitled to any compensation from said fund as the private or attending physician of any fireman. No person shall have any right of action against the board of trustees of said fund for the negligence of any physician or surgeon employed by it. Any physician employed by the board to attend upon any fireman shall report his findings in writing to said board. Employment of physician for examinations.

SEC. 7. Section 41.24.220, RCW, as derived from section 3, chapter 103, Laws of 1951, is amended to read as follows: Duties.

Whenever any fireman becomes disabled or sick in the performance of his duties by reason of which he is confined to any hospital, an amount not exceeding one hundred dollars weekly, or a proportional amount for less than a whole week, shall be allowed and paid from said fund toward such hospital expenses for a period not exceeding twenty-six weeks: *Provided*, That this allowance shall not be in lieu of but in addition to any other allowance Fees.

Payment of
additional
expenses.

in this chapter provided: *Provided further*, That costs of surgery, medicine, laboratory fees, X-ray, special therapies, and similar additional costs shall be paid in addition thereto.

Actuarial
survey.

SEC. 8. The insurance commissioner shall make or have made an actuarial survey of the volunteer firemen's relief and pension fund during the 1953-55 biennium and make such report to the next regular session of the legislature.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 254.

[S. B. 459.]

HIGHWAYS—BUDGET AND PLAN—JOINT COMMITTEE— VEHICLE SIZE, WEIGHT, LOAD.

AN ACT relating to state government and to highways and the operation of motor vehicles thereon; the duties of the state highway commission and the joint fact-finding committee on highways, streets and bridges; prescribing and regulating the size, weight, licensing and enforcement of regulations governing motor vehicles; providing fees; authorizing special permits; providing penalties; amending sections 43.27.200, 46.44.045, 46.44.046, 46.44.047, 46.44.048, 46.44.091, 46.44.095, 46.44.097, RCW, and section 48, chapter 269, Laws of 1951 (uncodified); and declaring an emergency.

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

Amendment.

SECTION 1. Section 43.27.200, RCW, as derived from section 15, chapter 247, Laws of 1951, is hereby amended to read as follows:

Budget.

The commission shall prepare, furnish and present to the governor, and through him to the legislature, the budget for the following two years. The commission shall submit to the legislature a comprehensive plan for highway development based on the

principle that the state is furnishing transportation facilities which should be paid for by those most benefited and developed in the order of greatest need therefor, this report to be completed and ready for submission to the legislature by November, 1954, and a copy thereof shall be mailed to each legislator elected as soon after the November 1954 general election as may be practical.

Comprehensive plan for highway development.

In determining its report the commission shall be guided by the findings of the study on highway classification conducted by the joint fact-finding committee on highways, streets and bridges during the 1951-53 biennium.

SEC. 2. Section 46.44.045, RCW, as derived from section 29, chapter 269, Laws of 1951, is amended to read as follows:

Amendment.

Any person violating any of the provisions of RCW 46.44.040 to 46.44.044, inclusive, shall be guilty of a misdemeanor and upon first conviction thereof shall be fined not less than twenty-five dollars nor more than fifty dollars; upon second conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars; and upon a third or subsequent conviction shall be fined not less than one hundred dollars. The court may suspend the certificate of license registration of the vehicle or combination of vehicles upon the second conviction for a period not to exceed thirty days and the court shall suspend the certificate of license registration of the vehicle or combination of vehicles upon a third or subsequent conviction for a period of not less than thirty days. For the purpose of this section bail forfeiture shall be given the same effect as a conviction. For the purpose of suspension of license registration conviction or bail forfeiture shall be on the same vehicle or combination of vehicles during any twelve-month period regardless of ownership.

Violations.

Penalties.

Fine.

Suspension of certificate of license registration.

Bail forfeiture.

Violation of posted limitations; fine, suspension of operator's license.

Any person convicted of violating any posted limitations of a highway or section of highway shall be fined not less than one hundred dollars and the court shall in addition thereto suspend the operator's driver's license for not less than thirty days. Whenever the operator's driver's license and/or the certificate of license registration are suspended under the provisions of this section the judge shall secure such certificates and immediately forward the same to the director of licenses with information concerning the suspension thereof.

Amendment.

SEC. 3. Section 46.44.046, RCW, as derived from section 30, chapter 269, Laws of 1951, is amended to read as follows:

Weight discrepancies in cargo; arresting officer may permit vehicle to proceed, when.

In addition to the limitations of RCW 46.44.040 to 46.44.044, inclusive, if the gross axle weight is not more than five hundred pounds in excess of the maximum gross axle weight for one axle, and if the gross weight of two axles spaced less than seven feet apart is not more than one thousand pounds in excess of the maximum gross weight for two axles spaced less than seven feet apart, and if the gross weight of any group of axles is not more than fifteen hundred pounds in excess of the maximum gross weight for any group of axles according to the wheelbase spacing of the group of axles as shown in the maximum gross load table of RCW 46.44.044 and if the gross weight of a two-axle vehicle is not more than one thousand pounds in excess of the legal gross weight for such two-axle vehicle, and if the gross weight of a three-axle vehicle is not more than fifteen hundred pounds in excess of the maximum legal gross weight for such three-axle vehicle, and if the maximum gross weight of the combination of vehicles is not more than two thousand pounds in excess of the maximum legal gross weight of the combination of vehicles, the arresting officer may, within his discretion, permit the operator to proceed with his vehicle

or vehicles in combination without penalty. For the purposes of determining gross weights the actual scale weight taken by the arresting officer shall be prima facie evidence of such total gross weight.

Scale weight prima facie evidence.

It being the intention of the legislature to recognize that occasional weight discrepancies in cargo will occur, and to provide the arresting officer with authority and discretion to determine the same; but to prevent the habitual and consistent loading of vehicles above the maximum legal gross weight provided for in sections 46.44.040 to 46.44.044, inclusive.

Legislative intent.

The chief of the state patrol, with the advice of the director of highways, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Rules and regulations.

SEC. 4. The joint fact-finding committee on highways, streets and bridges, created by chapter 111, Laws of 1947, and continued in chapter 213, Laws of 1949, and by section 44, chapter 269, Laws of 1951, is hereby continued for another biennium. It shall consist of six senators to be appointed by the president of the senate and six members of the house of representatives to be appointed by the speaker thereof. One of the senate members and one of the house members shall be appointed from the area included within each of the six state highway districts. The list of appointees shall be submitted before the close of the 1953 session for confirmation of the senate members, by the senate, and the house members, by the house. Vacancies occurring shall be filled by the appointing authority.

Joint fact-finding committee on highways, streets and bridges continued for biennium.

SEC. 5. The members of the committee shall be entitled to reimbursement of their expenses as set forth in section 5, chapter 111, Laws of 1947, except that any travel expenses shall be reimbursed at the rate of eight cents per mile.

Same; reimbursement of members.

SEC. 6. The committee is authorized and directed to continue its studies and for that purpose shall

Same;
powers and
duties.

have all the powers and duties set forth in chapter 111, Laws of 1947, and in addition thereto is authorized and directed to ascertain, study, analyze, report on, and make recommendations as to:

(a) Motor vehicle taxation including the assignment of the total highway costs among property owners, general taxpayers and highway users;

(b) The disposition of highway funds including the allocation of motor vehicle fuel tax revenue among counties;

(c) The renumbering of state highway system;

(d) The appropriate financing of the state department of licenses, the Washington state patrol and other state departments, in so far as the motor vehicle and highway safety funds are involved.

Same;
further
powers.

SEC. 7. In addition to the powers and duties heretofore conferred upon it, the committee is further authorized and directed to continue its participations in the activities of the "Western Interstate Committee on Highway Policy Problems" of the eleven western states, of which the members for the state of Washington shall be two, one from the senate and one from the house of representatives, to be appointed by majority vote of the joint fact-finding committee on highways, streets and bridges and one member at large to be appointed by the state highway commission, in its study of highway problems upon a state and regional basis, and cooperate with and contribute to any study made by such committee of highway-user cost allocations in order to bring about equity and uniformity in this state and in the eleven western states in highway-user taxes and fees; and participate in or make joint studies with relation to the design and construction of highways and the use and cost thereof.

SEC. 8. The committee is also authorized to avail themselves of the services of the Washington State

Council for Highway Research and to cooperate with said body.

Council for Highway Research.

SEC. 9. Section 48, chapter 269, Laws of 1951 (uncodified), is amended to read as follows:

Amendment.

In addition to all other fees prescribed by law, there shall be paid for each motor vehicle the following amounts at the time of the payment of the registration fee as provided by law:

Additional fees.

Schedule.

For each truck under 12,000 lbs.	\$.25
For each truck over 12,000 lbs. and under 20,000 lbs.50
For each truck over 20,000 lbs.	1.00
For each trailer 4,000 lbs. to 12,000 lbs.25
For each trailer 12,000 lbs. to 20,000 lbs.50
For each trailer, semi-trailer or pole trailer over 20,000 lbs.	1.00
For each diesel truck.	2.00
For each auto stage.	1.00
For each for hire vehicle over 4,000 lbs.50
For each motor vehicle not otherwise taxed herein10

Such fees shall be collected for the calendar years 1953, 1954, and 1955, only and shall be deposited in the motor vehicle fund, and shall be used by the joint fact-finding committee on highways, streets and bridges and the state highway commission to help defray the costs of special highway use and weight studies and tests upon highways as provided for in this act and for other necessary expenses of such committee.

Collection.

Use.

SEC. 10. Section 46.44.047, RCW, as derived from section 31, chapter 269, Laws of 1951, is hereby amended to read as follows:

Amendment.

In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the dis-

Three-axle truck tractor and two-axle pole trailer.

tance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the maximum gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the maximum legal gross weight of the combination of vehicles, when fully licensed as permitted by law, being sixty-eight thousand pounds.

Special
permit.

Such additional allowances shall be permitted by a special permit to be issued by the director of highways under such rules, regulations, terms and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April first of each calendar year. Permits may be issued at any time but if issued after July first of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after September first the fee shall be twenty-five dollars and if issued on or after December first the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction or for violation of the terms and conditions of the special permit, the special permit shall be cancelled. The vehicle covered by such cancelled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a specific

vehicle and shall not be transferable. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

Scale weight
prima facie
evidence.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Rules and
regulations.

All fees collected under this section shall be deposited with the state treasurer and credited to the motor vehicle fund.

Fees;
disposition.

SEC. 11. Section 46.44.048, as derived from section 32, chapter 269, Laws of 1951, is amended to read as follows:

Amendment.

In addition to any penalty incurred under the provisions of this title, the owner or operator of any motor vehicle or combination of motor vehicles, as payment for excess weights, over and above those set forth in RCW 46.44.046 and 46.44.047, shall pay two cents per pound for each pound of excess weight up to five thousand pounds; if such excess weight is five thousand pounds and not in excess of ten thousand pounds, the rate per pound shall be three cents per pound for each pound of excess weight; and if the excess weight is ten thousand pounds or over the rate shall be four cents per pound for each pound of such excess weight.

Excess
weight,
schedule of
payments.

It is intended by this section to provide a method of compensation for the state for any use of the highways beyond the designed capacity thereof. The court shall require the owner or operator to make the proper payments herein provided for to the clerk of the court in addition to any penalty assessed and shall suspend the certificate of license registration of

Legislative
intent.

the vehicle or vehicles in combination concerned, until the owner or operator does so.

"Excess weight."

For the purposes of this section "excess weight" shall mean that poundage in excess of the maximum licensed gross weight plus the weights allowed by RCW 46.44.046 and 46.44.047.

Disposition of sums collected.

Any sums of money collected under the provisions of this section shall be transmitted to the county treasurer and by him transmitted to the state treasurer who shall deposit the same in the motor vehicle fund.

Amendment.

SEC. 12. Section 46.44.091, RCW, as derived from section 35, chapter 269, Laws of 1951, is amended to read as follows:

Special permit; limitations on gross weight in cities or towns.

No special permit shall be issued for movement on any primary or secondary state highway or route of state primary or secondary highway within the limits of any city or town where the gross weight, including load, exceeds twenty-two thousand pounds on a single axle or forty-one thousand pounds on any group of axles having a wheelbase between the first and last axle thereof less than ten feet: *Provided*, That a tolerance of two thousand pounds may be allowed on any group of axles having a wheelbase between the first and last axle thereof of less than ten feet when the permit is being issued for the maximum overload permitted under this section: *Provided further*, That the tolerance shall not be allowed unless specifically granted on the face of the permit: *Provided further*, The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires and having a rim width of 20 inches or more and a rim diameter of 24 inches or more or dual pneumatic tires having a rim width of 16 inches or more and a rim diameter of 24 inches or more. Application shall be made in writing on special forms provided by the highway commission and shall be

Tolerances.

submitted at least 36 hours in advance of the proposed movement.

SEC. 13. Section 46.44.095, RCW, as derived from section 39, chapter 269, Laws of 1951, is hereby amended to read as follows: Amendment.

When fully licensed to the maximum gross weight permitted under 46.44.040, 46.44.042 and 46.44.044, RCW, a three-axle truck tractor, a three-axle truck, a two-axle trailer or a three-axle trailer may be eligible, upon special permit to be issued by the director of highways, to carry additional gross load not to exceed four thousand pounds over and above the maximum permissible to be licensed. Such special permits shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permit shall entitle the permittee to carry additional load in such an amount and upon such highways or sections of highways as may be determined by the director to be capable of withstanding such increased gross loads without injury to the highway. The fee for such additional gross weight for a twelve-month period beginning and ending on April first of each calendar year shall be at a rate of fifty dollars for each two thousand pounds issued. Permits may be issued at any time but if issued after July first of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after September first the fee shall be twenty-five dollars and if issued on or after December first the fee shall be twelve dollars and fifty cents. Special permit; additional gross load allowable on certain highways or sections thereof.

SEC. 14. Section 46.44.097, RCW, as derived from section 41, chapter 269, Laws of 1951, is hereby amended to read as follows: Fees.

Any person who misrepresents the size or weight of any load in obtaining a special permit or does not follow the requirements and conditions of the special permit is guilty of a misdemeanor and upon conviction is liable to a fine not exceeding one hundred dollars. Amendment.

Any person who misrepresents the size or weight of any load in obtaining a special permit or does not follow the requirements and conditions of the special permit is guilty of a misdemeanor and upon conviction is liable to a fine not exceeding one hundred dollars. Special permit; misrepresentation or non-compliance; penalty.

tion thereof shall be fined not less than fifty dollars or more than one hundred dollars.

Operation of
over weight
vehicle;
penalty.

Any person who operates any vehicle, the gross weight of which is in excess of the maximum for which such vehicle may be eligible for license, without first obtaining a special permit is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars.

Special
permits
carried in
vehicle.

Every special permit issued hereunder shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer or authorized agent of any authority granting such permit.

Confiscation
of permits.

Any state highway patrol officer who shall find any person operating a vehicle in violation of the conditions of a special permit issued under RCW 46.44.095 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing may reinstate any permit or revise its previous action.

Record.

Hearing.

Partial
invalidity.

SEC. 15. 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.

Emergency.

SEC. 16. This act is necessary for the preservation of the peace, health and safety of this state and the support of the state government of the state of Wash-

ington and its existing institutions, and shall take effect immediately.

Passed the Senate March 12, 1953.

Passed the House March 11, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 255.

[S. B. 476.]

FAMILY DESERTION—NON-SUPPORT.

AN ACT relating to family desertion; providing penalties for non-support; and amending section 26.20.030, RCW.

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

SECTION 1. Section 26.20.030, RCW, as derived from section 1, chapter 158, Laws of 1943, is amended to read as follows: Amendment.

Every person who:

(1) Has a child dependent upon him or her for care, education, or support and deserts such child in any manner whatever with intent to abandon it; or Desertion and non-support.

(2) 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; or

(3) Has sufficient ability to provide for his wife's support or is able to earn the means for his wife's support and wilfully abandons and leaves her in a destitute condition; or who refuses or neglects to provide his 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.

When children are involved under the age of sixteen years, such act shall be punished as follows: Penalty.

(1) In the case of a first offense by imprisonment in the county jail for not more than thirty days, or by 1st offense.

fine of not more than one hundred dollars or by both fine and imprisonment.

2nd offense.

(2) In the case of a second offense by imprisonment in the county jail for not less than thirty and not more than ninety days, or by fine of not more than three hundred dollars, or by both fine and imprisonment.

3rd offense.

(3) In the case of a third offense, such act shall be a felony and punished by imprisonment in the state penitentiary for not more than twenty years or, by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars or by both fine and imprisonment.

When there is no child under sixteen years, such act shall be a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars, or by both fine and imprisonment.

Passed the Senate March 7, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 256.

[H. B. 14.]

WASHINGTON STATE BAR ASSOCIATION—
MEMBERSHIP FEES.

AN ACT relating to membership fees of members of the
Washington State Bar Association.

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

SECTION 1. Section 2.48.130, RCW, as derived Amendment.
from section 9, chapter 94, Laws of 1933, is amended
to read as follows:

The annual membership fees for active members Membership
fees.
shall be the sum of fifteen dollars payable on or be-
fore February 1st of each year: *Provided*, That for
all those who have been active members for less than
five years in this state or elsewhere, the annual mem-
bership fee shall be ten dollars.

Passed the House February 13, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 257.

[Sub. H. B. 31.]

STATUTE LAW COMMITTEE.

AN ACT relating to state government; providing for codification and publication of statute law and revision; establishing a bill drafting service, abolishing the code publication committee; amending RCW 1.08.001, 1.08.003, 1.08.007, 1.08.015, 1.08.027, 1.08.037 and 1.08.040, adding new sections to chapter 1.08, RCW, repealing chapter 155, Laws of 1951 (uncodified), making an appropriation and declaring an emergency.

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

Amendment. SECTION 1. RCW 1.08.001, as derived from section 1, chapter 157, Laws of 1951, is amended to read as follows:

Permanent statute law committee. There is created a permanent statute law committee consisting of seven members as follows: a lawyer member of the legislative council, ex officio, designated by the speaker of the house of representatives, but if there be no such lawyer member, then a lawyer member of the house judiciary committee shall be so appointed; the librarian of the state law library, ex officio; the chairman of the senate judiciary committee, ex officio; the chairman of the house judiciary committee, ex officio; two lawyers admitted to practice in this state, designated by the board of governors of the Washington State Bar Association; a lawyer member at large appointed by the governor. All such designations or appointments shall be made as above provided prior to April 1, 1953, and shall be effective upon April 1, 1953, and on that date all present terms of office upon the committee shall expire.

Amendment. SEC. 2. RCW 1.08.003, as derived from section 2, chapter 157, Laws of 1951, is amended to read as follows:

Terms of office. Of the members appointed by the State Bar Association, one shall serve for a term of two years and the other for a term of four years. The term of the

governor's appointee shall be four years. The term of the member appointed by the speaker shall be two years.

The term of each ex officio member, other than the member appointed by the speaker shall expire upon expiration of his current term in the office by virtue of which he is a member of the committee. Vacancies shall be filled by designation, appointment, or ex officio in the same manner as for the member so vacating, and if a vacancy results other than from expiration of a term, the vacancy shall be filled for the unexpired term.

SEC. 3. RCW 1.08.007, as derived from section 4, chapter 157, Laws of 1951, is amended to read as follows:

The committee shall meet at the call of senate judiciary chairman as soon as feasible after April 1, 1953. The committee shall from time to time elect a chairman from among its members, and adopt rules to govern its procedures. Four members of the committee shall constitute a quorum for the transaction of any business but no proceeding of the committee shall be valid unless carried by the vote of a majority of the members present. The reviser or a member of his staff shall act as secretary of the committee.

SEC. 4. RCW 1.08.015, as derived from section 7, chapter 157, Laws of 1951, is amended to read as follows:

Subject to such general policies as may be promulgated by the committee and to the general supervision of the committee, the reviser shall:

(1) Codify for consolidation into the Revised Code of Washington all laws of a general and permanent nature heretofore or hereafter enacted by the legislature, and assign permanent numbers as provided by law to all new chapters and sections so added to the revised code.

Edit and revise laws as follows:

(2) Edit and revise such laws for such consolidation, to the extent deemed necessary or desirable by the reviser and without changing the meaning of any such law, in the following respects only:

Uniform capitalization.

(a) Make capitalization uniform with that followed generally in the revised code.

Uniform division.

(b) Make chapter or section division and subdivision designations uniform with that followed in the revised code.

Make substitutions.

(c) Substitute for the term "this act," where necessary, the term "section," "part," "code," "chapter," or "title," or reference to specific section or chapter numbers, as the case may require.

(d) Substitute for reference to a section of an "act," the proper code section number reference.

(e) Substitute for "as provided in the preceding section" and other phrases of similar import, the proper code section number references.

(f) Substitute the proper calendar date for "effective date of this act," "date of passage of this act," and other phrases of similar import.

(g) Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for uniformity, written words for figures.

Rearrange misplaced material.

(h) Rearrange any misplaced statutory material, incorporate any omitted statutory material as well as correct manifest errors in spelling, and manifest clerical or typographical errors, or errors by way of additions or omissions.

Correct manifest errors.

(i) Correct manifest errors in references, by chapter or section number, to other laws.

(j) Correct manifest errors or omissions in numbering or renumbering sections of the revised code.

Division of long sections, rearrangement of order.

(k) Divide long sections into two or more sections, and rearrange the order of sections to conform to such logical arrangement of subject matter as may most generally be followed in the revised code when

to do so will not change the meaning or effect of such sections.

(1) Change the wording of section captions, if any, and provide captions to new chapters and sections. Captions.

(m) Strike provisions manifestly obsolete. Obsolete provisions.

SEC. 5. There is added to chapter 1.08, RCW, a new section to read as follows: New section.

The committee may at any time by order correct any section or portion of the code in any of the respects enumerated in RCW 1.08.015. Orders shall be numbered consecutively and signed by the committee chairman and each order shall be followed by an explanatory note reciting the reason therefor. Code correction orders.

Unless otherwise prescribed in the orders, each shall become effective ninety days after Effective date.

(1) signing of the order; and

(2) filing a summary thereof with the board of governors of the State Bar Association; and

(3) the filing thereof with the secretary of state.

SEC. 6. RCW 1.08.027, as derived from section 12, chapter 157, Laws of 1951, is amended to read as follows: New section.

The reviser shall be in charge of and shall at all times maintain an expert bill drafting service for the use and benefit of the legislature, its committees and its members. Prior to any session thereof, the legislature shall provide quarters convenient to both houses and shall augment the reviser's staff with such additional legal and clerical assistance as may be needed to carry out the bill drafting functions of the legislature and pay the cost of such additional staff. Such services shall be confidential and non-partisan and no member of the bill drafting staff shall advocate for or against any legislative measure. Bill drafting service.

SEC. 7. There is added to chapter 1.08, RCW, a new section to read as follows: New section.

Index. The reviser, as soon as practicable, shall compile and thereafter maintain a comprehensive index and from time to time prepare for publication supplements thereto.

New section. SEC. 8. There is added to chapter 1.08, RCW, a new section to read as follows:

Rules of court. The committee may provide for inclusion in the published sets of the code the rules of court promulgated by the supreme court.

New section. SEC. 9. There is added to chapter 1.08, RCW, a new section to read as follows:

Proposals for enactment of titles, chapters and sections of RCW. The committee also shall examine the revised code and from time to time submit to the legislature proposals for enactment of the several titles, chapters and sections thereof, to the end that, as expeditiously as possible, the revised code, and each part thereof, shall constitute conclusive, rather than prima facie evidence of the law. Each such proposal shall be accompanied by explanatory matter. The committee may hold hearings concerning any such proposal or concerning recommendations formulated in accordance with RCW 1.08.025. Proposals or recommendations approved by the committee shall be submitted to the chairman of the house or senate judiciary committee at the commencement of the next succeeding session of the legislature.

Hearings.

New section. SEC. 10. There is added to chapter 1.08, RCW, a new section to read as follows:

Loan of sets of code. The committee may loan sets of the code and materials supplemental thereto

- (1) for use of senate committees, fifteen sets;
- (2) for use of the house committees, twenty sets;
- (3) to the state law library for library use;
- (4) for use of the reviser's office, as required;
- (5) for use of recognized news reporting services maintaining permanent offices at the capitol, three sets.

The committee may exchange copies of RCW for codes or compilations of other states.

Exchange with other states.

SEC. 11. There is added to chapter 1.08, RCW, a new section to read as follows:

New section.

The statute law committee shall publish, sell and distribute, and arrange for the publication, sale and distribution of the Revised Code of Washington and of supplements thereto and of such other materials as in their discretion may be incorporated in or appended to the code. They may reprint or authorize the reprinting of the code or any portion thereof.

Publication, sale and distribution of RCW.

Reprinting.

SEC. 12. There is added to chapter 1.08, RCW, a new section to read as follows:

New section.

The committee may enter into contracts or otherwise arrange for such publication and/or distribution, with or without calling for bids, by the public printer or by private printer, upon specifications formulated under the authority of RCW 1.08.037, and upon such basis as the committee deems to be most expeditious and economical. Any such contract may be upon such terms as the committee deems to be most advantageous to the state and to potential purchasers of such publications. The committee shall fix terms and prices for such publications.

Contracts for publication and distribution.

SEC. 13. There is added to chapter 1.08, RCW, a new section to read as follows:

New section.

The temporary code publication committee created by chapter 155 of the Laws of 1951 (uncodified) is abolished and all property and accounts belonging thereto, including all unsold sets of the Revised Code of Washington, is transferred to the statute law committee which succeeds to all the rights and obligations of the temporary code publication committee.

Temporary code publication committee abolished.

SEC. 14. RCW 1.08.037, as derived from section 14, chapter 157, Laws of 1951, is amended to read as follows:

Amendment.

Specifications for publication of RCW.

The committee shall formulate specifications relative to the format, size and style of type, paper stock, division into volumes, method and quality of binding, contents, indexing, and general scope and character of footnotes, and annotations, for any publication for general use of the revised code and supplements thereto. No such publication or the contents thereof, other than such temporary edition as may expressly be authorized by the legislature, shall be received as evidence of the laws of this state unless it complies with such specifications of the committee as are current at the time of publication, including compliance with the section numbering adopted by the reviser under supervision of the statute law committee. If a publication complies with such specifications, the committee shall furnish a certificate of such compliance, executed on behalf of the committee by its chairman, to the publisher, and the certificate shall be reproduced at the beginning of each such volume or supplement.

Publication not complying with specifications shall not be received as evidence.

Certificate that publication complies with specifications.

Specifications furnished to publishers.

Upon request of any publisher in good faith interested in publishing said code, the committee shall furnish a copy of its current specifications, and shall not during the process of any bona fide publication of said code or supplements modify any such specifications, if such modification would result in added expense or material inconvenience to the publisher, without written concurrence therein by such publisher.

Amendment.

SEC. 15. RCW 1.08.040, as derived from section 16, chapter 157, Laws of 1951, is amended to read as follows:

RCW deemed official when.

The Revised Code of Washington containing the certificate of the temporary code committee and any supplement or addition thereto or reprint edition thereof, which contains the certificate of the statute law committee referred to in RCW 1.08.037, shall

be deemed official, and shall be prima facie evidence of the laws contained therein.

Prima facie evidence.

SEC. 16. Each member of the legislature, not a member of the thirty-second regular session thereof, the secretary of the senate, and the chief clerk of the house of representatives in attendance at the thirty-third regular session of the legislature shall be entitled to receive one set of the revised code without charge. All members during their term of office shall be entitled to receive supplements to said code.

Copies of RCW given to members of legislature and secretary of senate and chief clerk of house.

SEC. 17. To carry out the provisions of section 16 of this act, there is hereby appropriated to the statute law committee from the general fund the sum of seventy-five hundred dollars, or so much thereof as may be necessary.

Appropriation.

SEC. 18. Chapter 155, Laws of 1951 (uncodified) is repealed.

Repealing clause.

SEC. 19. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing institutions, and shall take effect April 1, 1953, except that the portion of section 1 hereof directing the designation or appointment of members prior to April 1, 1953, shall take effect immediately.

Effective date.

Passed the House March 3, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 258.

[H. B. 40.]

COOPERATIVE ASSOCIATIONS' STOCK—ISSUES—
VOTE—LIMITS.

AN ACT relating to cooperative associations; authorizing such associations to purchase their own stock under certain conditions; prescribing the circumstances under which stock certificates in cooperative associations shall be issued and the circumstances under which stockholders may vote such stock when the same is not wholly paid for; and amending section 23.56.110, RCW.

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

Amendment. SECTION 1. Section 23.56.110, RCW, as derived from section 8 and section 11, chapter 19, Laws of 1913, as last amended by section 2, chapter 99, Laws of 1925, extraordinary session, is amended to read as follows:

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

Stock ownership limitation. No stockholder in any such association shall own more than one-fifth of the stock of the association. For the purpose of equalizing the stock ownership of its stockholders any such association may from time to time purchase stock from any stockholder. Such association may also purchase the stock of any stockholder who ceases to produce for the association any of the commodities in which it deals. Payment for any stock purchased may be made out of any available funds whether surplus or not.

Purchase by association. Vote. No stockholder at any meeting shall be entitled to more than one vote.

Passed the House February 13, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 259.

[H. B. 290.]

STATE GOVERNMENT—SUBSISTENCE FOR OFFICERS
AND EMPLOYEES.

AN ACT increasing the subsistence allowance for state officers
and employees, and amending section 43.03.050, RCW.

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

SECTION 1. Section 43.03.050, RCW, as derived Amendment.
from section 1, chapter 86, Laws of 1943, as last
amended by section 1, chapter 17, Laws of 1949, is
amended to read as follows:

The heads of all state departments may prescribe Per diem
rates.
per diem rates of allowance, not exceeding nine dol-
lars in lieu of subsistence and lodging to elective and
appointive officials and state employees while en-
gaged on official business away from their desig-
nated posts of duty, but within the state of Washing-
ton or an adjoining state, and not exceeding twelve
dollars per day while engaged on official business
elsewhere.

Passed the House February 24, 1953.

Passed the Senate March 11, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 260.

[H. B. 319.]

PUBLIC EMPLOYEES—PAYROLL DEDUCTIONS.

AN ACT authorizing payroll deductions by employees of the state and its political subdivisions for certain purposes, and amending section 41.04.030, RCW.

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

Amendment.

SECTION 1. Section 41.04.030, RCW, as derived from section 2, chapter 70, Laws of 1947, is amended to read as follows:

Duty of auditing officer.

Upon being authorized by any employee or group of employees so to do under the provisions of RCW 41.04.020, the auditor or other person authorized to draw warrants against the funds involved is authorized, and if such medical, surgical, and hospital care or either of them, or life insurance or accident and health disability insurance is to be provided on a group basis for groups each of not less than twenty-five individuals such auditor or other person is hereby required, to draw and issue a proper warrant or warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the total amount authorized to be deducted from the payroll of any such office, department, division, or institution.

Passed the House March 5, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 261.

[H. B. 349.]

INSECT, PEST, WEED AND DISEASE CONTROL—
SPRAYERS AND DUSTERS.

AN ACT relating to chemicals or chemically treated materials used for the control of insects, pests, weeds or diseases; requiring licenses; prescribing powers and duties of the director of agriculture; amending sections 17.20.010 to 17.20.040, RCW, inclusive; and declaring an emergency.

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

SECTION 1. Section 17.20.010, RCW, as derived from section 2, chapter 120, Laws of 1945, as last amended by section 1, chapter 61, Laws of 1951, is amended to read as follows: Amendment.

As used in this chapter:

“Director” means the director of agriculture;

Definitions.

“Director.”

“Commercial applicator” is one who applies chemicals or chemically treated materials for the control of insects, pests, weeds or diseases to lands or crops other than his own.

“Commercial applicator.”

SEC. 2. Section 17.20.020, RCW, as derived from section 2, chapter 120, Laws of 1945, as last amended by section 2, chapter 61, Laws of 1951, is amended to read as follows: Amendment.

The director shall:

(1) Have the enforcement of this chapter;

Powers and duties of director.

(2) Control the use of chemicals or chemically treated materials used for the control of insects, pests, weeds or diseases which are lethal or injurious to pollinating insects, bees, crops, lands and livestock;

(3) Prescribe and enforce such reasonable regulations which he shall deem necessary to protect pollinating insects, bees, crops, lands and livestock from the use of chemicals or chemically treated materials for the control of insects, pests, weeds or diseases;

(4) Define areas within which chemicals or chemically treated materials for the control of insects, pests, weeds or diseases, or any of them, may not be used;

(5) Prescribe and enforce reasonable regulations applicable to and restricting the use of chemicals or chemically treated materials for the control of insects, pests, weeds or diseases by either commercial applicators or other applicators, or both which the director determines after a hearing to be an area in which the use or application of a particular chemical for the control of insects, pests, weeds or diseases to lands or crops would endanger the crops, lands or animals of others. The director may in such regulations restrict the use of such materials in any particular designated area to applicators who file with the county agent or other person designated by the director a statement on forms provided stating the method of application, place of application, date the application of chemicals or chemically treated materials will be made and any other information the director may require which will better enable those who might be damaged by such application to determine and show the source of damage. If the application of chemicals or other chemically treated materials is not made at the time stated in the statement required to be filed, a declaration to that effect may be filed with the county agent or other designated person within thirty-six hours after the date of intended application, and in the absence of the filing of a declaration within the thirty-six hour period that the material was not applied on the date originally stated it will be presumed the application was made on the date of intended application.

Amendment.

SEC. 3. Section 17.20.030, RCW, as derived from section 2, chapter 120, Laws of 1945, as last amended by section 3, chapter 61, Laws of 1951, is amended to read as follows:

The director shall hold such hearings in any area as he shall deem necessary. Any county agent or ten or more interested persons in any area within a county or two or more counties, may request the director to issue special regulations applicable only to such area. The director shall give notice of the hearing by publication in a newspaper in the county or counties in which the area is situated for two successive weekly issues, the first of which shall be at least ten days before the hearing.

Hearings.

Request for
area
regulations.

Notice.

At the hearing all interested persons shall be heard. The director may then make and promulgate such reasonable regulations applicable only to such county, counties or area as he shall deem necessary to protect pollinating insects, bees, crops, lands and livestock from injury from the use of chemicals or chemically treated materials for the control of insects, pests, weeds or diseases.

Promulga-
tion of area
regulations.

SEC. 4. Section 17.20.040, RCW, as derived from section 2, chapter 120, Laws of 1945, as last amended by section 4, chapter 61, Laws of 1951, is amended to read as follows:

Amendment.

Commercial applicators shall procure from the director an annual license, and pay therefor a fee of not more than twenty dollars, the proceeds of which shall be used exclusively for the enforcement of this chapter.

Commercial
applicator's
license; fee.

Licenses shall expire on December 31st following issuance, unless sooner revoked for cause, and shall not be transferable. The director may refuse to issue a license if the applicant does not have equipment capable of applying chemicals or chemically treated materials without injuring the crops, lands, bees or livestock of others: *Provided*, That applicators who, in the discretion of the director, engage in applying chemicals or chemically treated materials for the control of insects, pests, weeds or diseases to lands or crops, infrequently or in nonsubstantial amounts

Expiration.

for others, shall not be considered commercial applicators.

Emergency.

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, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 262.

[H. B. 358.]

WASHINGTON STATE PATROL RETIREMENT SYSTEM.

AN ACT relating to retirement of state patrol members and amending sections 43.43.120, 43.43.130 and 43.43.230, RCW, and declaring an emergency.

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

Amendment.

SECTION 1. Section 43.43.120, RCW, as derived from section 1, chapter 250, Laws of 1947, as last amended by section 1, chapter 140, Laws of 1951, is amended to read as follows:

As used in the following sections:

"Retirement system."

(1) "Retirement system" means the Washington state patrol retirement system.

"Retirement fund."

(2) "Retirement fund" means the Washington state patrol retirement fund.

"State treasurer."

(3) "State treasurer" means the treasurer of the state of Washington.

"Member."

(4) "Member" means any person included in the membership of the retirement fund.

"Employee."

(5) "Employee" means any commissioned employee of the Washington state patrol.

"Beneficiary."

(6) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(7) "Regular interest" means interest compounded annually at such rates as may be determined by the retirement board. "Regular interest."

(8) "Retirement board" means the board provided for in this chapter. "Retirement board."

(9) "Insurance commissioner" means the insurance commissioner of the state of Washington. "Insurance commissioner."

(10) "State auditor" means the auditor of the state of Washington. "State auditor."

(11) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ten days or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit. "Service."

(12) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington. "Prior service."

(13) "Current service" shall mean all service as a member rendered on or after August 1, 1947. "Current service."

(14) "Average final salary" shall mean the average monthly salary received by a member during his last ten years of service as an employee of the Washington state patrol, or if he has less than ten years of service, then the average monthly salary received by him during his total years of service. "Average final salary."

(15) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such "Actuarial equivalent."

mortality table as may be adopted and such interest rate as may be determined by the board.

Amendment.

SEC. 2. Section 43.43.130, RCW, as derived from section 2, chapter 250, Laws of 1947, as last amended by section 2, chapter 140, Laws of 1951, is amended to read as follows:

State patrol retirement fund established.

(1) A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

Commissioned employees eligible.

(2) Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol employed by the state of Washington or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington shall receive full credit for such prior service but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service in the patrol and later reenter, he shall be treated in all respects as a new employee: *Provided*, That a member who reenters or has reentered service within ten years from the date of his termination, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, plus earned interest, which restoration must be completed within four years after resumption of service, be returned to the status of membership he earned at the time of termination.

Prior service.

Reemployment.

Member serving in armed forces.

(3) A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States pursuant to

and by reason of orders by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: *Provided*, That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency.

Military
service
credit.

SEC. 3. Section 43.43.230, RCW, as derived from section 12, chapter 250, Laws of 1947, is amended to read as follows:

Amendment.

Subject to the provisions of RCW 43.43.260, at retirement, the total service credited to a member shall consist of all his current service and certified prior service.

Total service
defined.

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

Emergency.

Passed the House February 24, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 21, 1953.

CHAPTER 263.

[H. B. 204.]

HORTICULTURE—VIOLATIONS OF STANDARDS OF GRADES AND PACKS.

AN ACT relating to horticulture and amending section 15.16.090, RCW.

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

Amendment.

SECTION 1. Section 15.16.090, RCW, as derived from sections 15, 16 and 17, chapter 166, Laws of 1915, as last amended by sections 3 and 4, chapter 27, Laws of 1931, is amended to read as follows:

It is unlawful for any person who grows, packs, or otherwise deals in fruits, vegetables, nursery stock, or other horticultural products to:

Marking of containers required as to standards of grades and packs.

(1) Offer for sale, sell, or ship any such products in boxes, packages, or other containers without first plainly marking on the outside of each container the standards, rules and regulations adopted by the director hereunder, and, either the true grades of the contents as fixed by said standards, rules and regulations, or a special or private grade or brand registered and approved by the director: *Provided*, That private grades or brands for apples may only be registered and approved when they meet the specifications required of fancy grade or better; or

Same; locality where grown.

(2) Place upon any container the name of any other place or locality than that where the contents were grown, except the place of destination; or falsely mark such container as to variety of the contents, the name of the grower, or place where grown; or the name of a grade which imitates or approaches the name of any grade promulgated by the director; or

False marking or advertising.

(3) Mark, brand, advertise, offer for sale, or sell any such products as being graded according to said standards unless the same does conform therewith; or

(4) Have in his possession any such products that are thusly misbranded; or

Possession of misbranded products.

(5) Re-mark any container to a higher or superior grade than that marked thereon by the grower or packer; or

Re-marking to superior grade.

(6) Repack the contents of a container into a container of another grower or packer, or from another locality than that in which originally packed, and then sell or offer for sale such repacked container without changing its markings to conform with its said contents; or

Repacking without changing markings.

(7) Import, sell, offer for sale or possess any such products which are infected with any pest or disease, or larvae thereof. The fact that any product bears the mark of any scale or insect, or is worm-eaten is conclusive evidence that it is infected.

Infected products.

The provisions of this section do not apply to canned or dried fruits; nor prevent the manufacture of infected fruit into by-products, or its shipment to a by-product factory; nor prohibit the sale of such products as "ungraded" or as graded according to other standards than those adopted by the director if the name of such other grades or standards does not resemble or imitate any official grades and if obligatory grades, rules and regulations have not been adopted as herein provided.

Section inapplicable.

Passed the House March 1, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 264.

[H. B. 67.]

SALARIES OF ELECTIVE COUNTY OFFICERS.

AN ACT relating to the fixing of compensation of county officers, and amending section 36.17.020, RCW.

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

Amendment.

SECTION 1. Section 36.17.020, RCW, as derived from section 6, chapter 148, Laws of 1925, extraordinary session, as last amended by section 1, chapter 200, Laws of 1949, is amended to read as follows:

Salaries of county officers.

The salaries of county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.070, inclusive, shall be per annum respectively as follows:

Class A counties.

Class A counties: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroner, six thousand six hundred dollars; prosecuting attorney, seven thousand two hundred dollars;

First class counties.

Counties of the first class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, five thousand nine hundred dollars; prosecuting attorney, six thousand five hundred dollars; coroner, two thousand nine hundred dollars;

Second class counties.

Counties of the second class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, five thousand two hundred dollars; prosecuting attorney, five thousand five hundred dollars; coroner, one thousand eight hundred dollars;

Third class counties.

Counties of the third class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools,

members of board of county commissioners, four thousand seven hundred dollars; prosecuting attorney, four thousand seven hundred dollars; coroner, one thousand two hundred dollars;

Counties of the fourth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, four thousand three hundred dollars; members of the board of county commissioners, three thousand nine hundred dollars; prosecuting attorney, three thousand nine hundred dollars;

Fourth class counties.

Counties of the fifth class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, three thousand nine hundred dollars; members of board of county commissioners, three thousand four hundred dollars; prosecuting attorney, three thousand four hundred dollars;

Fifth class counties.

Counties of the sixth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, three thousand seven hundred dollars; prosecuting attorney, two thousand two hundred dollars; members of board of county commissioners, one thousand two hundred dollars and ten dollars per diem for expenses;

Sixth class counties.

Counties of the seventh class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, three thousand six hundred dollars; prosecuting attorney, two thousand two hundred dollars; members of the board of county commissioners, one thousand two hundred dollars and ten dollars per diem for expenses;

Seventh class counties.

Counties of the eighth class: Auditor, treasurer, assessor, sheriff, three thousand five hundred dollars; clerk, two thousand six hundred dollars; superintendent of schools, two thousand six hundred dollars; prosecuting attorney, two thousand two hundred dollars; members of board of county commissioners, one thousand two hundred dollars and ten dollars per diem for expenses;

Eighth class counties.

Ninth class counties.

Counties of the ninth class: Auditor-clerk, sheriff, treasurer, three thousand one hundred dollars; superintendent of schools, one thousand eight hundred dollars; prosecuting attorney, one thousand four hundred dollars; members of the board of county commissioners, ten dollars per diem.

Passed the House February 26, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 265.

[H. B. 123.]

SALARIES OF COURT REPORTERS.

AN ACT relating to court reporters; fixing their compensation; and amending section 2.32.210, RCW.

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

Amendment.

SECTION 1. Section 2.32.210, RCW, as derived from section 1, chapter 24, Laws of 1945, as amended by chapter 210, Laws of 1951, is amended to read as follows:

Compensation.

Each official reporter shall be paid compensation as follows:

Schedule.

In judicial districts comprised of Class A or Class AA counties, five thousand four hundred dollars per annum; in judicial districts comprised of first class counties, five thousand one hundred and seventy-five dollars per annum; in judicial districts having a total population of seventy thousand and under one hundred twenty-five thousand, four thousand six hundred and twenty-five dollars per annum; in judicial districts having a total population of forty thousand and under seventy thousand, four thousand five hundred dollars per annum; in judicial districts having a total population of twenty-five thousand and under forty thousand, four thousand two hundred dollars per annum; which compensation shall be paid out of

the current expense fund of the county where court is held.

County
current
expense
fund.

In judicial districts comprising more than one county the judge or judges thereof shall, on the first day of January of each year, or as soon thereafter as may be convenient, apportion the amount of the salary to be paid to the reporter by each county according and in proportion to the number of criminal and civil actions entered and commenced in superior court of the constituent counties 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 proportion to the amount of time spent in each county on the 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.

Judicial
districts
comprising
more than
one county.

Expenses.

Mileage.

The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as state and county officers are paid.

Salary:
how paid.

Passed the House February 17, 1953.

Passed the Senate March 8, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 266.

[H. B. 217.]

COMMERCIAL WATERWAY DISTRICTS—DISSOLUTION.

AN ACT relating to the dissolution of certain municipal corporations, and amending chapter 53.48, RCW, by adding a new section thereto.

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

New section.

SECTION 1. There is hereby added a new section to chapter 53.48, RCW, as derived from chapter 87, Laws of 1941, to read as follows:

Dissolution; distribution of land, etc., and assets of districts to cities authorized; when.

In the event a commercial waterway district, seeking dissolution under this act, lies wholly or chiefly within the limits of a city, and the court finds that the city will continue to need the use of the river or stream included in the waterway district, or finds that the city needs protection from the waters of said stream or river, then the court, if it be satisfied after hearing that a need exists for the use, control, or navigation of said stream or river, and if further satisfied that any debts of the waterway district can be otherwise paid or liquidated with other assets of the district under the powers of its commissioners, may distribute the land, improvements, and other assets, if any, made by said waterway district to said city, but if the court finds that distribution to the city would leave debts of the waterway district unpaid, then the court may order distribution to the city under such arrangements and terms as to the court may seem just and equitable.

Passed the House February 26, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 267.

[H. B. 429.]

PUBLIC HOSPITAL DISTRICTS.

AN ACT relating to public hospital districts; adding three new sections to chapter 70.44, RCW, and amending section 70.44.040, RCW.

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

SECTION 1. Chapter 70.44, RCW, as derived from chapter 264, Laws of 1945, as last amended, is amended by adding thereto a new section to read as follows: New section.

Any petition for the formation of a public hospital district may describe an area lying in more than one county, the boundaries of which shall follow the then existing precinct boundaries and not divide a voting precinct; and if a petition is filed with the county auditor of the respective counties in which a portion of the proposed district is located, containing not less than ten percent of the voters of that area of each county of the proposed district who voted at the last general election, certified by the said respective auditors in like manner as for a county wide district, the board of county commissioners of each of the counties in which a portion of the proposed district is located shall fix a date for a hearing on the petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the hearing, together with a notice stating the time of the meeting when the petition will be heard. The publication required by this chapter shall be in a newspaper published in the portion of each county lying within the proposed district, or if there be no such newspaper published in any such portion of a county, then in one published in the county wherein such portion of said district is situated, and of general circulation in the county. The hearing before the respective county commissioners may be adjourned from time to time

Petition for formation of public hospital district.

Hearing.

Publication.

Decision of
county com-
missioners
fixing
boundaries.

not exceeding four weeks in all. If upon the final hearing the respective boards of county commissioners find that any land has been unjustly or improperly included within the proposed district they may change and fix the boundary lines of the portion of said district located within their respective counties in such manner as they deem reasonable and just and conducive to the welfare and convenience, and enter an order establishing and defining the boundary lines of the proposed district located within their respective counties: *Provided*, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of the land to be so included. Thereafter the same procedure shall be followed as prescribed for the formation of a district including an entire county, except that the petition and election shall be confined solely to the portions of each county lying within the proposed district.

Lands
outside
boundaries.

Amendment.

SEC. 2. Section 70.44.040, RCW, as derived from section 5, chapter 264, Laws of 1945, as last amended by section 1, chapter 229, Laws of 1947, is amended to read as follows:

Total vote
required.

The provisions of Title 54 relating to elections, vacancies, procedure of the commission and boundaries and consolidation of public utility districts shall govern public hospital districts, except that the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in the precincts comprising the districts at the next preceding general state and county election, and except that hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the second Monday in January in each year following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commis-

Terms
of commis-
sioners.

sioners shall be elected to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district number one receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district number two receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district number three receiving the highest number of votes in the hospital district shall hold office for the term of two years. Each term shall date from the time above specified following the election, but shall also include the period intervening between the election and the beginning of the regular terms specified in this section: *Provided*, That in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of said proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: *Provided further*, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the second Monday in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three

Number of votes determines terms.

Districts encompassing more than one county.

Total vote required.

Terms of commissioners.

Residential requirements of commissioners.

Commencement of terms.

Number
of votes
determines
terms.

commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by said election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: *Provided further*, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this paragraph.

New section.

SEC. 3. Chapter 70.44, RCW, as derived from chapter 264, Laws of 1945, as amended, is amended by adding thereto a new section to read as follows:

Contiguous
districts may
consolidate.

Two or more contiguous hospital districts, whether the territory therein lies in one or more counties, may consolidate by following the procedure outlined in chapter 35.10, RCW, with reference to consolidation of cities and towns.

New section.

SEC. 4. Chapter 70.44, RCW, as derived from chapter 264, Laws of 1945, as last amended, is amended by adding thereto a new section to read as follows:

Annexation
of territory.

A hospital district may annex territory outside the existing boundaries of such district and contiguous thereto, whether the territory therein lies in one or more counties, under the procedure applicable to annexation of unincorporated areas as provided in chapter 35.12, RCW.

Passed the House March 6, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 268.

[H. B. 151.]

METROPOLITAN PARK DISTRICT OF TACOMA—
CONVEYANCE OF LAND.

AN ACT authorizing the metropolitan park district of Tacoma to sell to the Oakland Presbyterian church an undivided one-half ownership in a parcel of land located in the city of Tacoma.

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

SECTION 1. The board of park commissioners of the metropolitan park district of Tacoma is authorized and empowered to convey to the Oakland Presbyterian church for such consideration as may be determined by the board of park commissioners of the metropolitan park district of Tacoma and the board of trustees of the Oakland Presbyterian church its undivided one-half interest in a parcel of land located in the city of Tacoma, Pierce county, Washington, and more particularly described as follows:

Conveyance
of land
authorized.

All of that part of the north half of the northeast quarter of the southwest quarter of section twelve, township twenty north, range two east of W.M., lying southerly and southwesterly of Center street extension; except a strip one hundred twenty feet wide adjoining Center street.

Description.

Subject to rights of way and easements of record to the city of Tacoma.

Passed the House February 5, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 269.

[H. B. 314.]

METROPOLITAN PARK DISTRICTS—DISSOLUTION.

AN ACT relating to the powers and duties of boards of commissioners of metropolitan park districts, and amending chapter 35.61, RCW.

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

New section.

SECTION 1. Chapter 35.61, RCW, as derived from chapter 98, Laws of 1907, as last amended, is amended by adding thereto a new section to read as follows:

Dissolution authorized.

A board of commissioners of a metropolitan park district may, upon a majority vote of all its members, dissolve any metropolitan park district, pro-rate the liabilities thereof, and turn over to the city and/or county so much of the district as is respectively located therein, when:

(1) Such city and/or county, through its governing officials, agrees to, and petitions for, such dissolution and the assumption of such assets and liabilities, or;

(2) Ten percent of the voters of such city and/or county who voted at the last general election petition the governing officials for such a vote.

Passed the House March 1, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 270.

[H. B. 374.]

JOINT TENANCY—COMMUNITY PROPERTY.

AN ACT relating to the abolishment of survivorship by the Territorial Laws of 1885; amending section 11.04.070, RCW; abrogating joint tenancy, tenancy by the entireties and the right of survivorship; making exceptions thereto; and declaring an emergency.

PREAMBLE

That this act is passed:

(a) In the interest of affirming by law the general prevailing view as to the effect of RCW 11.04.070 that tenancy by the entireties has been superseded by the community property system and joint tenancy has in practical effect been converted into tenancy in common and since the right of survivorship has generally been regarded by lawyers, judges and legislators as having been abrogated; and

(b) Because it is deemed desirable to remove some uncertainties as to the application of the existing laws relative thereto resulting in confusion among persons dealing with property rights, now therefore:

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

SECTION 1. Section 11.04.070, RCW, as derived from section 1, page 165, Laws of 1885, is amended to read as follows: Amendment.

The right of survivorship by agreement or otherwise as a principle and as an incident of joint tenancy or of tenancy by the entireties is abolished. If partition is not made between joint tenants, the parts of those who die first shall not accrue to the survivors, but descend, or pass by devise, and shall be subject to debts and other legal charges, or transmissible to executors or administrators, and be considered, to every intent and purpose, in the same view as if such

Survivorship
between
joint tenants
abolished.

deceased joint tenants had been tenants in common:
Provided, That this section shall not apply in the following circumstances:

Exceptions.

(1) As between husband and wife in dealing with community property as otherwise provided by statute.

(2) As to property and rights where the right of survivorship has been or may be revived by statute.

(3) As to property and rights conveyed to trustees while subject to the trust.

Emergency.

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

Passed the House February 27, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 271.

[H. B. 430.]

LABOR REGULATIONS—WATERFRONT OPERATIONS.

AN ACT relating to health and safety of labor and providing penalties.

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

SECTION 1. It shall be unlawful for any employer to permit any of his employees to operate on docks, in warehouses and/or in or on other waterfront properties any power driven mechanical equipment for the purpose of loading cargo on, or unloading cargo from, ships, barges, or other watercraft, or of assisting in such loading or unloading operations, for a period in excess of twelve and one-half hours at any one time without giving such person an interval of eight hours' rest: *Provided, however,* The provisions of this act shall not be applicable in cases of emergency, including fire, violent storms, leaking or sinking ships or services required by the armed forces of the United States.

Rest period required for operator of power driven equipment.

Exceptions.

SEC. 2. Any person violating the provisions of section 1 hereof is guilty of a misdemeanor.

Penalty.

Passed the House March 3, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 272.

[H. B. 475.]

SALE OF PARTIAL INTEREST IN COLUMBIA TOLL
BRIDGE TO OREGON.

AN ACT authorizing the sale to the state of Oregon of a one-half interest in the toll bridge across the Columbia river between Longview, Washington, and Rainier, Oregon; providing for the application of proceeds to redemption of bonds; and authorizing reduction of tolls.

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

SECTION 1. The Washington toll bridge authority is authorized to enter into such agreements with the Oregon state highway commission as are convenient and necessary to accomplish the sale of a one-half interest by the state of Washington to the state of Oregon and joint ownership by the states of Washington and Oregon of the existing toll bridge across the Columbia river between Longview, Washington, and Rainier, Oregon, said sale to be upon the basis of the state of Oregon assuming and paying one-half of the total amount of bonded indebtedness, including interest, now outstanding against said bridge. Thereafter the tolls on said bridge may be uniformly reduced in each direction as agreed between the states through their respective authorities.

Passed the House March 5, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 23, 1953.

Sale
authorized.

Terms.

Reduction
of tolls.

CHAPTER 273.

[H. B. 585.]

UNIFORM PHOTOGRAPHIC COPIES OF BUSINESS AND
PUBLIC RECORDS AS EVIDENCE ACT.

AN ACT relating to the admission of photographic copies of business and public records as evidence and to make uniform the law with reference thereto.

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

SECTION 1. If any business, institution, member of a profession or calling or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

Photographic copies of business or public records kept or recorded in regular course of business.

Admissibility in evidence.

SEC. 2. This act shall be so interpreted and construed as to effectuate its general purpose of making uniform the law of those states which enact it.

Purpose.

Short title.

SEC. 3. This act may be cited as the "Uniform Photographic Copies of Business and Public Records as Evidence Act."

SEC. 4. All acts or part of acts which are inconsistent with the provisions of this act are repealed.

Passed the House March 7, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 274.

[S. B. 59.]

CITY OF EVERETT—CONVEYANCE TO SCHOOL DISTRICT.

AN ACT authorizing Everett, a municipal corporation, to convey to Everett School District No. 2, a municipal corporation of Snohomish county, Washington, a portion of City of Everett Municipal Golf Course, located in Everett, Snohomish county, Washington, or adjacent thereto, without calling for bids; and amending section 1, chapter 186, Laws of 1951 (uncodified).

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

Amendment.

SECTION 1. Section 1, chapter 186, Laws of 1951 (uncodified), is amended to read as follows:

District may receive property.

Everett School District No. 2, a municipal corporation, is empowered to receive as a gift or purchase from Everett, a municipal corporation, a portion of that property known as City of Everett Municipal Golf Course, described as follows:

Legal description.

Commencing at the City of Everett standard monument at the intersection of 9th Street and Lombard Avenue, thence east on the monument line of 9th Street 18 feet to the east property line of Lombard Avenue as platted in Swalwell's 4th Addition; thence angle left 90° and following the east property line of Lombard Avenue for 184.47 feet to the north line of Swalwell's 4th Addition, thence to point of

beginning; thence continuing north on the east property line of Lombard Avenue produced in its present direction a distance of 285.00 feet, thence angle left $67^{\circ} 12' 02''$ for a distance of 416.79 feet, thence angle left $22^{\circ} 46' 57''$ for a distance of 440.77 feet to the east line of the Plat of First Addition to Legion Park, thence angle left $89^{\circ} 28' 47''$ and following the east line of the Plat of First Addition to Legion Park for a distance of 443.77 feet to an intersection with the north line of Swalwell's 4th Addition, thence angle left $90^{\circ} 20' 15''$ and following the north line of Swalwell's 4th Addition for a distance of 829.16 feet to point of beginning, containing an area of 7.739 acres, (being a portion of the City of Everett Municipal Golf Course within the city limits of the City of Everett); and to appropriate sums of money and pay the same to Everett, a municipal corporation. And the said Everett, a municipal corporation, is hereby authorized to deed and convey said property, above described, to Everett School District No. 2, for the purpose of erecting a junior college thereon, without consideration, other than the benefits to be derived from having said junior college erected on said property, and/or such consideration as the city commissioners of Everett may decide upon, and may be agreed to by the directors of Everett School District No. 2, Snohomish County, Washington, and such gift and/or sale and conveyance may be made without advertising same for sale and putting same up for bids: *Provided*, That the question of authorizing the sale of such lands shall have been submitted to a vote of the electors of Everett, in the manner provided by law for submission of other questions to a vote of the electors of Everett, giving a legal description of the lands to be sold and the price and terms upon which it is proposed to sell said lands, and shall have been so authorized by a

District
may pay.City may
convey.Considera-
tion.Bids not
required.Election on
question of
sale.

Majority
vote.

majority vote of the electors of Everett voting on the question.

Ratification
of certain
acts.

SEC. 2. All acts of any such municipality in the exercise or attempted exercise of any powers herein conferred are hereby ratified and confirmed. The provisions of this act shall be cumulative and nothing herein contained shall abridge or limit the powers of the city, school district or county under existing law.

Passed the Senate February 2, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 275.

[S. B. 139.]

WATER RIGHTS—NOTICE OF APPLICATION.

AN ACT relating to the publication of notice pertaining to the regulation and control of water; and amending section 90.20.040, RCW.

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

Amendment.

SECTION 1. Section 90.20.040, RCW, as derived from section 30, chapter 117, Laws of 1917, as last amended by section 1, chapter 127, Laws of 1939, is amended to read as follows:

Notice of
proposed
storage,
diversion
or use.

Upon receipt of a proper application, the supervisor shall instruct the applicant to publish notice thereof in a form and within a time prescribed by him in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use is to be made, and in such other newspapers as he may direct, once a week for two

consecutive weeks. Upon receipt by the supervisor of an application he shall send notice thereof containing pertinent information to the director of fisheries and the director of game.

Passed the Senate February 12, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 276.

[S. B. 171.]

UNEMPLOYMENT COMPENSATION—GOVERNMENTAL SERVICE.

AN ACT relating to unemployment compensation; and amending section 50.04.200, RCW.

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

SECTION 1. Section 50.04.200, RCW, as derived from section 7, chapter 265, Laws of 1951, is amended to read as follows: Amendment.

The term "employment" shall not include service performed in the employ of this state, or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions: *Provided*, That this exemption shall not be deemed to apply to public utility districts and public power authorities, nor shall this exemption be deemed to apply if the state or any political subdivision thereof or any instrumentality of this state or its political subdivisions voluntarily elects coverage for all or any distinct class or group of individuals in its employ: *And provided further*, That the state or any political subdivision thereof or any instrumentality of this state or its political subdivisions is hereby authorized to pay to the unemployment compensation division for the unemployment compensation fund

"Employment"; exemption; service in employ of state or political subdivisions.

Effect of elective coverage.

State, political subdivisions authorized to contribute.

contributions required of employers by the provisions of this title.

Note: This section also amended by section 1, chapter 8, Ex. Sess., *infra*.

Passed the Senate February 13, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 277.

[S. B. 189.]

SPOKANE ARMORY—NATIONAL DEFENSE FACILITIES ACT.

AN ACT relating to state government; authorizing the disposition of the armory in Spokane; authorizing the construction of a new armory; and making an appropriation.

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

SECTION 1. The state military department is authorized to give consent for the sale and disposition of the present state armory land and buildings in the city of Spokane, commonly known as the 161st Infantry Armory, which sale and disposition shall be by and under the direction of the land commissioner in accordance with the procedures provided by law: *Provided*, That unless in the opinion of the adjutant general the appraised value of said land and buildings is in a sum which, together with federal matching funds under the National Defense Facilities Act (64 Stat. 829, U. S. C. Title 50, sec. 883), will provide sufficient funds for the construction of a new armory as hereinafter provided, the said land commissioner shall proceed no further with the sale. Should the appraised value of the land and buildings, together with federal matching moneys under the National Defense Facilities Act, aforesaid, be sufficient in the opinion of the adjutant general for the construction of a new armory as hereinafter provided, he shall so notify the land

State military department authorized to give consent to sell Spokane armory.

Land commissioner to direct sale.

Limitation on sale.

Conditions upon which sale may be made.

commissioner and the sale shall proceed as provided by law.

SEC. 2. The proceeds of the sale shall be transmitted by the land commissioner to the state treasurer to be by the latter held in a special account to be known as the Spokane armory fund. Disposition of proceeds.

SEC. 3. For the biennium ending March 31, 1955, there is hereby appropriated to the adjutant general from the Spokane armory fund the sum of one hundred fifty thousand dollars or so much thereof as may be necessary to construct, furnish and equip a new armory or armories at Felts field within the city of Spokane. Appropriation.

SEC. 4. The legislature hereby expresses its intention to secure to this state the benefits of the act of Congress entitled the "National Defense Facilities Act," and the state military department 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 for the acquisition, construction, expansion, rehabilitation or conversion of facilities necessary for the administration and training of units of the state military department and reserve components of the armed forces of the United States. The provisions of the said act of Congress are hereby accepted by this state and this state will observe and comply with the requirements thereof. "National Defense Facilities Act."

Note: See also sec. 1 of ch. 181, *supra*.

Passed the Senate February 12, 1953.

Passed the House March 4, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 278.

[S. B. 121.]

SCHOOL PATROL.

AN ACT relating to education; providing for a school patrol; defining appointments and authority; authorizing the purchases of uniforms and equipment; authorizing the payment of life and accident insurance premiums; and amending section 46.48.160, RCW.

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

Amendment. SECTION 1. Section 46.48.160, RCW, as derived from section 130, chapter 189, Laws of 1937, is amended to read as follows:

Appointment of students. The superintendent of public instruction, through the superintendent of schools of any city or town or school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed from the student body of any public or private school or institution of learning students who shall be known as members of the "school patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

Insignia. The members of such school patrol shall wear a badge or other appropriate insignia marked "school patrol" when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Signs and signals. School districts may purchase. Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while

in performance of their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a school patrol sign or signal displayed by a member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to disregard any other reasonable directions of a member of the school patrol when acting in performance of his duties as such.

Vehicle operators to obey patrol regulations.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

Life and accident insurance.

Passed the Senate March 12, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 279.

[S. B. 416.]

FUNERAL RIGHTS.

AN ACT relating to and regulating the selling, offering for sale, or otherwise disposing of any contract, share, certificate, right, or interest, granting or purporting to grant any right to funeral services; and repealing sections 48.40.010 to 48.40.070, RCW, inclusive.

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

SECTION 1. The sale, offering for sale or otherwise disposing of for value any contract, share, certificate, right or interest granting or purporting to grant to the purchaser, or holder thereof, or to his heirs, children, dependents, members of his family, administrators, survivors, executors or assigns, any

Sale, etc., of right, etc. to funeral services.

right to funeral services, and/or personal property, facilities and services, customarily furnished relative thereto or therewith, either in whole or in part, contingent upon the death of such a purchaser, holder, children, dependents or members of his family, is hereby made subject to the same terms, conditions, provisions and regulations as the issuance of life insurance under title 48, RCW, and any amendments thereto, and shall be subject to and governed thereby.

Contingent upon death of purchaser, etc.

Subject to regulations for issuance of life insurance.

Exceptions.

SEC. 2. This act shall not apply to any funeral right or benefit issued or granted as an incident to or reason of membership in any fraternal or benevolent association or cooperative or society, or labor union not organized for profit.

Repealing clause.

SEC. 3. Sections 48.40.010 to 48.40.070, RCW, inclusive, as derived from chapter 32, Laws of 1931, are repealed.

Passed the Senate March 12, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 280.

[S. B. 433.]

HIGHWAYS—ROUTES—APPROPRIATIONS—
DEFENSE ROADS.

AN ACT relating to public highways; establishing certain primary and secondary state highways; making appropriations and reappropriations from the motor vehicle and highway equipment funds; making appropriations for surveys and studies of highways; providing for access roads and bridges as requested by the United States bureau of public roads; amending sections 47.16.080, 47.20.010, 47.20.070, 47.20.120, 47.20.160, 47.20.200, 47.20.220, 47.20.320 and 47.20.420, RCW; repealing section 47.20.350, RCW; and declaring an emergency.

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

SECTION 1. Section 47.16.080, RCW, as derived from section 8, chapter 190, Laws of 1937, is amended to read as follows: Amendment

A primary state highway to be known as primary state highway No. 8, or the Evergreen highway, is established as follows: Beginning at Vancouver on primary state highway No. 1, thence in easterly direction by way of Stevenson to Goldendale, thence in a northeasterly direction by way of Satus Pass to a junction with primary state highway No. 3, southeast of Yakima; also beginning at a junction with primary state highway No. 8, in the vicinity of Maryhill, thence in a southerly direction to the ferry landing of the Maryhill ferry on the Columbia river; also, beginning in the vicinity of Maryhill, running thence easterly 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; also, beginning at a junction with primary state highway No. 8 in the vicinity of Paterson, thence in a northerly direction to a junction with primary state highway No. 3 in the vicinity of Prosser. Primary state highway No. 8 or Evergreen highway.

Amendment.

SEC. 2. Section 47.20.010, RCW, as derived from section 3, chapter 273, Laws of 1951, is amended to read as follows:

Branches of primary state highway No. 1; established.

Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1A.

Secondary state highway No. 1A; beginning at a junction with the Mt. Baker branch of primary state highway No. 1 in the vicinity of Lawrence, thence in a northerly direction to the international boundary in the vicinity west of Sumas; also beginning at a junction with secondary state highway No. 1A in the vicinity of Nooksack, thence southwesterly by way of Everson to a junction with secondary state highway No. 1B in the vicinity of Wisner Lake; also beginning at a junction with the Mt. Baker branch of Primary state highway No. 1 in the vicinity of Deming, thence in a southerly direction by way of Sedro Woolley, Arlington and Snohomish to a junction with primary state highway No. 2 in the vicinity of Woodinville;

Secondary state highway No. 1B.

Secondary state highway No. 1B; beginning at Bellingham on primary state highway No. 1, thence in a northerly direction to the international boundary in the vicinity east of Delta.

Amendment.

SEC. 3. Section 47.20.030, RCW, as derived from section 6 (e) and (f), chapter 239, Laws of 1943, is amended to read as follows:

Branches of primary state highway No. 1; established.

Secondary state highways as branches of primary state highway No. 1, are established as follows:

Secondary state highway No. 1E.

Secondary state highway No. 1E; beginning at Conway on primary state highway No. 1, thence in a southerly direction by way of East Stanwood, thence in a southeasterly direction to a junction with primary state highway No. 1, thence in an easterly direction to Arlington on secondary state highway No. 1A;

Secondary state highway No. 1F.

Secondary state highway No. 1F; beginning at a junction with primary state highway No. 1 in the

vicinity of Burlington, thence in a northeasterly direction to a junction with secondary state highway No. 1A in the vicinity of Sedro Woolley.

SEC. 4. Section 47.20.070, RCW, as derived from section 2, chapter 207, Laws of 1937, as last amended by section 6, chapter 239, Laws of 1943, is hereby amended to read as follows: Amendment.

Secondary state highways as branches of primary state highway No. 1 are established as follows: Branches of primary state highway No. 1; established.

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 to a junction with primary state highway No. 9 in the vicinity of Rochester; Secondary state highway No. 1M.

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 highway No. 1N.

SEC. 5. Section 47.20.120, RCW, as derived from section 6, chapter 239, Laws of 1943, is amended to read as follows: Amendment.

Secondary state highways as branches of primary state highway No. 1 are established as follows: Branches of primary state highway No. 1; established.

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 way of Milton to a junction with secondary state highway No. 5D in the vicinity east of Milton; Secondary state highway No. 1X.

Secondary state highway No. 1Y; beginning at a junction with primary state highway No. 1 in the vicinity east of East Stanwood; thence in a westerly direction to a junction with secondary state highway No. 1E in the vicinity of East Stanwood; thence in a westerly direction by way of Stanwood and over a bridge to a point on Camano Island known as McEachern's Corner. Secondary state highway No. 1Y.

Secondary state highway No. 1Z; beginning at a junction with primary state highway No. 1 north- Secondary state highway No. 1Z.

west of Bellingham in the vicinity of the township line common to townships 38 north and 39 north, thence in a westerly direction a distance of approximately three and one-half miles to a junction with a Whatcom county road known locally as the Slater Road.

Amendment.

SEC. 6. Section 47.20.160, RCW, as derived from section 3, chapter 207, Laws of 1937, as last amended by section 4, chapter 273, Laws of 1951, is amended to read as follows:

Branches of primary state highway No. 2; established.

Secondary state highways as branches of primary state highway No. 2 are established as follows:

Secondary state highway No. 2H.

Secondary state highway No. 2H; beginning at Spokane on primary state highway No. 2, 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.

Secondary state highway No. 2I; beginning at a junction with primary state highway No. 2 in the vicinity of Virden, thence southeasterly to a junction with primary state highway No. 3 in the vicinity of Woldale.

Amendment.

SEC. 7. Section 47.20.200, RCW, as derived from section 4, chapter 207, Laws of 1937, is amended to read as follows:

Branches of primary state highway No. 3; established.

Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3H.

Secondary state highway No. 3H; beginning at a junction with primary state highway No. 2 in the vicinity of Opportunity, thence in a southerly direction by way of Rockford, Fairfield, Latah, and Tekoa to Oakesdale on primary state highway No. 3; also beginning at Tekoa on secondary state highway No. 3H, thence in an easterly direction to the Washington-Idaho boundary line.

Amendment.

SEC. 8. Section 47.20.220, RCW, as derived from subsections (k) and (l), section 4, chapter 207, Laws of 1937, is amended to read as follows:

Secondary state highways as branches of primary state highway No. 3 are established as follows:

Branches of primary state highway No. 3; established.

Secondary state highway No. 3L; beginning at a junction with primary state highway No. 3 in the vicinity north of Dayton, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Pomeroy.

Secondary state highway No. 3L.

Secondary state highway No. 3P; beginning with a junction with primary state highway No. 3 at the west end of the Kettle Falls bridge, thence in a westerly direction to a junction with secondary state highway No. 4A east of Republic: *Provided*, That secondary state highway No. 3P, as herein described, shall not become a part of the state highway system until after the construction of the Republic-Kettle Falls Forest Highway by the United States Bureau of Public Roads shall have been completed.

Secondary state highway No. 3P.

Secondary state highway No. 3R; beginning at the Richland wye junction with primary state highway No. 3; thence in a northerly direction to the boundary of the government reservation.

Secondary state highway No. 3R.

SEC. 9. Section 47.20.320, RCW, as derived from section 8, chapter 207, Laws of 1937, as last amended by section 6, chapter 273, Laws of 1951, is amended to read as follows:

Amendment.

Secondary state highway No. 7C; beginning in the vicinity of the east end of the Vantage bridge on primary state highway No. 7, thence in a southerly direction parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly in the vicinity of Othello, thence easterly to a junction with primary state highway No. 11: *Provided*, That until such times as secondary state highway No. 7C is actually constructed on the location adopted by the director of highways, no existing county roads shall be maintained or improved by the state department as a

Secondary state highway No. 7C.

temporary route of said secondary state highway No. 7C.

Repealing clause.

SEC. 10. Section 47.20.350, RCW, as derived from section 8, chapter 239, Laws of 1943, is hereby repealed.

Amendment.

SEC. 11. Section 47.20.420, RCW, as derived from section 12, chapter 207, Laws of 1937, as last amended by section 9, chapter 239, Laws of 1943, is amended to read as follows:

Branches of primary state highway No. 11; established.

Secondary state highways as branches of primary state highway No. 11 are established as follows:

Secondary state highway No. 11C.

Secondary state highway No. 11C; beginning at Sprague on primary state highway No. 11, thence in a southeasterly direction to a point in the vicinity of Ewan;

Secondary state highway No. 11D.

Secondary state highway No. 11D; beginning at a junction with primary state highway No. 11 at a point approximately three miles northeast of Four Lakes, thence in a westerly and southwesterly direction to the town of Medical Lake, thence in a southerly direction to the vicinity of the state custodial school;

Secondary state highway No. 11E.

Secondary state highway No. 11E; beginning at Ritzville on primary state highway No. 11, thence in a southerly direction to Washtucna on secondary state highway No. 11B.

Note: This section also amended by section 2, chapter 285, *infra*.

Appropriation for survey of highway between Azwell and Chelan Falls.

SEC. 12. There is appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, the sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, for a reconnaissance survey for a highway beginning at a junction with primary state highway No. 10 in the vicinity of Azwell, thence southerly along the west bank of the Columbia river to a junction with secondary

state highway No. 10D in the vicinity of Chelan Falls.

SEC. 13. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, for salaries, wages and operations of the offices of director, commission and district offices of the department of highways, including the office of the research and planning engineer, the laboratory engineer, the traffic engineer, including traffic training, administration of state aid to cities and counties as provided by chapter 181, Laws of 1939 and amendments thereof, the sum of three million one hundred seventy-eight thousand six hundred fifteen dollars (\$3,178,615.00), or so much thereof as shall be necessary: *Provided*, That the sum of seventy-five thousand dollars (\$75,000.00) of the appropriation made by this section shall be available only for salaries, wages and operations in carrying out the provisions of Senate Bill No. 403, of the 1953 legislative session, and for no other purposes.

Appropriation for salaries, wages and operations.

SEC. 14. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges for the biennium ending March 31, 1955 the sum of three hundred forty thousand dollars (\$340,000.00), or so much thereof as is necessary to carry out the provisions of Senate Bill No. 459, of the 1953 legislative session, as agreed upon jointly by the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges.

Appropriation to highway commission and joint fact-finding committee.

SEC. 15. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, and for obligations incurred and not yet paid, the sum of eighty million four hundred seventy-two

Appropriation to highway commission for obligations incurred.

thousand eight hundred forty-nine dollars (\$80,472,849.00), or so much thereof as shall be necessary, for primary and secondary highways and designated routes through cities and towns, including non-reimbursable federal aid, location, engineering, engineering supervision, improvement, right-of-way, reconstruction, construction and damages, bridges, interest and bond redemption becoming due between April 1, 1953 and March 31, 1955 on state-owned bridges, maintenance including road signs, traffic signals and devices, radio, ferries, toll bridges, extraordinary maintenance, emergencies and for any and all proper highway purposes not specifically set forth in other sections of this act: Emergencies being defined as damages to primary or secondary highways, designated routes through cities and towns and/or structures and ferries which could not with the exercise of reasonable judgment have been foreseen.

Appropriation to highway commission for obligations incurred, as a revolving fund under federal aid road acts.

SEC. 16. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, and for obligations incurred and not yet paid, the sum of thirty-two million dollars (\$32,000,000.00), or so much thereof as shall be necessary, as a revolving fund to be expended under specific project agreements executed or to be executed under the federal aid road acts and the state act assenting thereto, and for any other expenditures of any kind by the department of highways upon public highways for which reimbursement is anticipated including inventories and salary suspense.

Appropriation for maintenance of historical road No. 1.

SEC. 17. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, for the maintenance and improvement of state historical road No. 1 established outside the corporate limits of Tacoma and Puyallup by chapter 225, Laws

of 1941, the sum of thirty-five thousand dollars (\$35,000.00), or so much thereof as shall be necessary.

SEC. 18. There is hereby appropriated from the highway equipment fund to the Washington state highway commission for the biennium ending March 31, 1955, the sum of six million eight hundred sixty-four thousand four hundred fifteen dollars (\$6,864,415.00), or so much thereof as shall be necessary, to continue the highway equipment fund as established by chapter 144, Laws of 1945, and amendments thereof.

Appropriation for highway equipment fund.

SEC. 19. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, and for obligations incurred and not yet paid, the sum of one million seven hundred thousand dollars (\$1,700,000.00), or so much thereof as shall be necessary, for capital outlay, which shall include purchase and improvement of land, erection of buildings and structures, major repairs and equipment, including salaries and wages incident thereto.

Appropriation for capital outlay.

SEC. 20. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be required to carry out the provisions of chapter 49, section 1, Laws of 1951.

Appropriation to carry out chapter 49, section 1, Laws of 1951.

SEC. 21. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, the sum of fifty-five million two hundred thirty-three thousand one hundred eighty-four dollars and ninety six cents (\$55,233,184.96), the same being the unexpended balance of the appropriation contained in chapter 121, section 15, Laws of 1951, as shown on the records of the state auditor January 31, 1953: *Provided*, No expenditure under the authority of this

Reappropriation.

act shall exceed the unexpended balance of the appropriation contained in chapter 121, section 15, Laws of 1951, as of March 31, 1953. Of this sum, bonds in the amount of twenty-nine million seven hundred three thousand six hundred twenty-five dollars (\$29,703,625.00), are to be sold and issued after April 1, 1953, which sum represents the residual amount authorized under chapter 121, section 2, Laws of 1951, but no money shall be available under this appropriation unless bonds have previously been sold and the money derived therefrom deposited to the credit of the motor vehicle fund.

Appropriation for Senate Bill No. 403, 1953 session.

SEC. 22. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, the sum of eighteen million dollars (\$18,000,000.00), or so much thereof as shall be necessary to carry out the provisions of Senate Bill No. 403, of the 1953 legislative session, but no money shall be available under this appropriation unless a like amount of bonds provided for in said Senate Bill No. 403 are sold and the money derived deposited to the credit of the motor vehicle fund.

Appropriation for transfers to bond retirement fund.

SEC. 23. There is hereby appropriated from the motor vehicle fund the sum of eight million six hundred eighty-five thousand eight hundred ten dollars (\$8,685,810.00) for transfers to the bond retirement fund as provided in chapter 121, section 8, Laws of 1951, and Senate Bill No. 403, of the 1953 legislative session.

Appropriation for counties.

SEC. 24. There is hereby appropriated from the motor vehicle fund to the counties of the state, including counties composed entirely of islands, for the biennium ending March 31, 1955, the sum of thirty-three million one hundred sixty-one thousand six hundred fifty dollars (\$33,161,650.00), or so much thereof as shall become available under chapter 181,

Laws of 1939, and amendments thereof, to be paid out and expended in the manner provided by law.

SEC. 25. There is hereby appropriated from the motor vehicle fund to the incorporated cities and towns of the state for the biennium ending March 31, 1955, the sum of ten million six hundred ninety-seven thousand three hundred fifty dollars (\$10,697,350.00), or so much thereof as shall become available under chapter 181, Laws of 1939, and amendments thereof, to be paid out and expended in the manner provided by law.

Appropriation for cities and towns.

SEC. 26. There is hereby appropriated from the motor vehicle fund, to be expended by the joint fact-finding committee on highways, streets and bridges, created by chapter 111, Laws of 1947, continued by chapter 213, Laws of 1949 and chapter 269, Laws of 1951 and Senate Bill No. 459, of the 1953 legislative session, for the biennium ending March 31, 1955, the sum of thirty-five thousand dollars (\$35,000.00), or so much thereof as shall be necessary.

Appropriation for joint fact-finding committee.

SEC. 27. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, the sum of fifty-nine thousand eight hundred forty-eight dollars and twenty-two cents (\$59,848.22): *Provided*, No expenditure under the authority of this act shall exceed the unexpended balance of the appropriation contained in chapter 49, section 2, Laws of 1951.

Reappropriation.

SEC. 28. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending March 31, 1955, the sum of forty-seven thousand five hundred two dollars and forty-two cents (\$47,502.42): *Provided*, No expenditure under the authority of this act shall

Reappropriation.

exceed the unexpended balance of the appropriation contained in chapter 273, section 16, Laws of 1951.

War emergency; director authorized to cooperate with bureau of public roads.

SEC. 29. In order to facilitate the war emergency declared by the President on December 16, 1950, the director of highways, upon request of the commissioner of public roads of the United States, is hereby authorized to cooperate with the bureau of public roads in the making of surveys, plans, specifications and estimates for and in the construction and maintenance 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 bureau of public roads for the construction of any such roads, or may perform such construction and maintenance work by force account, whether 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.

Funds available.

Any funds appropriated and allocated herein 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 authorized to acquire property for highway purposes.

For the purpose of carrying out the provisions of this section the director 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.

SEC. 30. This act is necessary for the immediate preservation of the public peace, health, safety, the

support of the state government and its existing public institutions, and sections 12 to 29, inclusive, shall take effect April 1, 1953. Effective date.

Passed the Senate March 11, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 281.

[H. B. 462.]

WASHINGTON STATE POWER COMMISSION.

AN ACT relating to the conservation, development and utilization of the state's electric resources and of facilities for the generation, transmission and distribution thereof; creating a Washington State Power Commission and prescribing its powers and duties with respect to power and power facilities in the state; relating to cities and public utility districts and authorizing them to join in and exercise certain powers given to the Washington State Power Commission; repealing chapter 43.52, RCW; making an appropriation.

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

SECTION 1. As used in this chapter and unless the context indicates otherwise, words and phrases shall mean: Definitions.

“Commission” means the Washington State Power Commission created hereunder.

“District” means a public utility district as created under the laws of the state of Washington authorized to engage in the business of generating and/or distributing electricity.

“City” means any city or town in the state of Washington authorized to engage in the business of generating and/or distributing electricity.

“Canada” means the Dominion of Canada or any province thereof.

“Public Utility” means any person, firm or corporation, political subdivision or governmental sub-

division including cities, towns and public utility districts engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy.

Washington
State Power
Commission
created.

SEC. 2. There is hereby created the Washington State Power Commission, which shall be a body politic and corporate, a political subdivision of the state of Washington exercising governmental and public powers, having the right to sue and be sued and having such other powers and duties as are hereinafter enumerated, together with such other powers and duties as may be conferred upon it by law.

Members of
commission.

SEC. 3. The commission shall be composed of five members; one member to be appointed by the governor from a list of two or more nominees submitted by the districts; one member to be appointed by the governor from a list of two or more nominees submitted by the legislative body of the city owning and operating generating facilities larger than those of any other city; one member to be appointed by the governor from a list of two or more nominees submitted by the legislative body of the other city or, if there be more than one, to be jointly submitted by those cities owning and operating generating facilities having a capacity of more than 250,000 kilowatts of electricity; and two members at large to be appointed by the governor. In making such appointments the governor shall give due recognition to all public utilities doing business in the state and make appointments such that all classes of utilities, in so far as possible, may be represented in proportion to customers served and electricity furnished. The first term of the member appointed from nominees of the districts shall be four years. The first term of the member appointed from nominees of the city having the largest generating capacity shall be two years. The first term of the member appointed from nominees of the other city or cities shall be six years.

Terms of
members.

The first term of one member at large appointed by the governor shall be two years and the first term of the other member at large appointed by the governor shall be four years. After the first term all appointments shall be for a term of six years. The first term of each member shall commence on the first day of June, 1953. No member shall be removed except by the appointing power and for cause. In the event of vacancy in the office of any member, the balance of the term shall be filled by appointment by the appointing power as in the case of original appointments. The commission shall appoint one of its members to act as chairman.

Vacancies.

SEC. 4. Members of the commission shall be paid the sum of fifty dollars per day for each day or major part thereof devoted to the business of the commission, together with their traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the commission such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day.

Compensation.

SEC. 5. The commission shall have authority:

(a) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

Powers of commission. Generate and sell electric energy.

(b) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use

Acquisition of real and personal property.

in the construction, maintenance or operation of any such works, plants and facilities; provided that the commission shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district, or by a privately owned public utility. The commission shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

Contracts with U. S., state, or Canada for facilities.

(c) To negotiate and enter into contracts or compacts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations, contracts or compacts shall be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

Contracts with U. S., state, or Canada for energy or falling water.

(d) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state, of Canada, or of the United States, at fair and nondiscriminating rates.

Permits, etc., to construct or operate facilities.

(e) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such

licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(f) To establish rates for electric energy sold or transmitted by the commission. When any revenue bonds or warrants are outstanding the commission shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold, furnished or supplied by the commission which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the commission is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the commission and all necessary repairs, replacements and renewals thereof.

Establish rates or charges.

(g) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

Purchase and sale of electricity.

(h) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the commission.

Fishways, etc.

(i) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

Canals, etc., flood control and fisheries facilities.

(j) To employ legal, engineering and other professional services and fix the compensation of a man-

Professional services and employees.

aging director and such other employees as the commission may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the commission shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the commission.

Analysis,
etc., and
reports.

(k) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

Retail distri-
bution, etc.,
provided.

SEC. 6. Nothing in this act shall authorize or empower the commission or any operating agency, as hereinafter provided for, to purchase or acquire any distribution system or facilities or to engage in the retail distribution of electric energy, or to purchase or acquire any operating hydro-electric generating plant owned by any city or district at the time of the effective date of this act or which thereafter may be acquired by any city or district by condemnation.

Notice
of construc-
tion or
acquisition.

SEC. 7. Before the commission shall construct or acquire any hydro-electric generating facility within the state, it shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency, as hereinafter provided for, desires to construct or acquire such facility or desires to construct a hydro-electric plant or reservoir in substantially the same location, such utility or operating agency shall notify the commission thereof within ten days after the last date of publication of such notice. If the commission determines that it is in the best public interest that the commission proceed with such construction or acquisition rather

Public utility
or operating
agency;
notice of
construction
or acquisi-
tion by.

than to permit the public utility or operating agency to do so, it shall so notify the director of conservation and development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of conservation and development finds that the public utility or agency making the request intends to immediately proceed with such construction or acquisition and is financially capable of carrying out such construction or acquisition, and further finds that the plan of such utility or operating agency is equally well adapted to conserve and utilize in the public interest the water resources of this state, he shall specify a reasonable time, in no event less than one year, which time shall be extended for good cause shown, within which such public utility or operating agency shall complete such acquisition or commence such construction. If such utility or operating agency has not completed such acquisition or commenced such construction prior to the end of such period of time, the commission shall be authorized to proceed with such acquisition or construction and acquire by purchase or condemnation any rights which such public utility or operating agency has therein or which are necessary to such project.

SEC. 8. For the purpose of carrying out any or all of the powers herein granted the commission shall have the power of eminent domain for the acquisition of either real or personal property used or useful in connection with the construction of facilities authorized hereunder. Actions in eminent domain pursuant to this act shall be brought in any court of competent jurisdiction under the procedure set out in chapter 8.04, RCW: *Provided*, That the commission may institute condemnation proceedings in the superior court of any county in which any of the property sought to be condemned is located or in which the owner thereof does business, and the court in any such action shall have jurisdiction to condemn prop-

Hearing.

Power of eminent domain.

Condemnation.

erty wherever located within the state: *Provided further*, That it shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. Upon the filing of a petition for condemnation, as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceedings during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the commission into possession of any property condemned.

SEC. 9. For the purpose of paying the cost of acquiring by lease, contract, purchase, condemnation or construction, all or any part of such electric systems and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the commission is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the commission and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the commission shall determine, may be in such denomination or denominations, may be in such form either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this act as may be

Issuance
of revenue
bonds.

Lien on
revenues.

Contents,
terms and
form of
bonds.

provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is non-negotiable, each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the chairman of the commission and any interest coupons appertaining thereto shall bear the signature of the chairman: *Provided*, That the signature of the chairman on such coupons may be printed or lithographed facsimile signature. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this act shall be sold to the highest and best bidder after such advertising for bids as the commission may deem proper: *Provided*, That the commission may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the commission may deem most advantageous to its own interests. The purchase price of all bonds issued hereunder shall be paid to the state treasurer, as ex officio treasurer of the commission, consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the resolution and held as a separate trust fund to be disbursed on orders of the commission.

Negotiability.

Signatures on bonds.

Temporary bonds.

Payment of purchase price.

Separate trust fund.

In determining the amount of bonds required to be issued there may be included any expenses incurred by the commission in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for working capital and prepaid insurance. The commission is

Determination of amount of bonds required.

hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

Commission not empowered to obligate, etc., state of Washington.

The commission shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions.

Revenues received; disposition.

No revenues received by the commission for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the commission and all such revenues and receipts shall be kept and maintained in a separate fund.

Construction of act.

SEC. 10. The provisions of this act shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or corporation or political subdivision of the state of Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this act or any of the powers granted by this act.

Public service commission regulations not to govern rates, services and practices.

The rates, services and practices of the commission or any operating agency in respect to the power generated, transmitted or sold by it shall not be governed by the regulations of the public service commission.

Maintenance and operation of fishways, etc.

SEC. 11. The commission shall, at the time of the construction of any dam or obstruction, construct and shall thereafter maintain and operate such fishways, fish protective facilities and hatcheries as the director of game and the director of fisheries may jointly find necessary to permit anadromous fish to pass any dam

or other obstruction operated by the commission or to replace fisheries damaged or destroyed by such dam or obstruction and the commission is further authorized to enter into contracts with the department of game and the department of fisheries to provide for the construction and/or operation of such fishways, facilities and hatcheries.

SEC. 12. Any two or more cities or districts may with the consent of the commission form an operating agency of the state power commission for the purpose of acquiring, constructing, operating and owning plants, systems and other facilities and extensions thereof for the generation and/or transmission of electric energy. Each such agency shall be a division of the state power commission with the right to sue and be sued in the name of the commission. Such operating agency shall be formed upon the adoption by two or more cities or districts of an enactment by each legislative body thereof, authorizing such city or district to become a member of an operating agency, and setting forth the name of such operating agency, the principal place of business, the names of the other cities and districts which shall be initial members thereof, and the purpose for which such operating agency is to be formed. After the formation of an operating agency, any other city or district may become a member thereof upon application after the adoption of an enactment of its legislative body, and with the consent of the operating agency by the affirmative vote of all its members. Any member may withdraw from an operating agency, and thereupon such member shall forfeit any and all rights or interests which it may have in such operating agency or in any of the assets thereof. An operating agency may be dissolved by the unanimous agreement of the members, and the members, after making provisions for the payment of all debts and obliga-

Operating agencies authorized.

Purpose.

Division of state power commission.

How formed.

Additional membership.

Withdrawal of members.

Dissolution of operating agency.

tions, shall thereupon hold the assets thereof as tenants in common.

Representation of members on board of operating agency.

SEC. 13. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of his regular representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a chairman, vice-chairman and secretary, who shall serve at the pleasure of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the members and a majority of the votes allocated to the members of an operating agency shall constitute a quorum for the transaction of business. The members of the board of an operating agency may be compensated by such agency to the same extent and subject to the same limitations as is provided for members of the commission in section 4 of this act.

Officers of board.

Rules and seal.

Quorum.

Compensation.

Preference rights of members.

SEC. 14. Members shall have a preference right to the purchase of all electric energy generated by an operating agency. As between members, the amount of electric energy to which each shall be entitled shall be computed annually and shall be based on

the same percentage as the purchases of such member bore to the total generation of the operating agency for the preceding year. Surplus electric energy, that is energy not contracted for by the members, may be sold to any public utility authorized by law to distribute and sell electric energy.

SEC. 15. An operating agency shall, through its board, have all of the powers granted to the state power commission under section 5, subsections a, b, d, e, f, h, i and j, and the provisions of sections 6 and 11 of this act shall be applicable to such agency. An operating agency, as a division of the commission, shall have the right of eminent domain in the same manner as is provided in section 8 of this act. An operating agency, as a division of the commission, shall be authorized, through its board, to issue revenue bonds in its own name in the same manner as is provided in section 9 of this act. All revenues received by an operating agency shall be held by and in the name of the operating agency and shall not be expended except for payment of lawful obligations of the operating agency. Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contributions from proceeds of revenue bonds, from operating revenues, or from any other funds of the agency, together with interest not to exceed four per cent per annum.

Powers
of operating
agency.

Eminent
domain.

Revenue
bonds.

SEC. 16. One member of the commission appointed by the chairman thereof shall be ex officio member of the board of each operating agency and shall be entitled to be heard and to have one vote. No operating agency shall construct or acquire any generation plants, except with the consent of the commission.

Representa-
tion of
operating
agencies on
commission.

SEC. 17. Any city or district is authorized to enter into contracts or compacts with the commission or

Cities or
districts
authorized
to contract
with.

any operating agency or a publicly or privately owned public utility for the purchase and sale of electric energy or falling waters.

Hearings of
commission.

SEC. 18. The commission may hold hearings, inquire into any matter relating to the business of the commission, administer oaths and affirmations, compel by subpoena the attendance of witnesses, the production of relevant books, records, papers and accounts and order the taking of depositions in accordance with the rules and laws regulating the taking of depositions to be used in superior court proceedings and the superior court of Thurston county, upon request of the commission, may enforce each subpoena and deposition proceedings. The commission may adopt necessary rules or regulations of practice and procedure governing its procedure and hearings and establish a schedule of fees and costs to be paid by the parties involved.

Court
appeals.

SEC. 19. Any party in interest deeming itself aggrieved by any order of the commission or of the director of conservation and development may appeal to the superior court of Thurston county by serving upon the commission or director, as the case may be, and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The commission or director shall within ten days after service of the notice of appeal file with the clerk of the court its or his return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the commission or director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the commission or director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. Appeal may be had to the supreme court as in the case of civil appeals.

SEC. 20. It is the intent of this act that the commission shall represent the state of Washington to the end that its water resources and other resources shall be properly developed for the best public interest in so far as they affect electric power, and to this end (1) the commission shall develop and integrate such resources as necessary whenever public utilities other than those owned by the United States and its agencies are not in a position so to do, and (2) the commission shall join with Canada, the United States, the states thereof, and their agencies to develop and integrate the water resources and other resources of the region, and particularly that area incorporated within the watershed of the Columbia river and its tributaries.

Legislative intent.

The authority granted in this act shall apply equally to the generating of electricity by water power, by steam power, by atomic power or by any other means whatsoever.

Authority extended to all power generation.

SEC. 21. There is hereby appropriated to the commission from the general fund the sum of one hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of this act, the same to be repaid to the general fund as soon as the earnings from the facilities to be acquired by the commission will permit such repayment.

Appropriation.

SEC. 22. Chapter 43.52, RCW, as derived from sections 3 to 16, inclusive, chapter 227, Laws of 1949, is repealed.

Repealing clause.

SEC. 23. Nothing contained in this act shall be construed to amend, modify or repeal in any manner any of the terms and provisions of section 1, chapter 9, Laws of 1949, RCW 75.20.010, commonly known as the "Columbia River Sanctuary Act", and all mat-

Terms and provisions of "Columbia River Sanctuary Act" preserved.

ter herein contained shall be expressly subject to such act.

Passed the House March 5, 1953.

Passed the Senate March 9, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 282.

[H. B. 495.]

EDUCATION—APPORTIONMENT OF STATE FUNDS.

AN ACT relating to education and apportionment of state funds; defining terms, and amending sections 28.41.010, 28.41.060, and 28.41.080, RCW.

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

Amendment.

SECTION 1. Section 28.41.010, RCW, as derived from sections 7 to 10, inclusive, page 312, Laws of 1909, as last amended by sections 1 and 2, chapter 212, Laws of 1949, is amended to read as follows:

Definitions.

Unless the context indicates otherwise the following words and phrases as used in this chapter have the meaning given in this section:

"Actual days attendance."

(1) "Actual days attendance" of a district means the aggregate of the days attended by all pupils in the common schools of the district during a given school year;

"Educational unit."

(2) An "educational unit" means one full time certificated employee for one school year; in case of part time employees, each hour's service per day for an entire school year, or one hundred eighty hours, shall equal one-sixth of a unit;

"Special service unit."

(3) A "special service unit" means an educational unit representing a full time certificated employee performing educational or related services in accordance with standards established by the state board of education;

(4) A "certificated employee" means an employee holding a position requiring a teaching certificate; "Certificated employee."

(5) "Equalization level" means one and one-fourth times the number of cents per day derived from the following computation: Total attendance credit for all districts derived in the manner provided by law divided into the total amount that the maximum school district tax levy permissible without a vote of the electors would produce upon the assessed valuation of all districts: *Provided*, That in determining the "equalization level" any fraction amounting to five-tenths of one cent or more shall be counted as one cent and any smaller fraction shall be ignored. "Equalization level."

SEC. 2. Section 28.41.060, RCW, as derived from sections 7 to 10, inclusive, page 312, Laws of 1909, as last amended by sections 1 and 2, chapter 212, Laws of 1949, is amended to read as follows: Amendment.

Each year the superintendent of public instruction shall compute the amounts due and apportionable to each school district based upon the annual reports of the county superintendents for the preceding year. Apportionment credit shall be allowed for not to exceed one hundred eighty days during the preceding year, except for schools approved by the state board of education for operation during summer months. Each school district shall be credited with: Computation of apportionments to school districts.

(1) Apportionment of forty cents for each day's attendance based upon the total actual days' attendance credit of the district for the preceding school year; and Apportionment credit.

(2) Apportionment of the amount necessary to pay the reimbursement due the district for costs of transportation during the preceding school year as provided by law; and

(3) Apportionment of the equalization payments due the district as provided by law, which are charges against the current state school fund: *Provided*, That the total apportionment to each district for the year shall be diminished by the difference between the proceeds from the actual school district tax levy in the district for the preceding school year and the amount the maximum levy allowed by law without a vote of the people would have produced irrespective of any delinquencies; and

(4) Apportionment of an amount for each educational unit in the district which shall be determined by a pro-ration of the balance of the appropriation made to carry out the purposes of this chapter after apportionment credits have been allowed as provided in subdivisions (1), (2) and (3) of this section: *Provided*, That the number of educational units allowed to any school district shall not exceed the number required to serve the children of the district in accordance with pupil-teacher ratio standards established by the state board of education: *Provided further*, That apportionment credit shall not be allowed for educational units in which sixty percent or more of the certificated employee's salary is paid or reimbursed from federal funds or sources other than the school district: *Provided further*, That if the total amount appropriated by the legislature for apportionments to all counties is more or less than the amount required to pay in full the apportionments under this section, the amount allowed for each educational unit under this section shall be adjusted accordingly.

Amendment. SEC. 3. Section 28.41.080, RCW, as derived from section 6, chapter 141, Laws of 1945, as last amended by section 1, chapter 181, Laws of 1951, is amended to read as follows:

Each year the county superintendent of schools shall compute the amount needed by each school dis-

trict of his county to provide it with the minimum revenue requirements necessary to maintain the ordinary standards of maintenance and operation for the ensuing school year of:

Maintenance and operation; annual computation of amount needed for.

(1) The number of cents for each day's attendance required to meet the equalization level defined in RCW 28.41.010 based upon a minimum of forty-five hundred days' attendance for each educational unit maintained by the district during the preceding school year; and,

(2) Thirty percent of the reimbursement due the district for its costs of transportation as provided by law.

He shall also compute the amount which, irrespective of any delinquencies, five-sixths of the maximum school district levy permissible without a vote of the electors would produce upon the assessed valuation of each district adjusted to fifty percent of the true and fair value in money of the taxable property in the district in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization for the county in which the district is located without regard to any limitation imposed on the tax levy of the district by virtue of any requirements respecting the payment of bonded indebtedness. To this amount he shall add the actual receipts of the school district during the preceding school year from the county high school fund and such other receipts as the superintendent of public instruction shall determine in conformity with the intent of this section, and, if this total sum is less than the equalization level for each day's attendance computed as hereinbefore set forth plus thirty percent of the cost of transportation during the preceding school year, the county superintendent of schools shall certify to the superintendent of public instruction such computations and deficit, and the last actual tax levy for such district. The superintendent of

Computation of revenues.

Certain receipts added.

Equalization level guaranteed by state.

Charge
against
current state
school fund.

public instruction shall place such deficit for such district as a charge against the current state school fund, and such additional amount shall be due and apportionable as an equalization payment.

Passed the House March 7, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 283.

[S. B. 164.]

EXCHANGE AND RESERVATION OF TIDE LANDS IN
PACIFIC COUNTY.

AN ACT excluding a certain tract of tide land from the Long Island State Oyster Reserve; providing for the conveying of a certain tract of tide land to the State of Washington from the Port of Peninsula; the conveying of said excluded tract of tide land to the Port of Peninsula from the State of Washington; the reservation of the tract received by the State of Washington for the use of the department of fisheries; and requiring the monumentation of said excluded tract; and declaring an emergency.

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

Tide lands
excluded
from
Long Island
State Oyster
Reserve.

SECTION 1. The tide lands of the second class included within the limits of the following described tract are hereby excluded from the Long Island State Oyster Reserve:

Legal
description.

Beginning at a point in the Long Island State Oyster Reserve, Pacific county, state of Washington, from which the United States fish and wildlife bronze marker, marking the meander corner to fractional sections 15 and 22, township 12 north, range 11 west of Willamette meridian bears N 58°02'35" W 10,015.31 feet and the United States fish and wildlife bronze marker, marking the meander corner to fractional sections 27 and 34, township 12 north, range 11 west of Willamette meridian bears S 62°32'08" W 11,264.50

feet; thence N 24° W 3267.0 feet; thence N 66° E 1,200.0 feet; thence S 24° E 3,267.0 feet to a point from which the Long Island State Oyster Reserve corner No. 38 bears N 66° E 3,300.0 feet and the bronze marker, marking Long Island State Oyster Reserve corner No. 39 bears S 16°40'18" E 2,645.27 feet; thence S 66° W 1,200.0 feet to the point of beginning containing 90.0 acres, or by mutual consent, the department of fisheries, the commissioner of public lands and the Port of Peninsula may substitute for the above described tract another tract of the same size, shape and general description lying in a northerly direction from the above described tract, which shall be subject to all the terms and provisions of this act.

Substitution permitted.

SEC. 2. Upon delivery of a warranty deed to the commissioner of public lands conveying the following tide lands to the state of Washington from the Port of Peninsula, the commissioner of public lands shall prepare a deed which the governor shall sign and the secretary of state shall attest conveying the tide lands described in section 1 of this act to the Port of Peninsula:

Exchange of tide lands above described for tide lands described in this section.

The tide lands of the second class lying above the line of mean low tide situate in front of, adjacent to, or abutting upon that portion of the John Crellin, Jr., donation land claim in section 27, township 12 north, range 11 west, W. M. measured along the government meander line as follows:

Legal description.

Beginning at a point on said meander line which is N 10° W 16.50 chains from the meander corner on the south line of said section 27 and running thence N 10° W 10.47 chains along said meander line to the terminal point of this description; also

The tide lands of the second class situate in front of, adjacent to, or abutting upon that portion of the John Crellin, Jr. donation land claim in section 27,

township 12 north, range 11 west, W. M. measured along the government meander line as follows:

Beginning at a point on said meander line which is N 10° W 26.97 chains from the meander corner on the south line of said section 27, and running thence N 10° W 2.53 chains to the terminal point of this description; also

The tide lands of the second class lying above the line of mean low tide situate in front of, adjacent to, or abutting upon that portion of the John Crellin, Jr. donation land claim in section 27, township 12 north, range 11 west, W. M. measured along the government meander line as follows:

Beginning at a point on said meander line which is N 10° W 29.50 chains from the meander corner on the south line of said section 27 and running thence N 14° 30' E 0.20 chain to the terminal point of this description; also

That portion of the following described tide lands of the second class lying south of a line running easterly, parallel to the south line of "A" street, produced easterly, from a point which is S 14° 30' W 2.53 chains from the point of intersection of said south line of "A" street with the government meander line, (said "A" street being as shown on the plat of Nachotta, a recorded plat) in section 27, township 12 north, range 11 west, W. M.:

The tide lands of the second class situate in front of, adjacent to, or abutting upon that portion of the John Crellin, Jr. donation land claim in section 27, township 12 north, range 11 west, W. M. measured along the government meander line as follows:

Commencing at the meander corner on the south line of said section 27 and running thence N 10° W 29.50 chains and N 14° 30' E 0.20 chain to the true point of beginning of this description; thence N. 14° 30' E to the point of intersection of the north line of said John Crellin, Jr. donation land claim with

said meander line, the terminal point of this description.

Excepting, however, any tide lands in the above descriptions which may be included in the following described tracts:

Tide lands
excepted.

Beginning at the southeast corner of lot 1, block 1 of said plat of Nachotta, and running thence north to the south line of lot 5, block 2, plat of Nachotta, thence west to the southeast corner of lot 1, said block 2, thence north to the southeast corner of lot 2, said block 2, thence east 60 feet, thence north 350 feet, thence west 60 feet, thence north 100 feet, thence east 330 feet, thence southerly to a point which is 330 feet east of the point of beginning and thence west 330 feet to the point of beginning; also

Legal
description.

Beginning at the point of intersection of the government meander line with the east and west center line of section 27, township 12 north, range 11 west, W. M., and running thence S 14° 30' W 702.9 feet along said meander line, thence east 300.00 feet, thence north 680.5 feet and thence west 116.92 feet to the point of beginning.

SEC. 3. The tide lands described in section 2 of this act shall forever be reserved for the uses and purposes of the state department of fisheries.

Tide lands
reserved.

SEC. 4. It shall be the duty of the Port of Peninsula and its successors in interest to the tract described in section 1 of this act to place and maintain permanent monuments and also creosote piling with top diameter of not less than twelve inches, to extend six feet or more above extreme high water at the corners of said tract.

Monuments
to be
maintained
by Port of
Peninsula.

SEC. 5. 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

Emergency.

existing public institutions, and shall take effect immediately.

Passed the Senate February 21, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 284.

[S. B. 244.]

STATE EMPLOYEES' RETIREMENT SYSTEM— SEATTLE OFFICE BUILDING.

AN ACT relating to the state employees' retirement system; authorizing building of an office building in Seattle, Washington; allowing the state to negotiate long-term leases for space therein; creating a fund; and declaring an emergency.

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

SECTION 1. The members of the retirement board of the state employees' retirement system shall have full power to purchase and take title to real property and to build, own, manage and maintain thereon an office building in Seattle, Washington, and to invest in such real property and office building any of its funds in an aggregate amount not to exceed four million dollars. Space in this office building shall only be leased to the state and federal government or to any of their subdivisions, agencies or instrumentalities. The state of Washington, through its department of public institutions, shall have express authority to enter into leases for terms not to exceed thirty years, for space therein as designated by the director of department of public institutions, in behalf of and for the use and housing of all or any part of the department of health and any other state department or agency housed or using office space in the city of Seattle.

Acquisition
of real
property and
construction,
etc., of
Seattle office
building
authorized.

Leases.

SEC. 2. All rental payments or other revenue received from the operation of the office building shall be paid into a special fund outside the state treasury, known as the retirement board building fund, which fund shall not be a state fund, and from which shall be paid all expenses of management and operation and disbursements to the retirement system funds in the state treasury. None of the provisions of RCW 43.01.050 shall be applicable to such fund nor to any moneys so received or collected. The retirement board may make an initial loan not to exceed ten thousand dollars, from the retirement system expense fund to the retirement board building fund: *Provided*, That all such sums so loaned shall be repaid as soon as practicable from funds available in the retirement board building fund.

Disposition
of revenues.Retirement
board
building
fund.

Initial loan.

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

Emergency.

Passed the Senate February 19, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 285.

[S. B. 402.]

HIGHWAYS—P.S.H. NO. 18—S.S.H. NO. 11E.

AN ACT relating to state highways; and amending sections 47.16.180 and 47.20.420, RCW.

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

Amendment.

SECTION 1. Section 47.16.180, RCW, as derived from section 18, chapter 190, Laws of 1937, is amended to read as follows:

Primary state highway No. 18 established.

A primary state highway to be known as primary state highway No. 18 is established as follows: Beginning at the wye junction on primary state highway No. 7, near Burke, thence in an easterly direction by way of Neppel to a junction with primary state highway No. 11, at Ritzville; also, beginning at a point on primary state highway No. 11, in the vicinity of Ritzville, thence in an easterly direction to a junction with primary state highway No. 3, in the vicinity north of Colfax; also, beginning at a junction with primary state highway No. 18 in the vicinity west of Ewan, thence in a northwesterly direction to a junction with primary state highway No. 11 at Sprague.

Amendment.

SEC. 2. Section 47.20.420, RCW, as derived from section 9, chapter 239, Laws of 1943, is amended to read as follows:

Secondary state highways as branches of primary state highway No. 11 are established as follows:

Secondary state highway No. 11E.

Secondary state highway No. 11E; beginning at Ritzville on primary state highway No. 11, thence in a southerly direction to Washtucna on secondary state highway No. 11B.

Note: This section also amended by section 11, chapter 280, *supra*.

Passed the Senate March 6, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 286.

[S. B. 423.]

CUSTOM SLAUGHTERING FOR FARMERS—MARKINGS.

AN ACT relating to custom slaughtering for farmers; amending sections 16.48.095 and 16.48.140, RCW; and adding a new section to chapter 16.48, RCW.

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

SECTION 1. Section 16.48.095, RCW, as derived from section 1, chapter 245, Laws of 1951, is amended to read as follows: Amendment.

Any person, firm or corporation engaged in custom slaughtering for farmers on their own farms or from a permanent location or from a fixed place of business shall secure from the director of agriculture an annual license to operate as a custom slaughterer and pay an annual license fee of twenty-five dollars. Farm slaughtering by a licensed custom slaughterer shall be limited to slaughtering animals for the farmer's own consumption. The director of agriculture is hereby empowered during certain seasons and within certain geographic areas to exempt custom slaughterers from such rules and regulations pertaining to wholesale and retail slaughterers as the director may from time to time find conducive to the best interests of such areas. Custom slaughterer's license.

Fee.
Farm slaughtering.
Director may exempt from wholesale and retail slaughterers' rules and regulations.

SEC. 2. There is added to chapter 16.48, RCW, a new section to read as follows: New section.

All carcasses or parts of carcasses which have been slaughtered by a custom slaughterer for the farmer's own consumption shall be marked by roll stamping the full length of each half and quarter of the carcass with the words "not inspected" in letters not less than three-eighths of an inch in height, and by any other identification method found necessary by the director to insure adequate identification for law enforcement purposes, and no person shall sell Marking of carcasses.

or transport such meat unless marked as provided herein.

SEC. 3. Section 16.48.140, RCW, as derived from section 2, chapter 30, Laws of 1947, is amended to read as follows:

Carcass to bear license or permit number of slaughterer.

No person shall transport, have in his possession, or on his premises any carcass of a meat food animal which does not bear the clearly legible establishment number of a licensed slaughtering establishment maintaining either state or federal meat inspection or the permit number of a farm slaughterer or the roll stamp marking of a licensed custom slaughterer:

Exceptions.

Provided, That this provision shall not apply to carcasses slaughtered by a farmer for his own consumption, to the premises of a licensed slaughtering establishment, or to carcasses of animals that have died other than by slaughter.

Passed the Senate March 6, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 287.

[S. B. 167.]

PUBLIC PRINTING—CONTRACTS OUTSIDE STATE.

AN ACT relating to public printing; and amending section 43.78.150, RCW.

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

SECTION 1. Section 43.78.150, RCW, as derived from section 3, chapter 80, Laws of 1919, is amended to read as follows: Amendment.

All contracts for such work to be done outside the state shall require that it be executed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale for women and minors, and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and shall be favorably comparable to the labor standards and practices of the lowest competent bidder within the state, and the violation of any such provision of any contract shall be ground for cancellation thereof. Conditions of employment as to certain municipal corporation contracts.

Passed the Senate March 4, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 23, 1953.

CHAPTER 288.

[Sub. S. 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, condemnation and improvement of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for emergencies, and for refunds, and for transfers, and for deficiencies, 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, 1953, and ending March 31, 1955, except as otherwise provided, defining terms, limiting allowances and payments, and declaring that this act shall take effect immediately.

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

Definitions:
"capital
outlay."

SECTION 1. The words "capital outlay," whenever used in this act, shall mean and include the purchase, condemnation and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

"Salaries and
wages."

The words "salaries and wages," whenever used in this act, shall mean and include salaries of executive officers and employees of state offices, departments and institutions, and all compensation for direct labor or personal service rendered to the state.

"Opera-
tions."

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 costs, 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:

Provided further, That allowances made for subsistence and lodging for the elective or appointive officers and employees while away from their domicile on state business shall equal actual expenses incurred therefor or per diem rates as provided by law, but in no event shall actual expenses claimed exceed such per diem rates provided by law.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase, condemnation and improvement of land and construction of buildings, and improvements for the various state institutions, and for deficiencies, and for emergencies, and for refunds, and for sundry civil expenses of the state government, and for public assistance, and for purposes specified in certain acts of Congress, and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium beginning April 1, 1953, and ending March 31, 1955, except as otherwise provided.

Appropriation.

Any official who incurs any deficiency shall be considered to have violated the expressed intent of the legislature in making these appropriations.

Officials incurring deficiency.

FROM THE GENERAL FUND.

FOR THE GOVERNOR:

Governor.

Salaries, Wages and Operations.	\$143,295.00	
Investigation and Emergency Purposes, to be distributed on vouchers approved by the Governor	16,000.00	
Extradition Expenses (including deficiencies)	22,000.00	
Auditing Records of the State Auditor	2,500.00	
Total	—————	\$183,795.00

Governor's mansion.	FOR THE GOVERNOR'S MANSION:		
	Maintenance, to be distributed on vouchers approved by the Governor		\$24,000.00
Lieutenant governor.	FOR THE LIEUTENANT GOVERNOR:		
	Salary of the Lieutenant Governor	\$12,000.00	
	Other Salaries, Wages and Operations, and Compensation when serving as Governor... ..	12,800.00	
	Total		\$24,800.00
Secretary of state.	FOR THE SECRETARY OF STATE:		
	General Office, including Permanent Registration Division:		
	Salaries and Wages.....	\$190,000.00	
	Operations	56,000.00	
	To carry out provisions of chapter 14, Laws of 1950, special method of voting for Service Voters	10,000.00	
	Total		\$256,000.00
State treasurer.	FOR THE STATE TREASURER:		
	Salaries and Wages.....	\$217,496.00	
	Operations	43,000.00	
	Total		\$260,496.00
State auditor.	FOR THE STATE AUDITOR:		
	Salaries and Wages.....	\$468,582.00	
	Operations	103,000.00	
	Special Printing	9,000.00	
	Total		\$580,582.00
	FROM THE MOTOR VEHICLE FUND.		
	Salaries and Wages.....	\$40,784.00	
	Operations	10,800.00	
	Total		\$51,584.00
	FROM THE VOLUNTEER FIREMEN'S RELIEF AND PENSION FUND.		
	Salaries and Wages.....		\$6,122.00
	FROM THE GENERAL FUND.		
Attorney general.	FOR THE ATTORNEY GENERAL:		
	Salaries and Wages.....	\$376,240.00	
	Operations, Printing Briefs, Court Costs and Expenses of Special Litigation in State and Federal Courts.....	\$155,138.00	
	Total		\$531,378.00

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:			Superintendent of public instruction.
Salaries, Wages and Operations.		\$645,000.00	
FOR THE COMMISSIONER OF PUBLIC LANDS:			Commissioner of public lands.
Salaries, Wages, and Plotting State-owned Land into Home Sites and Construction of Roadways therein	\$434,815.00		
Operations	187,500.00		
Total		\$622,315.00	
FOR THE INSURANCE COMMISSIONER:			Insurance commissioner.
Salaries and Wages.....	\$315,000.00		
Operations	120,000.00		
To carry out provisions of chapter 117, Laws of 1951, relating to Nursing Homes, and the provisions of chapter 168, Laws of 1951, relating to Maternity Homes	45,000.00		
Total		\$480,000.00	
FOR LEGISLATIVE EXPENSE:			Legislative expense.
For the purpose of paying the expenses of the Thirty-third Legislature of the State of Washington	\$50,000.00		
Printing, Indexing, Binding and Editing Session Laws, Senate and House Journals, other Legislative Printing, and Binding Public Documents of the Thirty-third Session.....	53,500.00		
Salaries of Members of Legislature	348,000.00		
Total		\$451,500.00	
FOR THE LEGISLATIVE BUDGET COMMITTEE:			} Vetoed
Salaries, Wages and Operations.		\$140,000.00	
FOR THE SUPREME COURT:			Supreme court.
Salaries and Wages.....	\$451,324.00		
Operations	52,283.00		
Total		\$503,607.00	

State law library.	FOR THE STATE LAW LIBRARY:		
	Salary of the State Law Librarian	\$14,400.00	
	Salaries and Wages.....	35,600.00	
	Operations	36,280.00	
	Total		\$86,280.00
Permanent statute law committee.	FOR THE PERMANENT STATUTE LAW COMMITTEE:		
	To carry out provisions of chapter 157, Laws of 1951:		
	Salaries and Wages.....	\$89,494.00	
	Operations	9,238.00	
	Publication of RCW Supplementary Material and Index	39,484.00	
	Total		\$138,216.00
Judicial council.	FOR THE JUDICIAL COUNCIL:		
	Salaries, Wages and Operations.		\$4,560.00
Uniform law commission.	FOR THE UNIFORM LAW COMMISSION:		
	Operations		\$1,569.00
Superior court judges.	FOR THE SUPERIOR COURT JUDGES:		
	Salaries and Wages.....	\$569,000.00	
	Expenses, Judges in Joint Districts	9,000.00	
	Total		\$578,000.00
Association of superior court judges.	FOR THE ASSOCIATION OF SUPERIOR COURT JUDGES:		
	Operations		\$3,500.00
Judges' retirement fund.	FOR THE JUDGES' RETIREMENT FUND:		
	To be expended in accordance with the provisions of chapter 229, Laws of 1937.....	\$67,541.00	
	Additional Retirement Fund Contributions in event of deficit	65,250.00	
	Total		\$132,791.00
State board of accountancy.	FOR THE STATE BOARD OF ACCOUNTANCY:		
	Salaries and Wages.....	\$32,463.00	
	Operations	44,770.00	
	(Expenditures not to exceed revenues accruing under the Accountancy Act.)		
	Total		\$77,233.00

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FOR THE STATE AERONAUTICS COMMISSION:		State aeronautics commission.
Salaries and Wages.....	\$35,413.00	
Operations	27,054.00	
Total	<hr/>	\$62,467.00
FOR THE STATE ATHLETIC COMMISSION:		State athletic commission.
Salaries and Wages.....	\$8,532.00	
Operations	2,700.00	
Total	<hr/>	\$11,232.00
FOR THE STATE CAPITOL COMMITTEE:		State capitol committee.
Salaries and Wages.....	\$21,987.00	
Operations	11,635.00	
Total	<hr/>	\$33,622.00
FROM THE CEMETERY FUND.		
FOR THE CEMETERY BOARD:		Cemetery board.
To carry out the provisions of House Bill No. 85, expenditures not to exceed regulatory fees heretofore or hereafter collected		\$15,000.00
FROM THE MOTOR VEHICLE EXCISE FUND.		
FOR THE STATE CENSUS BOARD:		State census board.
Salaries, Wages and Operations.		\$25,000.00
FROM THE GENERAL FUND.		
FOR THE STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS:		State board for the certification of librarians.
Salaries, Wages and Operations.		\$225.00
FOR THE STATE COUNCIL FOR CHILDREN AND YOUTH:		State council for children and youth.
Expenses of Members.....		\$8,000.00
FOR THE STATE BOARD OF EDUCATION:		State board of education.
General Office, including Junior College Supervision, and School Building Facilities:		
Salaries, Wages and Operations		\$175,000.00
FROM THE STATE EMPLOYEES' RETIREMENT SYSTEM EXPENSE FUND.		
FOR THE STATE EMPLOYEES' RETIREMENT BOARD:		State employees' retirement board.
Salaries and Wages.....	\$244,729.00	
Operations	98,500.00	
Actuarial Survey	10,000.00	
Total	<hr/>	\$353,229.00

FROM THE STATE EMPLOYEES' RETIREMENT FUND.

Pensions, Awards, Disability Payments, Adjustments and Refunds \$10,000,000.00

FROM THE GENERAL FUND.

State finance committee.

FOR THE STATE FINANCE COMMITTEE:

Salaries and Wages..... \$22,692.00
 Operations 2,334.00
 Total \$25,026.00

FROM THE MOTOR VEHICLE FUND.

Expenses incident to issuance and sale of bonds authorized by chapter 121, Laws of 1951 \$18,000.00

FROM THE FOREST DEVELOPMENT FUND.

State forest board.

FOR THE STATE FOREST BOARD:

Under Supervision of Department of Public Lands:
 Salaries and Wages..... \$30,051.00
 Operations 12,000.00
 Bond Retirement and Interest 16,340.00
 Under Supervision of Division of Forestry:
 Salaries and Wages..... 23,677.00
 Operations 1,843.00
 Forest Fire Protection:
 To Forest Assessment Trust Fund for Fire Protection Administration 77,469.00
 Total \$161,380.00

FROM THE GENERAL FUND.

State sustained yield forest No. 1.

FOR THE STATE SUSTAINED YIELD FOREST No. 1:

To carry out provisions of chapter 175, Laws of 1933:
 Salaries and Wages..... \$72,864.00
 Operations 25,100.00

(This appropriation shall be disbursed as directed by a committee composed of the Governor, Commissioner of Public Lands, State Auditor, and Director of the Department of Conservation and Development. The Gover-

nor shall be chairman of
said committee.)

Total \$97,964.00

FROM THE ACCIDENT FUND.

FOR THE BOARD OF INDUSTRIAL IN-
SURANCE APPEALS:

Board of
industrial
appeals.

Salaries and Wages.....	\$155,000.00	
Operations	70,000.00	
Total		\$225,000.00

FROM THE MEDICAL AID FUND.

Salaries and Wages.....	\$155,000.00	
Operations	70,000.00	
Total		\$225,000.00

FROM THE GENERAL FUND.

FOR THE INTERSTATE COMPACT
COMMISSION:

Interstate
compact
commission.

To carry out provisions of chap-
ter 113, Laws of 1951, relating
to the division, apportionment,
and use of waters of the
Columbia River and its tribu-
taries \$20,185.00

FOR THE BOARD OF STATE LAND
COMMISSIONERS:

Board of
state land
commis-
sioners.

Salaries and Wages.....	\$76,845.00	
Operations	35,000.00	
Total		\$111,845.00

FOR THE STATE LIBRARY
COMMISSION:

State library
commission.

Salaries and Wages.....	\$126,263.00	
Operations	61,295.00	
Total		\$187,558.00

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS AND
RECREATION COMMISSION:

State
parks and
recreation
commission.

Salaries and Wages.....	\$879,079.00	
Operations	467,600.00	
Capital Outlays and Major Repairs	937,790.00	
Purchase, Condemnation and Improvement of Land, Boat Moorages, Construction of Buildings, and other improve- ments, including necessary		

Salaries and Wages incident thereto	\$305,000.00	
Total		\$2,589,469.00

FROM THE MILLERSYLVANIA PARK CURRENT FUND.

Improvement, Maintenance and Upkeep of Millersylvania Park		\$400.00
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FROM THE GENERAL FUND.

State board of pharmacy.

FOR THE STATE BOARD OF

PHARMACY:

Salaries and Wages.....	\$65,615.00	
Operations	33,300.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total		\$98,915.00

FROM THE PUGET SOUND PILOTAGE FUND.

State board of pilotage commissioners.

FOR THE STATE BOARD OF PILOTAGE

COMMISSIONERS:

Salaries and Wages.....	\$3,671.00	
Operations	900.00	
Purchase of Radar Equipment..	15,000.00	
Total		\$19,571.00

FROM THE GENERAL FUND.

Pollution control commission.

FOR THE POLLUTION CONTROL

COMMISSION:

Salaries and Wages.....	\$143,566.00	
Operations	80,553.00	
Investigation, Research and Surveys of the effects on Fish and Shellfish of Water Pollution caused by Industrial Waste	13,264.00	
Total		\$237,383.00

Board of prison terms and paroles.

FOR THE BOARD OF PRISON TERMS

AND PAROLES:

Salaries and Wages.....	\$323,000.00	
Operations	145,505.00	
Total		\$468,505.00

FROM THE TEACHERS' RETIREMENT FUND.

Board of trustees of the state teachers' retirement system.

FOR THE BOARD OF TRUSTEES OF

THE STATE TEACHERS' RETIREMENT SYSTEM:

Salaries and Wages.....	\$161,639.00	
Operations	44,170.00	

For the payment of Annuities, Awards and Refunds as pro- vided by law.....	\$10,174,781.00	
Total	_____	\$10,380,590.00

FROM THE GENERAL FUND.

FOR THE VETERANS' REHABILITATION
COUNCIL:

Veterans'
rehabilita-
tion council.

To carry out provisions of chap- ter 110, Laws of 1947.....	\$600,000.00
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FROM THE UNITED STATES VOCATIONAL EDUCATION
FUND.

FOR THE STATE BOARD FOR VOCA-
TIONAL EDUCATION:

State
board for
vocational
education.

To be expended in accordance with the provisions of Acts of Congress approved February 23, 1917, and August 1, 1946, and acts amendatory or sup- plementary thereto, and the provisions of chapter 183, Laws of 1939, and acts amend- atory or supplementary there- to, providing for the promo- tion and development of Voca- tional Education.....	\$1,056,790.00
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To be expended in accordance with the provisions of Acts of Congress approved June 2, 1920, and July 6, 1943, and acts amendatory or supplementary thereto, and the provisions of chapter 176, Laws of 1933, and acts amendatory or supple- mentary thereto, providing for Civilian Vocational Rehabili- tation	1,560,375.00
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To be expended for special Vet- erans' Training in cooperation with the United States Vet- erans' Administration, ex- penditures not to exceed re- ceipts from the Federal gov- ernment	562,905.00
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Total	_____	\$3,180,070.00
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FROM THE WASHINGTON STATE PATROL
RETIREMENT FUND.

Washington
state patrol
retirement
board.

FOR THE WASHINGTON STATE PATROL
RETIREMENT BOARD:

Pensions, Benefits, Awards and
Refunds \$40,000.00

FROM THE GENERAL FUND.

Washington
state board
against
discrimina-
tion in
employment.

FOR THE WASHINGTON STATE BOARD
AGAINST DISCRIMINATION IN
EMPLOYMENT:

To carry out provisions of chap-
ter 183, Laws of 1949:
Salaries and Wages..... \$30,698.00
Operations 7,380.00
Total \$38,078.00

Washington
state safety
council.

FOR THE WASHINGTON STATE SAFETY
COUNCIL:

Salaries, Wages and Operations. \$20,000.00

Adjutant -
general—
military
department.

FOR THE ADJUTANT GENERAL—
MILITARY DEPARTMENT:

Salaries and Wages..... \$383,250.00
Operations 225,000.00
Uniform Allowance 75,000.00
Medical Aid and Compensation 8,980.00
Capital Outlays, Armories, to
carry out provisions of Senate
Bill No. 110..... 500,000.00
Retirement Contributions for
Federally-paid Civilian Em-
ployees 140,736.00
Total \$1,332,966.00

Department
of
agriculture.

FOR THE DEPARTMENT OF AGRICUL-
TURE:

Salaries and Wages..... \$719,257.00
Operations 274,543.00
Indemnities and Control of
Bang's Disease, Bovine Tubercu-
losis, and Animal Diseases;
Control of Mastitis, Plant Dis-
eases, Insect Pests, Apiculture;
Marketing Research; Market-
ing and Farm Production Re-
ports 1,052,944.00
Total \$2,046,744.00

FROM THE FEED AND FERTILIZER FUND.

Salaries and Wages.....	\$52,004.00	
Operations	30,385.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	_____	\$82,389.00

FROM THE GRAIN AND HAY INSPECTION FUND.

Salaries and Wages.....	\$764,654.00	
Operations	205,610.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	_____	\$970,264.00

FROM THE COMMISSION MERCHANTS' FUND.

Salaries and Wages.....	\$91,764.00	
Operations	38,390.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	_____	\$130,154.00

FROM THE NURSERY INSPECTION FUND.

Salaries and Wages.....	\$40,410.00	
Operations	19,210.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	_____	\$59,620.00

FROM THE SEED FUND.

Salaries and Wages.....	\$65,725.00	
Operations	50,220.00	
(Expenditures not to exceed fees heretofore or hereafter collected.)		
Total	_____	\$115,945.00

FROM THE GENERAL FUND.

FOR THE OFFICE OF DIRECTOR OF
BUDGET:

Salaries and Wages.....	\$233,301.00	
Operations	85,500.00	
Personnel Office:		
Salaries and Wages.....	38,613.00	
Operations	6,500.00	
Total	_____	\$363,914.00

Office of
director of
budget.

Department of civil defense.

FOR THE DEPARTMENT OF CIVIL DEFENSE:

Salaries and Wages.....	\$120,000.00	
Operations	85,000.00	
Medical Health Services.....	25,072.00	
Total		\$230,072.00

Department of conservation and development.

FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:

General Office, including Divisions of Hydraulics, Mines and Geology; and Flood Control Administration:		
Salaries and Wages.....	\$238,100.00	
Operations	64,035.00	
Columbia Basin Commission:		
Salaries and Wages.....	30,524.00	
Operations	25,000.00	

Division of forestry.

Division of Forestry:		
Salaries and Wages.....	1,222,610.00	
Operations	415,855.00	
Reforestation:		
Salaries and Wages.....	111,417.00	
Operations	12,051.00	
Soil Conservation Committee:		
Salaries, Wages and Operations	25,000.00	
Stream Gaging and Ground Water Surveys:		
Operations	65,000.00	
Flood Control Maintenance:		
To be expended in accordance with the provisions of chapter 240, Laws of 1951.....		
	500,000.00	
Total		\$2,709,592.00

FROM THE EAGLE GORGE DAM FLOOD CONTROL PROJECT FUND.

To carry out provisions of chapter 27, Laws of 1949.....	\$1,500,000.00
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FROM THE RECLAMATION REVOLVING FUND.

Reclamation division.

Reclamation Division:		
Salaries and Wages.....	\$49,293.00	
Operations	20,250.00	
Natural Resources Surveys:		
Salaries, Wages and Operations	75,000.00	

Financing of Reclamation Dis-		
tricts as provided by law...	\$750,000.00	
(Expenditures from Reclama-		
tion Revolving Fund not to		
exceed cash on hand and		
available for expenditure.)		
Total	_____	\$894,543.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF EMPLOY-
MENT SECURITY:

Department
of
employment
security.

To carry out provisions of chap-		
ter 184, Laws of 1951, relating		
to coverage of employees of		
political subdivisions of the		
state under the Federal OASI		
System		\$5,000.00

FROM THE OASI CONTRIBUTION FUND.

Contributions as required by		
sections 1400 and 1410 of the		
Federal Insurance Contribu-		
tions Act		\$720,000.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF FISH-
ERIES:

Department
of
fisheries.

Salaries and Wages.....	\$1,422,566.00
Operations	1,141,867.00
Capital Outlays, Major Repairs and Betterments, including completion of Deschutes Fish Ladder	1,000,000.00
Payment of bounties under the provisions of section 75.16.040, RCW	5,000.00
To carry out provisions of sec- tion 75.40.030, RCW, relating to the Pacific Marine Fisheries Compact	12,600.00
Research to safeguard migrating salmon of the Columbia River at Corps of Engineers' Dams..	150,000.00
(Expenditures to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government.)	

Lower Columbia River Development (Expenditures to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government)	\$1,758,268.00	
Total	<u> </u>	\$5,490,301.00

FROM THE LEWIS RIVER HATCHERY FUND.

Salaries and Wages.....	\$32,659.00	
Operations	1,725.00	
Total	<u> </u>	\$34,384.00

FROM THE GAME FUND.

Department of game.

FOR THE DEPARTMENT OF GAME:

Salaries and Wages.....	\$2,807,564.00	
Operations	2,489,574.00	
Payment of Game Animal Damages and Expense.....	40,000.00	
Wild Life Restoration and Research, including the Purchase, Condemnation or Leasing of Lands	805,843.00	
(Expenditures to be limited to approved projects upon which reimbursement of 75% will be made by the Federal government.)		
Fish Restoration and Management Projects	200,000.00	
(Expenditures to be limited to approved projects upon which reimbursement of 75% will be made by the Federal government.)		
Special Research Investigations of Game and Game Fish Programs	50,000.00	
(Expenditures to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government.)		
Capital Outlays, Major Repairs and Purchase of Site for Steelhead Hatchery	125,749.00	
Acquisition of Lands for Public Hunting and Fishing Areas, Game Habitat Area, Access		

Areas to Lakes and Streams and other like purposes.....	\$504,340.00	
Lower Columbia River Development:		
Constructing, equipping and operating Steelhead Hatchery (Expenditures to be limited to approved projects upon which reimbursement of 100% will be made by the Federal government) ..	697,838.00	
Total	<u> </u>	\$7,720,908.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF HEALTH:

Department
of health.

General Administration:		
Salaries and Wages.....	\$831,548.00	
Operations	326,294.00	
Medical Care Program:		
Salaries, Wages and Operations	1,330,115.00	
Medical Services (including deficiencies)	33,542,904.00	
Field Training Program:		
Salaries and Wages.....	12,840.00	
(Expenditures limited to receipts from the W. K. Kellogg Foundation.)		
Crippled Children's Program:		
Salaries and Wages.....	56,100.00	
Operations and Assistance...	140,095.00	
Rheumatic Fever Program:		
Salaries, Wages, Operations and Assistance	20,000.00	
Conservation of Hearing Program:		
Salaries and Wages.....	11,932.00	
Operations	42,012.00	
Conservation of Vision Program:		
Salaries and Wages.....	7,626.00	
Operations	4,800.00	
State Cerebral Palsy Program:		
Cerebral Palsy Center and Field Service:		
Salaries and Wages.....	39,418.00	
Operations	3,000.00	

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For Public Health Work (including deficiencies)	\$1,698,198.00	
(Expenditures not to exceed amounts received and credited to the General Fund from the Federal government for Public Health Work.)		
For County Public Health Work	150,000.00	
For Child Guidance Center....	7,500.00	
Tuberculosis Hospitalization:		
State Aid to Counties (including deficiencies)	10,098,985.00	
Total	<u> </u>	\$48,323,367.00

Department of labor and industries.

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:

Salaries and Wages.....	\$582,855.00	
Operations	416,988.00	
To carry out provisions of chapter 233, Laws of 1947, for the payment of additional pensions	3,900,000.00	
To carry out provisions of chapter 195, Laws of 1949, relating to the Industrial Welfare Commission:		
Salaries, Wages and Operations	22,254.00	
For ascertaining the qualifications of Industrial Establishments for furnishing other training on-the-job to Veterans (Expenditures not to exceed receipts from the Federal government)		
	40,272.00	
Total	<u> </u>	\$4,962,369.00

FROM THE MEDICAL AID FUND.

Salaries, Wages and Operations.	\$2,315,781.00	
Appeal Costs:		
Salaries and Wages.....	116,849.00	
Operations	166,170.00	
Rehabilitation Center:		
Salaries and Wages.....	207,947.00	
Operations	112,823.00	
Medical Services and Refunds (including deficiencies)	15,500,000.00	
Total	<u> </u>	\$18,419,570.00

FROM THE ACCIDENT FUND.

Appeal Costs:		
Salaries and Wages.....	\$116,849.00	
Operations	166,170.00	
Catastrophe Injury Claims.....	500,000.00	
Second Injury Claims.....	1,000,000.00	
Claims, Awards and Refunds (including deficiencies)	24,000,000.00	
Total	<u>25,783,019.00</u>	\$25,783,019.00

FROM THE RESERVE FUND.

Pensions and Lump Sum Pay- ments	\$10,500,000.00
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FROM THE ELECTRICAL LICENSE FUND.

Salaries and Wages.....	\$120,229.00	
Operations	41,695.00	
Total	<u>161,924.00</u>	\$161,924.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF LICENSES:		Department
Salaries, Wages and Operations	\$565,209.00	of licenses.

FROM THE MOTOR VEHICLE FUND.

Salaries, Wages and Operations	\$2,916,638.00	
Liquid Fuel Tax Refunds.....	5,940,000.00	
Total	<u>8,856,638.00</u>	\$8,856,638.00

FROM THE HIGHWAY SAFETY FUND.

Salaries and Wages.....	\$185,375.00	
Operations	90,191.00	
Total	<u>275,566.00</u>	\$275,566.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:		Department
General Office, including Division of Public Institutions and Division of Purchasing:		of public institutions.
Salaries, Wages and Operations	\$924,713.00	
Division of Children and Youth:		Division of children and youth.
Salaries, Wages and Operations	200,000.00	
Division of Banking:		Division of banking.
Salaries, Wages and Operations: <i>Provided</i> , That expenditures hereunder shall not exceed by more than		

	\$10,000.00 the amount of funds received by the State Treasurer from banks and deposited to the credit of the General Fund	\$218,440.00		
Division of savings and loan associations.	Division of Savings and Loan Associations:			
	Salaries, Wages and Operations: <i>Provided</i> , That expenditures hereunder shall not exceed by more than \$6,000.00 the amount of funds received by the State Treasurer from Savings and Loan Associations and Credit Unions and deposited to the credit of the General Fund	127,692.00		
	Capitol Buildings and Grounds:			
	Salaries and Wages.....	543,255.00		
	Operations	325,875.00		
	Parole, Transportation and Deportation:			
	Salaries and Wages.....	18,098.00		
	Operations	40,240.00		
	Painting, Repairs and Alterations to Buildings.....	50,000.00		
	Remodeling Transportation, Temple of Justice, and Old Capitol Buildings.....	50,000.00		
	Architects' Fees and Redesigning of Labor and Industries Building for Library purposes	30,000.00		
	Replacement of Insurance Building Elevator	25,000.00		
	Total		\$2,553,313.00	

FROM THE PUBLIC SERVICE REVOLVING FUND.

Washington public service commission.	FOR THE WASHINGTON PUBLIC SERVICE COMMISSION:		
	Salaries and Wages.....	\$1,210,876.00	
	Operations	514,480.00	
	Special Investigations:		
	Salaries, Wages and Operations	125,000.00	

(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 \$1,850,356.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF SOCIAL SECURITY:

General Administration:

Salaries, Wages and Operations \$10,240,000.00
 Survey of Consumers' Expenditures in Low Income Group 75,000.00

Division of Old Age Assistance:
 Senior Citizen Grants..... 86,337,293.00

Division of Public Assistance:
 Aid to the Permanently Disabled 8,922,147.00
 General Home Assistance... 7,815,556.00
 Burials 893,750.00

Division for Children:

Child Welfare Services:
 Salaries, Wages and Operations 2,150,000.00
 Assistance as Provided by Law 4,449,520.00

Aid to Dependent Children:
 Assistance as Provided by Law 21,044,033.00

Division for the Blind:
 Assistance as Provided by Law 1,459,967.00

Self-supporting Aid to Blind:
 To carry out provisions of chapter 166, Laws of 1949 28,800.00

Vocational Rehabilitation for the Blind:
 Administration:
 Salaries and Wages..... 128,538.00
 Operations 54,532.00
 Assistance 50,000.00
 Other Case Services to the Blind 249,600.00

Vetoed

Vetoed	}	Contingencies: <i>Provided</i> , That this appropriation shall become available only in the event that 1/24th of the foregoing appropriations for assistance is insufficient to meet the demands for any one month: <i>And provided further</i> , That such allocations shall become available only upon written approval by the Governor	\$2,471,484.00
		Total	\$146,370,220.00

Washington state patrol.

FOR THE WASHINGTON STATE
PATROL:

Salaries and Wages.....	\$1,418,300.00
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FROM THE HIGHWAY SAFETY FUND.

Salaries and Wages.....	\$1,368,759.00
Operations	671,920.00
Total	\$2,040,679.00

FROM THE MOTOR VEHICLE FUND.

Salaries and Wages.....	\$1,606,546.00
Operations	1,048,541.00
Salaries, Wages and Operations	245,000.00
Weight Control:	
Capital Outlays and Major Repairs	77,450.00
Total	\$2,977,537.00

FROM THE GENERAL FUND.

Tax commission of the state of Washington.

FOR THE TAX COMMISSION OF THE
STATE OF WASHINGTON:

Salaries and Wages.....	\$2,449,000.00
Operations	754,360.00
Salaries, Wages and Operations for additional Auditors.....	200,000.00
Purchase of Cigarette Stamps.	25,080.00
Refunds of Taxes, Costs, Penalties, and Interest as provided by chapter 180, Laws of 1935, and all laws amendatory thereto, and chapter 119, Laws of 1941, and all laws amendatory thereto	300,000.00
Total	\$3,728,440.00

FROM THE MOTOR VEHICLE EXCISE FUND.

Refunds as provided by chapter 152, Laws of 1945 (including deficiencies)	\$250,000.00
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FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF PUBLIC
INSTITUTIONS:Department
of public
institutions.

State School for the Blind:		
Salaries and Wages.....	\$281,959.00	
Operations	136,497.00	
Total	<u>418,456.00</u>	\$418,456.00
State School for the Deaf:		
Salaries and Wages.....	\$549,739.00	
Operations	216,982.00	
Total	<u>766,721.00</u>	\$766,721.00
Eastern State Hospital:		
Salaries and Wages.....	\$2,538,891.00	
Operations	1,594,439.00	
Total	<u>4,133,330.00</u>	\$4,133,330.00
State School for Girls:		
Salaries and Wages.....	\$327,321.00	
Operations	148,450.00	
Total	<u>475,771.00</u>	\$475,771.00
Lakeland Village:		
Salaries and Wages.....	\$1,546,212.00	
Operations	1,075,175.00	
Total	<u>2,621,387.00</u>	\$2,621,387.00
Northern State Hospital:		
Salaries and Wages.....	\$2,232,722.00	
Operations	1,394,053.00	
Total	<u>3,626,775.00</u>	\$3,626,775.00
Washington State Penitentiary:		
Salaries and Wages.....	\$1,002,377.00	
Operations	1,369,520.00	
Prisoners' Aid Fund.....	5,000.00	
Total	<u>2,376,897.00</u>	\$2,376,897.00

FROM THE PENITENTIARY REVOLVING FUND.

Industrial Operations:

Salaries, Wages and Opera- tions	\$5,000,000.00
(Expenditures from the Penitentiary Revolving Fund not to exceed cash on hand and available for ex- penditure.)	

SESSION LAWS, 1953.

FROM THE GENERAL FUND.

Rainier State School:		
Salaries and Wages.....	\$1,956,240.00	
Operations	1,235,399.00	
Total	<u> </u>	\$3,191,639.00
Washington State Reformatory:		
Salaries and Wages.....	\$779,651.00	
Operations	654,096.00	
Prisoners' Aid Fund.....	5,000.00	
Total	<u> </u>	\$1,438,747.00

FROM THE REFORMATORY REVOLVING FUND.

Industrial Operations:		
Salaries and Wages.....	\$57,088.00	
Operations	141,900.00	
Total	<u> </u>	\$198,988.00

FROM THE GENERAL FUND.

State Soldiers' Home and Colony:		
Salaries and Wages.....	\$282,766.00	
Operations	223,127.00	
Total	<u> </u>	\$505,893.00
State Training School:		
Salaries and Wages.....	\$483,725.00	
Operations	308,305.00	
Total	<u> </u>	\$792,030.00
Washington Veterans' Home:		
Salaries and Wages.....	\$687,648.00	
Operations	491,699.00	
Total	<u> </u>	\$1,179,347.00
Western State Hospital:		
Salaries and Wages.....	\$3,195,999.00	
Operations	2,017,967.00	
Total	<u> </u>	\$5,213,966.00
State Institutions:		
Salaries, Wages and Operations at various existing State Institutions, to be allotted by the Governor under the provisions of chapter 43.87, RCW, in such amounts and at such times as the Governor shall determine	\$1,119,239.00	
Capital Outlays, Major Repairs and Betterments at various existing State Institutions, to be allotted by		

the Governor under the provisions of chapter 43.87, RCW, in such amounts and at such times as the Governor shall determine..... \$2,100,000.00
 Total \$3,219,239.00

FROM THE UNIVERSITY OF WASHINGTON FUND.

FOR THE UNIVERSITY OF WASHINGTON:

University of Washington.

Salaries and Wages..... \$16,009,523.00
 Operations, including Repairs.. 3,688,628.00
 Total \$19,698,151.00

FROM THE GENERAL FUND.

School of Medicine and Dentistry:
 Salaries and Wages..... \$3,289,711.00
 Operations and Maintenance. 813,479.00
 Construction of Underground Utilities 617,125.00
 Total \$4,720,315.00

FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

Construction of New Buildings, Equipment and Remodeling. \$1,100,000.00

FROM THE UNIVERSITY OF WASHINGTON MEDICAL AND DENTAL BUILDING AND EQUIPMENT FUND.

Construction and Equipping Medical and Dental Buildings. \$300,000.00

FROM THE MOTOR VEHICLE EXCISE FUND.

Bureau of Governmental Research:
 Municipal Research and Service \$110,000.00

FROM THE WASHINGTON STATE COLLEGE FUND.

FOR THE STATE COLLEGE OF WASHINGTON:

State College of Washington.

College Teaching:
 Salaries and Wages..... \$6,968,283.00
 Operations 3,180,905.00
 State Services — Agricultural and Industrial:
 Salaries, Wages and Operations 742,216.00

Division of Industrial Research:		
Salaries, Wages and Operations	\$671,959.00	
Agricultural Extension Work:		
Salaries, Wages and Operations	1,000,492.00	
Agricultural Experiment Stations:		
Main Experiment Station, Pullman and Walla Walla:		
Salaries, Wages and Operations	1,257,512.00	
Western Washington Experiment Station, Puyallup:		
Salaries, Wages and Operations	771,922.00	
Irrigation Branch Station, Prosser:		
Salaries, Wages and Operations	505,524.00	
Tree Fruit Branch Station, Wenatchee:		
Salaries, Wages and Operations	255,587.00	
Dry Land Branch Station, Lind:		
Salaries, Wages and Operations	44,183.00	
Cranberry, Blueberry Branch Station, Ilwaco:		
Salaries, Wages and Operations	45,747.00	
Northwestern Washington Experiment Station, Mount Vernon:		
Salaries, Wages and Operations	110,993.00	
Southwestern Experiment Station, Vancouver:		
Salaries, Wages and Operations	62,178.00	
Total	<hr/>	\$15,617,501.00

FROM THE STATE COLLEGE OF WASHINGTON
BUILDING FUND.

Capital Outlays, Major Repairs and Betterments		\$830,000.00	
FOR THE CENTRAL WASHINGTON COL- LEGE OF EDUCATION:			Central Washington College of Education.
From the Normal School Cur- rent Fund	\$50,000.00		
From the Central College Fund ..	\$1,822,340.00		
Salaries and Wages.....	\$1,621,274.00		
Operations	251,066.00		
Total		\$1,872,340.00	

FROM THE GENERAL FUND.

Capital Outlays, Major Repairs and Betterments		\$68,000.00	
FOR THE EASTERN WASHINGTON COL- LEGE OF EDUCATION:			Eastern Washington College of Education.
From the Normal School Cur- rent Fund	\$50,000.00		
From the Eastern College Fund...	\$1,787,832.00		
Salaries and Wages.....	\$1,593,782.00		
Operations	244,050.00		
Total		\$1,837,832.00	

FROM THE GENERAL FUND.

Capital Outlays, Major Repairs and Betterments		\$100,000.00	
FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:			Western Washington College of Education.
From the Normal School Current Fund	\$50,000.00		
From the Western College Fund ...	\$1,820,656.00		
Salaries and Wages.....	\$1,587,324.00		
Operations	283,332.00		
Total		\$1,870,656.00	

FROM THE GENERAL FUND.

Minor Capital Outlays.....		\$69,708.00	
FOR THE STATE CAPITOL HISTORI- CAL ASSOCIATION:			State Capitol Historical Association.
Salaries and Wages.....	\$11,457.00		
Operations	7,800.00		
Total		\$19,257.00	

Washington State Historical Society.

FOR THE WASHINGTON STATE HISTORICAL SOCIETY:	
Salaries and Wages.....	\$48,984.00
Operations	15,075.00
Washington Territorial Centennial:	
Salaries and Wages.....	10,000.00
Operations	10,000.00
Total	<u>\$84,059.00</u>

Eastern Washington State Historical Society.

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY:	
Salaries and Wages.....	\$17,160.00
Operations	8,469.00
Total	<u>\$25,629.00</u>

FROM THE CAPITOL BUILDING BOND REDEMPTION FUND.

Bond retirement and interest.

FOR BOND RETIREMENT AND INTEREST	\$147,000.00
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FROM THE GENERAL FUND.

Council of state governments.

FOR THE COUNCIL OF STATE GOVERNMENTS:	
To be distributed on vouchers approved by the Governor...	\$7,000.00

Criminal cost bills.

FOR CRIMINAL COST BILLS (including deficiencies)	\$25,000.00
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FROM THE CONTINGENT RECEIPTS FUND.

Ch. 243, Laws of 1945.

TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 243, LAWS OF 1945, AND LAWS AMENDATORY OR SUPPLEMENTARY THERETO	\$20,000,000.00
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FROM THE GENERAL FUND.

Emergency warrants.

FOR THE PAYMENT OF WARRANTS DRAWN FOR EMERGENCY PURPOSES APPROVED DURING THE BIENNIAL PERIOD APRIL 1, 1953, TO MARCH 31, 1955, PURSUANT TO SECTION 10, CHAPTER 9, LAWS OF 1925, AS AMENDED BY SECTION 6, CHAPTER 162, LAWS OF 1929....	\$250,000.00
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Governor; for allocation to various state departments, etc.

FOR THE GOVERNOR:	
To be allocated to various state departments, offices and institutions for salaries, wages,	

operations, and emergency construction or repairs of public buildings: *Provided*, That this appropriation shall become available only upon filing with the Secretary of State, from time to time, allotments to said departments, offices and institutions, setting forth the purpose and amount allotted therefor, approved by the Governor

\$2,000,000.00

FROM THE CURRENT SCHOOL FUND.

FOR APPORTIONMENT TO COUNTIES FOR SCHOOL DISTRICTS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 141, LAWS OF 1945, AND ACTS AMENDATORY THERETO: *Provided*, That no portion of this appropriation shall be expended for the cost of establishing or maintaining kindergartens under chapter 28.35, RCW.....

Apportionment to counties for school districts under Ch. 141, Laws of 1945.

\$141,000,000.00

GRANTS-IN-AID TO SCHOOL DISTRICTS FOR EMERGENCY SCHOOL CONSTRUCTION ONLY

\$5,000,000.00

} Vetoed

FROM THE GENERAL FUND.

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:

Superintendent of public instruction.

To be expended in accordance with the provisions of chapter 120, Laws of 1943, chapter 240, Laws of 1947, chapter 186, Laws of 1949, and chapter 92, Laws of 1951, relating to the education of Handicapped Children, including In-service Training Program for Teachers of Handicapped Children, not to exceed \$25,000.00.....

\$1,425,000.00

FROM THE STATE SCHOOL EQUALIZATION FUND.

FOR DISTRIBUTION TO COUNTIES AS PROVIDED BY CHAPTER 11, LAWS OF FIRST EXTRAORDINARY SESSION 1951

Distribution to counties under Ch. 11, Laws of 1st ex. sess. 1951.

\$17,800,000.00

SESSION LAWS, 1953.

FROM THE GENERAL FUND.

Assistance for blind students.	TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAP- TER 154, LAWS OF 1935, AS AMENDED BY CHAPTER 232, LAWS OF 1949, PROVIDING ASSISTANCE FOR BLIND STUDENTS	\$25,000.00
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Educational aid for children of veterans.	TO BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF CHAP- TER 224, LAWS OF 1947, PROVID- ING EDUCATIONAL AID FOR CHIL- DREN OF VETERANS.....	\$5,000.00
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Education of Indian children.	FOR EDUCATION OF INDIAN CHILDREN: To carry out provisions of the Johnson-O'Malley Act, April 16, 1934, as amended by the act of June 4, 1936 (25 U.S.C. 452) (Expenditures not to ex- ceed amounts received from the Federal government)....	\$325,250.00
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School lunch program.	FOR SCHOOL LUNCH PROGRAM: To carry out provisions of the National School-Lunch Act, Public Law 396, 79th Congress (Expenditures not to exceed amounts received from the Federal government)	\$1,600,000.00
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Distribution to "firemen's relief and pension funds"; Ch. 91, Laws of 1947.	FOR DISTRIBUTION TO "FIREMEN'S RELIEF AND PENSION FUNDS" AS PROVIDED BY CHAPTER 91, LAWS OF 1947, AS AMENDED (including deficiencies)	\$675,000.00
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FROM THE FOREST RESERVE FUND.

Distribution of forest reserves moneys; Ch. 185, Laws of 1907.	FOR DISTRIBUTION OF MONEYS RE- CEIVED FROM THE FEDERAL GOV- ERNMENT FROM FOREST RESERVES AS PROVIDED BY CHAPTER 185, LAWS OF 1907 (including defi- ciencies)	\$6,000,000.00
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FROM THE HARBOR IMPROVEMENT FUND.

Distribution in accor- dance with Ch. 168-170, Laws of 1913.	FOR DISTRIBUTION IN ACCORDANCE WITH CHAPTERS 168, 169 AND 170, LAWS OF 1913, BASED ON RE- CEIPTS (including deficiencies)	\$200,000.00
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FROM THE HIGHWAY BOND RETIREMENT FUND.

FOR BOND RETIREMENT AND INTER- EST	\$6,117,256.34	Highway bond retirement and interest.
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FROM THE INSTITUTIONAL BUILDING
BOND REDEMPTION FUND.

FOR BOND RETIREMENT AND INTER- EST	\$2,502,695.00	Institutional building bond retirement and interest.
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FROM THE GENERAL FUND.

FOR THE STATE AUDITOR: For the payment of Local Im- provement District Assess- ments as provided by chapter 205, Laws of 1947.....	\$50,000.00	State auditor.
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FROM THE MOTOR VEHICLE EXCISE FUND.

FOR TRANSFERS AND DISTRIBUTION TO CITIES AND TOWNS AS PRO- VIDED BY CHAPTER 144, LAWS OF 1943 (including deficiencies)...	\$25,000,000.00	Motor vehicle excises; distribution to cities and towns.
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FROM THE PUBLIC SCHOOL BUILDING
BOND REDEMPTION FUND.

FOR BOND RETIREMENT AND INTER- EST	\$5,003,425.00	Public school building bond retirement and interest.
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FROM THE VOLUNTEER FIREMEN'S RELIEF AND
PENSION FUND.

FOR CLAIMS, AWARDS AND OTHER EXPENSES ALLOWED BY LAW (in- cluding deficiencies).....	\$64,000.00	Volunteer firemen's relief and pension claims, etc.
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FROM THE GENERAL FUND.

FOR DISTRIBUTION OF FUNDS RE- CEIVED UNDER THE FEDERAL ACT OF JUNE 28, 1934, 48 STAT. 1273, SECTION 10 (including defici- encies). THESE FUNDS TO BE DIS- TRIBUTED TO COUNTIES FROM WHICH RECEIPTS WERE DERIVED.	\$20,000.00	Distribution of grazing district receipts.
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FROM THE WAR VETERANS' COMPENSATION FUND.

FOR THE STATE AUDITOR: For Administration and Com- sation for Veterans of World War II: Salaries and Wages.....	\$43,800.00	State auditor.
Operations	10,700.00	

War Veterans' Compensation. \$12,738,802.00
 (Expenditures hereunder
 not to exceed the unex-
 pended balance of appro-
 priation made by chapter
 180, Laws of 1949.)
 Total \$12,793,302.00

FROM THE WAR VETERANS' COMPENSATION
 BOND RETIREMENT FUND.

FOR BOND RETIREMENT AND INTEREST \$8,500,442.50

FROM THE GENERAL FUND.

FOR TRANSFERS:

To Teachers' Retirement Fund. \$5,423,000.00
 To Teachers' Retirement Pen-
 sion Reserve Fund..... 7,000,000.00
 To United States Vocational Ed-
 ucation Fund:
 To carry out provisions of
 chapter 183, Laws of 1939,
 and acts amendatory or sup-
 plementary thereto, relating
 to Vocational Education.... 326,633.00
 To carry out provisions of
 chapter 176, Laws of 1933,
 and acts amendatory or
 supplementary thereto, and
 chapter 176, Laws of 1951,
 and acts amendatory or sup-
 plementary thereto, relating
 to Vocational Rehabilitation 574,000.00
 To Eagle Gorge Dam Flood Con-
 trol Project Fund..... 1,500,000.00
 (Transfers to be made from
 time to time and in such
 amounts as the Governor
 shall determine.)
 Total \$14,823,633.00

FROM THE HIGHWAY SAFETY FUND.

To Washington State Patrol Re-
 tirement Fund:
 Contributions for Prior Ser-
 vice Credits \$50,000.00
 Contributions for Current Ser-
 vice Credits 225,000.00
 (Transfers to be made from
 time to time and in such

War
 veterans'
 compensa-
 tion bond
 retirement
 and interest.
 General fund
 transfers.

Washington
 state patrol
 retirement
 fund.

amounts as the Governor shall determine.)

Total \$275,000.00

FROM THE STATE SCHOOL EQUALIZATION FUND.

To Current School Fund.....	\$8,000,000.00	Current school fund.
(Transfers to be made from time to time and in such amounts as the Governor shall determine.)		

FROM THE MOTOR VEHICLE FUND.

To Highway Bond Retirement Fund	\$6,000,000.00	} Vetoed
(Transfers to be made as provided by chapter 121, Laws of 1951.)		

FROM THE GENERAL FUND.

FOR THE SECRETARY OF STATE:

Secretary of state.

Deficiency, Clerical Assistance to maintain Permanent Registration Records (Emergency approved March 11, 1952)....	\$15,528.16
Deficiency, addressing Voters' Pamphlet envelopes, Salaries and Wages (Emergency approved March 11, 1952).....	\$12,000.00
Deficiency, printing envelopes (Emergency approved March 11, 1952)	\$5,900.00
Deficiency, checking signature petitions of Initiative Measures, Salaries and Wages (Emergency approved August 5, 1952)	\$17,000.00
Deficiency, advertising four proposed Constitutional Amendments (Emergency approved August 27, 1952).....	\$68,000.00
Deficiency, completion of checking signature petitions of Initiative Measures, Postage, Freight and Express for mailing of Voters' Pamphlets, and Clerical Assistance necessary to mail Voters' Pamphlets (Emergency approved October 7, 1952)	\$40,922.36

Department of agriculture.

FOR THE DEPARTMENT OF AGRICULTURE:

Deficiency, Payment of Indemnities for the Destruction of Diseased Swine (Emergency approved August 28, 1952) . . .

\$80,000.00

Emergency.

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 Senate March 9, 1953.

Passed the House March 11, 1953.

Approved by the Governor March 23, 1953, with the exception of certain items, which are vetoed.

CHAPTER 289.

[H. B. 451.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making appropriations and reappropriations for the purchase, condemnation and improvement of land, construction of buildings and improvements at designated state institutions; for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices; for the relief of certain individuals, corporations, counties and municipalities; for refunds and for deficiencies and for emergencies, and for 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, 1953, and ending March 31, 1955, except as otherwise provided; defining terms, limiting allowances and payments, and declaring that this act shall take effect immediately.

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

Definitions; "capital outlay."

SECTION 1. The words "capital outlay," whenever used in this act, shall mean and include the purchase, condemnation and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

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."

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase, condemnation and improvement of land and construction of buildings, and improvements for the various state institutions, and for deficiencies, and for emergencies, and for sundry civil expenses of the state government, and for purposes specified in certain acts of Congress and for miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium beginning April 1, 1953, and ending March 31, 1955, except as otherwise provided.

Appropriation.

FROM THE GENERAL FUND.

FOR THE STATE CAPITOL COMMITTEE:

Portrait of the Honorable Mon C. Wallgren
(Being the reappropriation of the unexpended balance of appropriation made for

\$650.00

State capitol committee.

like purposes by chapter 3, Laws of Second Extraordinary Session 1951.)

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Paving of the parkway from the dam and spillway to DesChutes Way in the City of Tumwater, and the curbs, walks, parking strip lights and other appurtenances in connection therewith \$329,545.89

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordinary Session 1951.)

FROM THE PARKS AND PARKWAY FUND.

State parks and recreation commission.

FOR THE STATE PARKS AND RECREATION COMMISSION:

Construction of Roadway and Parking Area at Sammamish Lake State Park.....	\$5,525.39	
Construction of Boat Landings and Shore Facilities, Marine State Park at Gerald Cove, Harstine Island	4,000.00	
Construction of Roadways, Parking Areas and Swimming Facilities at Wallula State Park.	7,200.69	
Construction of Boat Landings and Shore Facilities at Cornet Bay, Near Deception Pass Park and Sequim Bay State Park..	9,693.01	
Total	\$26,419.09	

(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by chapter 3, Laws of Second Extraordinary Session 1951.)

Purchase, Condemnation and Improvement of Land, Boat Moorages, Construction and Repair of Buildings and Other Improvements, including nec-

essary salaries and wages incident thereto \$7,214.29
 (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordinary Session 1951.)

Purchase, Condemnation and Improvement of Land, Construction of Buildings and Other Improvements, including necessary salaries and wages incident thereto, allocated as follows:

Bridgeport State Park.....	\$9,069.00	
Mukilteo State Park.....	35,013.68	
Total	<hr/>	\$44,082.68

(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordinary Session 1951.)

FROM THE GENERAL FUND.

FOR THE ADJUTANT GENERAL—MILITARY DEPARTMENT:

Adjutant general; military department.

Repainting and Replacing Joints and Bricks on the exterior of the Spokane Armory..... \$4,000.00

(Being the reappropriation of the unexpended balance of allotment approved by the Governor for like purposes from the appropriation by chapter 3, Laws of Second Extraordinary Session 1951.)

FOR THE DEPARTMENT OF CIVIL DEFENSE:

Department of civil defense.

Construction of a Civil Defense Message Center Building..... \$45,000.00

(Being the reappropriation of the unexpended balance of allotments approved by the Governor for like purposes from the appropriation by chapter 3, Laws of Second Extraordinary Session 1951.)

Department
of fisheries.

FOR THE DEPARTMENT OF FISHERIES:

Capital Outlays, Major Repairs and Betterments	\$118,600.00	
Construction of Fish Ways upon the DesChutes River at Tum- water Falls in Thurston County	36,000.00	
Total	<u>36,000.00</u>	\$154,600.00
(Being the reappropriation of the unexpended balance of appropriations made for like purposes by chapter 3, Laws of Second Extraordi- nary Session 1951.)		
Lower Columbia River Devel- opment		\$1,963,894.61
(Being the reappropriation of the unexpended balance of appropriations made for like purposes by chapter 3, Laws of Second Extraordi- nary Session 1951; expendi- tures herefrom to be limited to approved projects upon which reimbursement of 100% will be made by the Federal Government.)		

Department
of public
institutions.

FOR THE DEPARTMENT OF PUBLIC
INSTITUTIONS:

Painting, Repairs and Alterations to State Office Buildings.....		\$29,745.92
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordi- nary Session 1951.)		
Eastern State Hospital:		
Completion of Senile Ward Building		\$8,887.72
(Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordi- nary Session 1951.)		
State School for the Deaf:		
Equipping and Furnishing Pri- mary School Building.....	\$25,000.00	

Eastern State Hospital:		
Construction and Paving of Driveway of Senile Ward Building	\$15,233.53	
Equipping and Furnishing Em- ployees' Housing	35,000.00	
Lakeland Village:		
Survey, Design and Construc- tion of Sewage Disposal Plant	33,671.52	
Construction of Hog Farrow- ing House	13,601.88	
Construction and Installation of Cinder Collectors at Boiler Plant	39,947.20	
Furniture and Equipment for Employees' Housing	80,000.00	
Northern State Hospital:		
Drilling One or Two Test Wells and to provide con- nection to mainline if ade- quate supply is obtained...	14,478.60	
Washington State Penitentiary:		
Equipment for Minimum Se- curity Building	60,000.00	
Rainier State School:		
Equipment for Four Ward Buildings	25,425.66	
Washington State Reformatory:		
Equipping and Furnishing Combination School, Hospi- tal and Cell Block.....	90,000.00	
State Soldiers' Home and Colony:		
Equipping and Furnishing Ad- dition to Roosevelt Barracks	12,000.00	
Washington Veterans' Home:		
Renew Power Plant Equip- ment	42,000.00	
Equipping and Furnishing Members' Housing	83,000.00	
Western State Hospital:		
Equip Research Building.....	12,427.44	
Total		\$581,785.83
(Being the reappropriation of the unexpended balance of allotments made for like purposes from the appropri- ation by chapter 3, Laws of		

Second Extraordinary Session 1951.)

FROM THE INSTITUTIONAL BUILDING CONSTRUCTION FUND.

State finance committee. FOR THE STATE FINANCE COMMITTEE:

To Carry out Provisions of chapter 230, Laws of 1949..... \$16,139,624.60 (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordinary Session 1951.)

FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

University of Washington. FOR THE UNIVERSITY OF WASHINGTON:

Construction of Teaching Hospital \$788,976.19 (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordinary Session 1951.)

FROM THE UNIVERSITY OF WASHINGTON MEDICAL AND DENTAL BUILDING AND EQUIPMENT FUND.

Construction and Equipping Medical Dental Buildings.... \$985,044.64 (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordinary Session 1951.)

FROM THE WASHINGTON STATE COLLEGE FUND.

State College of Washington. FOR THE STATE COLLEGE OF WASHINGTON:

Northwestern Washington Experiment Station, Mount Vernon: Capital Outlays \$31,000.00 (Being the reappropriation of the unexpended balance

of appropriation made for like purposes by chapter 3, Laws of Second Extraordinary Session 1951: Expenditures contingent upon an equal amount of matching funds from local sources.)

FROM THE GENERAL FUND.

FOR THE WESTERN WASHINGTON COLLEGE OF EDUCATION:

Western Washington College of Education.

Capital Outlays, Major Repairs and Betterments \$80,376.96
 (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordinary Session 1951.)

FROM THE PUBLIC SCHOOL BUILDING CONSTRUCTION FUND.

FOR THE STATE FINANCE COMMITTEE:

State finance committee.

To Carry Out Provisions of chapter 229, Laws of 1949..... \$23,633,622.50
 (Being the reappropriation of the unexpended balance of appropriation made for like purposes by chapter 3, Laws of Second Extraordinary Session 1951.)

FROM THE GENERAL FUND.

LOCAL IMPROVEMENT ASSESSMENTS:

Local improvement assessments.

Sundry Municipalities, for Local Improvement Assessments against State-owned lands as follows:

FOR THE TREASURER OF ADAMS COUNTY:

Treasurer of Adams county.

East Columbia Basin Irrigation District \$517.90

FOR THE TREASURER OF BENTON COUNTY:

Treasurer of Benton county.

Sunnyside Irrigation District. \$2,570.22

FOR THE TREASURER OF FRANKLIN COUNTY:

Treasurer of Franklin county.

South Columbia Basin Irrigation District \$470.81

Treasurer of Grant county.

FOR THE TREASURER OF GRANT COUNTY:		
East Columbia Basin Irrigation District	\$614.00	
South Columbia Basin Irrigation District	209.42	
Quincy-Columbia Basin Irrigation District	1,293.77	
Total	<u>1,293.77</u>	\$2,117.19

Treasurer of Kittitas county.

FOR THE TREASURER OF KITTITAS COUNTY:		
Kittitas Reclamation District (Including Interest)		\$2,682.74

Treasurer of Okanogan county.

FOR THE TREASURER OF OKANOGAN COUNTY:		
Whitestone Reclamation District	\$3,347.50	
Wolf Creek Reclamation District	1,219.00	
Wolf Creek Reclamation District	609.50	
Total	<u>609.50</u>	\$5,176.00

Treasurer of Walla Walla county.

FOR THE TREASURER OF WALLA WALLA COUNTY:		
South Columbia Basin Irrigation District		\$3.20

Treasurer of Yakima county.

FOR THE TREASURER OF YAKIMA COUNTY:		
Roza Irrigation District (Including Interest)	\$3,640.01	
Yakima Tieton Irrigation District (Including Interest) ..	3,065.23	
Yakima Weed Control District No. 1 (Including Interest) ..	20.66	
Total	<u>20.66</u>	\$6,725.90

FROM THE MOTOR VEHICLE FUND.

Treasurer of Okanogan county.

FOR THE TREASURER OF OKANOGAN COUNTY:		
Oroville - Tonasket Irrigation District (Including Interest) ..		\$3.86

Treasurer of Yakima county.

FOR THE TREASURER OF YAKIMA COUNTY:		
Sunnyside Valley Irrigation District	\$436.63	
Yakima Reservation Irrigation District (Including Interest) ..	1.54	
Total	<u>1.54</u>	\$438.17

FROM THE PARKS AND PARKWAY FUND.

FOR THE TREASURER OF FRANKLIN COUNTY:	Treasurer of Franklin county.
South Columbia Basin Irrigation District	\$40
FOR THE TREASURER OF GRANT COUNTY:	Treasurer of Grant county.
Quincy-Columbia Basin Irrigation District	\$3.10
FOR THE TREASURER OF GRAYS HARBOR COUNTY:	Treasurer of Grays Harbor county.
Sewerage Improvement District No. 5.....	\$438.13
FOR THE TREASURER OF THURSTON COUNTY:	Treasurer of Thurston county.
Hopkins Drainage Ditch.....	\$14.00

FROM THE GENERAL FUND.

FOR JUDGMENTS:

LEON AXELSON (State of Washington vs. Leon Axelson, Whatcom County No. 6442)	For judgments: Leon Axelson.	\$238.35
H. B. GILLINGHAM, CHARLES GILLINGHAM, BYRON GILLINGHAM and JOHN GILLINGHAM, (State of Washington vs. H. B. Gillingham, et al, Okanogan County No. 4045, Supreme Court No. 31057)	H. B. Gillingham, Charles Gillingham, Byron Gillingham and John Gillingham.	\$2,219.53
TREASURER OF KITSAP COUNTY (State of Washington vs. Roy Moore and Dallas Reed Schmidt, Kitsap County No. 26694, Supreme Court No. 31420)	Treasurer of Kitsap county.	\$268.91
JESS RICHARD WILLIS (State of Washington vs. Jess Richard Willis, King County No. 25565)	Jess Richard Willis.	\$505.79

FOR REFUNDS:

ADMINISTRATOR OF THE ESTATE OF EDMUND J. CAVENDER, refund of cash escheated to the Permanent School Fund.....	For refunds: Administrator of estate of Edmund J. Cavender.	\$3,888.28
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Administra- tor of estate of Albert E. Dickens.	ADMINISTRATOR OF THE ESTATE OF ALBERT E. DICKENS, refund of cash escheated to the Perma- nent School Fund.....	\$2,204.78
Administra- tor of estate of Alfred W. Hills.	ADMINISTRATOR OF THE ESTATE OF ALFRED W. HILLS, refund of cash escheated to the Perma- nent School Fund.....	\$1,863.15
Administra- tor of estate of Cornelius F. Sullivan.	ADMINISTRATOR OF THE ESTATE OF CORNELIUS F. SULLIVAN, refund of cash escheated to the Perma- nent School Fund.....	\$4,548.98
Crescent Bar Fruit Grow- ers Union.	CRESCENT BAR FRUIT GROWERS UNION, refund of Corporation License Fees	\$713.00
Marguerite Ellsworth.	MARGUERITE ELLSWORTH, refund of unclaimed bank dividend escheated to the Permanent School Fund	\$114.40
Phil Grossmayer Company.	PHIL GROSSMAYER COMPANY, re- fund of Insurance Broker's Li- cense Fee	\$100.00
McManama and Company.	MCMANAMA AND COMPANY, re- fund of Business and Occupa- tion Tax	\$1,864.67
P. J. Older- shaw, Inc.	P. J. OLDERSHAW, INC., refund of overpayment of Caravan Per- mit	\$125.00
Roy C. Stroud, ad- ministrator of estate of Jacob Meier.	ROY C. STROUD, ADMINISTRATOR OF ESTATE OF JACOB MEIER, refund of cash escheated to Permanent School Fund.....	\$961.31
Department of fisheries.	DEPARTMENT OF FISHERIES, sun- dry claimants, refund of un- used license fees.....	\$1,163.08
Superinten- dent of Northern State Hospi- tal, trustee.	SUPERINTENDENT NORTHERN STATE HOSPITAL, TRUSTEE, refund of funds erroneously remitted to State Treasurer	\$100.00
Vashon Telephone Corporation.	VASHON TELEPHONE CORPORATION, refund of Corporation License Fees	\$15.00
Oroville United Growers.	OROVILLE UNITED GROWERS, re- fund of Corporation License Fees	\$232.50
Natchez Telephone Company.	NATCHEZ TELEPHONE COMPANY, refund of Corporation License Fees	\$75.00

FROM THE MOTOR VEHICLE FUND.

DEPARTMENT OF LICENSES, sundry claimants, refund of overpayment of Motor Vehicle License Fees	\$485.50	Department of licenses.
WM. H. GROSS, refund of Gasoline Tax	\$7.80	Wm. H. Gross.
ALASKA AIRLINES, Inc., refund of Gasoline Tax on out-dated invoices	\$4,195.82	Alaska Airlines, Inc.
MUKILTEO-EVERETT STAGES, refund of Mileage Tax.....	\$86.13	Mukilteo-Everett Stages.
FRED C. SCHNEBLY and STATE TAX COMMISSION, refund of Gasoline Tax	\$81.58	Fred C. Schnebly and state tax commission.
ARTHUR SCHERER, refund of tax on gasoline lost by leakage from storage tanks.....	\$258.05	Arthur Scherer.
SNOHOMISH VALLEY CO-OP SUPPLY, Inc., refund of tax on gasoline	\$784.94	Snohomish Valley Co-op Supply.
DEPARTMENT OF LICENSES, sundry claimants, refund of overpayment of License Fees.....	\$462.75	Department of licenses.

FROM THE MOTOR VEHICLE EXCISE FUND.

DEPARTMENT OF LICENSES, sundry claimants, refund of Motor Vehicle Excise Tax.....	\$649.40	Department of licenses.
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FROM THE PUBLIC SERVICE REVOLVING FUND.

WATERSIDE MILLING Co., refund of overpayment of Dock Regulatory Fees	\$254.11	Waterside Milling Co.
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FROM THE GENERAL FUND.

FOR THE RELIEF OF THE FOLLOWING INDIVIDUALS, FIRMS AND CORPORATIONS:		Relief of individuals, firms and corporations:
BERT J. BAGLEY, in full settlement of damages to grandstand and improvements due to fire, Aug. 12, 1940.....	\$4,000.00	Bert J. Bagley.
COLUMBIA HOSPITAL, services to members of the Washington National Guard	\$20.00	Columbia Hospital.

General Construction Company.	GENERAL CONSTRUCTION COMPANY, reimbursement for portion of Excise Tax paid in connection with contract for repair to Capitol Buildings on account of earthquake damage	\$1,110.94
Paul G. Graham.	PAUL G. GRAHAM, damages to automobile in collision with a vehicle driven by a member of the Washington National Guard	\$49.96
T. R. Ingham	T. R. INGHAM, M. D., medical services for Robert G. Yantis injured in line of duty.....	\$27.50
State employees' retirement system.	STATE EMPLOYEES' RETIREMENT SYSTEM, employer's contribution for Lieutenant Governor	\$627.01
State employees' retirement board.	STATE EMPLOYEES' RETIREMENT BOARD, employer's contribution for recovery of service credit for employees of the Department of Social Security	\$1,259.13
Robert E. McDonald.	ROBERT E. McDONALD, in full settlement for injuries received as a result of an accident while engaged in performing official duties for the State Division of Forestry....	\$5,000.00
Lois C. Turner.	LOIS C. TURNER, in full settlement of damages to hand injured in line of duty.....	\$50.22
Clarence H. Wygal.	CLARENCE H. WYGAL, in full settlement for loss sustained in sale of property by order of State Tax Commission.....	\$500.00
Robert G. Yantis.	ROBERT G. YANTIS, in full settlement for injury to finger while employed by the Department of Social Security.....	\$250.00

FROM THE HIGHWAY SAFETY FUND.

Ben M. Griffith.	BEN M. GRIFFITH, damages to vehicle incurred at loadometer pit Mar. 9, 1951.....	\$144.75
Washington state patrol.	WASHINGTON STATE PATROL, sundry claimants, salary adjustments for previous biennium based upon judgment in Thur-	

ston County Superior Court
Case No. 26602..... \$7,864.52

FROM THE MOTOR VEHICLE FUND.

BRUCE ANDERSON, in full settle- ment of damages to real and personal property incident to construction work on State Highway No. 2-A.....	Bruce Anderson.	\$1,200.00
GUS BACKMAN and LILY K. BACKMAN, in full settlement of damages to real and personal property incident to construc- tion work on State Highway No. 2-A	Gus Back- man and Lily K. Backman.	\$800.00
ALLAN H. McDONALD and EVELYN McDONALD, in full settlement of damages to real and per- sonal property incident to con- struction work on State High- way No. 2-A.....	Allan H. McDonald and Evelyn McDonald.	\$600.00
WEYERHAEUSER TIMBER COM- PANY, reimbursement for ex- penses incurred due to negli- gence by employees of the Department of Highways.....	Weyerhaeu- ser Timber Company.	\$120.00

FROM THE PENITENTIARY REVOLVING FUND.

EDWIN R. BALLARD, damage to peach crop caused by negli- gence and delay on the part of harvesting crews from the State Penitentiary.....	Edwin R. Ballard.	\$950.00
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FROM THE UNIVERSITY OF WASHINGTON FUND.

W. A. LINDMAN, reimbursement of medical care for Loyal Lindman, a minor, on account of injury suffered on Univer- sity of Washington campus...	W. A. Lind- man.	\$25.00
BERYL GRIDLEY, reimbursement of medical care on account of injuries suffered at the Uni- versity of Washington.....	Beryl Gridley.	\$123.30

FROM THE GAME FUND.

WM. ADLER, damages to squash crop by deer.....	Crop dam- age, etc., by game.	\$50.00
FRED ALT, damages to grain crop, orchard and grapes by deer....		\$42.00

J. C. ATWOOD, damages to squash and apple crop by deer.....	\$333.00
R. W. ALLEN, damages to squash crop by deer.....	\$460.80
HOWARD BRATTON, damages to alfalfa by deer.....	\$385.00
ANTON BONETTO, damages to alfalfa crop by deer.....	\$40.00
BYNUM H. BROWN, damages to clover seed by deer and elk...	\$418.50
ETHEL C. BROWN, damages to garden by deer.....	\$15.00
GLYNN BROWN, damages to apple trees by beaver.....	\$187.50
LESTER COX, damages to potato crop by deer.....	\$70.00
DWINNELL BROS., damages to young apple trees by deer....	\$273.62
JOHN J. EMERICK, damages to potato crop by deer and elk..	\$200.00
E. L. FAHRINGER, damages to orchard by deer.....	\$64.00
GLACIER ORCHARDS, damages to orchard by deer and beaver..	\$200.00
EDWARD HASSE, damages to winter wheat by deer.....	\$100.00
L. H. HUBER, damages to stacked hay by deer.....	\$120.00
MR. and MRS. PAUL JORDON, damages to strawberries by deer..	\$236.25
PAUL JUST, damages to alfalfa and oats by deer.....	\$200.00
C. F. KNOWLTON, damages to strawberries by deer.....	\$220.00
CARL LARSEN, damages to agricultural crops by deer, bear and pheasant.....	\$1,250.00
Vetoed { HAROLD LARSEN, damages to hay and grain by deer.....	\$800.00
WM. E. LAWSON, damages to pear trees by beaver.....	\$90.00
L. P. LEHMAN, damages to squash, strawberries and peaches by deer.....	\$668.00

GEO. J. LEWIS JR. and ISAAC A. LEWIS, damages to apple trees by beaver	\$61.00
THURE A. LILQUIST, damages to oats and peas by deer.....	\$90.00
B. R. LOEPP, damages to fruit trees by deer.....	\$56.00
BERNON MARLL, damages to wheat, strawberries and potatoes by deer.....	\$300.00
VERNON MARLL, damages to wheat, strawberries and potatoes by deer.....	\$410.00
ALBERT A. MCEACHEN, damages to clover by elk.....	\$279.00
GEO. W. MEYER, damages to wheat and alfalfa by deer....	\$320.00
HAROLD A. MOE, damages to strawberries by deer.....	\$123.85
DOM MOLINARI, damages to vegetables by deer.....	\$477.22
DAN PFLUGRAD, damages to wheat by elk	\$570.00
JOS. PICKLES, damages to strawberries by deer.....	\$105.00
OTTO RAISTAKKA, damages to tideboxes by beaver.....	\$379.97
HENRY L. RUSSELL, damages to wheat, oats and alfalfa by deer	\$98.62
GEO. SATHER, damages to wheat crop by elk.....	\$116.00
C. A. SCHMIDT, damages to haystacks by deer.....	\$270.00
GEO. SCOGGIN, damages to wheat by elk	\$96.00
FRED WEISSER, damages to berries and vegetables by deer..	\$50.00
NORRIS WILD, damages to oats and wheat by elk.....	\$86.88
RALPH WILKINS, damages to potatoes by deer.....	\$80.00
LEWIS A. WISE, damages to alfalfa, wheat, oats and garden by deer	\$179.75
TOM WISE, damages to hay and wheat crop by deer.....	\$220.00

GARY YOUNGMAN, damages to
baled hay in barn by elk.... \$210.00

FROM THE MOTOR VEHICLE EXCISE FUND.

FOR TRANSFER:

Public service revolving fund. To Public Service Revolving Fund, reimbursement for costs incurred in collecting excise tax \$1,680.07

FROM THE GENERAL FUND.

FOR DEFICIENCIES:

For deficiencies: For supplies, services, etc., furnished various departments and institutions in the previous biennium:

Adjutant general; military department. ADJUTANT GENERAL—MILITARY DEPARTMENT:
Deficiency, Operations and Uniform Allowance \$134,727.42

Superior court judges. SUPERIOR COURT JUDGES:
Deficiency, Expenses of Judges in Joint Districts. \$165.59

Association of superior court judges. ASSOCIATION OF SUPERIOR COURT JUDGES:
Deficiency, Operations \$235.39

FROM THE COMMISSION MERCHANTS' FUND.

Department of agriculture. DEPARTMENT OF AGRICULTURE:
Deficiency, Operations \$17.48

FROM THE FEED AND FERTILIZER FUND.

Deficiency, Operations \$276.74

FROM THE GAME FUND.

Department of game. DEPARTMENT OF GAME:
Deficiency, Operations \$828.46

FROM THE GRAIN AND HAY INSPECTION FUND.

Department of agriculture. DEPARTMENT OF AGRICULTURE:
Deficiency, Operations \$48.56

FROM THE HIGHWAY SAFETY FUND.

Washington state patrol. WASHINGTON STATE PATROL:
Deficiency, Operations \$583.27

FROM THE MOTOR VEHICLE FUND.

Deficiency, Operations	\$1,207.58	Department of highways.
DEPARTMENT OF HIGHWAYS:		
Deficiency, Operations	\$4,682.83	

FROM THE NURSERY INSPECTION FUND.

DEPARTMENT OF AGRICULTURE:		
Deficiency, Operations	\$4.18	Department of agriculture.

FROM THE PENITENTIARY REVOLVING FUND.

WASHINGTON STATE PENITENTIARY:		
Deficiency, Operations	\$59.80	Washington state penitentiary.

FROM THE PUBLIC SERVICE REVOLVING FUND.

WASHINGTON PUBLIC SERVICE COMMISSION:		
Deficiency, Operations	\$14.95	Washington public service commission.

FROM THE RECLAMATION REVOLVING FUND.

DEPARTMENT OF CONSERVATION AND DEVELOPMENT:		
Deficiency, Operations	\$8.80	Department of conservation and development.

FROM THE GENERAL FUND.

SECRETARY OF STATE:		
Deficiency, Employers' contribution, State Employees' Retirement system	\$177.00	Secretary of state.
FOR LEGISLATIVE EXPENSE:		
Expenses of the Legislative Council, Salaries, Wages and Operations	\$85,000.00	Legislative expense.
FOR THE SECRETARY OF STATE:		
Bureau of Statistics and Immigration: Salaries, Wages and Operations	\$12,000.00	} Vetoed
FOR THE DEPARTMENT OF AGRICULTURE:		
Indemnities and Control of Leptospirosis Disease	\$50,000.00	Department of agriculture.
FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:		
Division of Progress and Industry Development: Salaries and Wages	\$66,749.00	Department of conservation and development.

	Operations	\$393,792.00	
	Expenses of National Governor's Conference, to be distributed on vouchers approved by the Governor....	60,000.00	
	Institute of Forest Products:		
	Salaries, Wages and Operations	20,000.00	
	Total		\$540,541.00
Department of civil defense.	FOR THE DEPARTMENT OF CIVIL DEFENSE:		
	Supply Matching Fund Program (Expenditures to be limited to programs upon which reimbursement of 50% will be made by the Federal or Local Governments)		\$204,476.00
Department of health.	FOR THE DEPARTMENT OF HEALTH:		
	Cerebral Palsy Center at Firlands, Salaries, Wages and Operations		\$100,000.00
Department of licenses.	FOR THE DEPARTMENT OF LICENSES:		
	To Carry out Provisions of House Bill No. 86, expenditures not to exceed 80% of receipts accruing under the act	\$50,000.00	
	To Carry out the Provisions of House Bill No. 258, expenditures not to exceed 80% of receipts accruing under the act	\$2,000.00	
	To carry out the Provisions of chapter 130, Laws of 1951, expenditures not to exceed 80% of receipts under this act....	25,000.00	
	Total		\$77,000.00
Department of public institutions	FOR THE DEPARTMENT OF PUBLIC INSTITUTIONS:		
	Division of Banking:		
	Salaries, Wages and Operations		\$30,000.00
Vetoed	FOR THE DEPARTMENT OF SOCIAL SECURITY:		
	Division of Public Assistance:		
	General Home Assistance....	\$3,250,000.00	
	Contingencies: <i>Provided</i> , That this appropriation shall be-		

come available only upon written approval by the Gov- ernor	\$750,000.00	Vetoed
(Expenditures from the foregoing two appropri- ations not to exceed amounts received from the tax levied under the provisions of Sub- stitute House Bill No. 225)		
Total	\$4,000,000.00	

FOR THE GOVERNOR:

Governor.

To be allocated to various state departments, offices and institutions for salaries, wages, operations, and emergency construction or repairs of public buildings: *Provided*, That expenditures hereunder shall be limited to new or additional duties imposed by the Thirty-third Session of the Legislature and not otherwise provided for

	\$750,000.00
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FROM THE FERTILIZER, AGRICULTURAL MINERAL AND LIME FUND.

FOR THE DEPARTMENT OF AGRICULTURE:

Department of agriculture.

To Carry out the Provisions of House Bill No. 84.....	\$15,000.00
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FROM THE COMMERCIAL FEED FUND.

To Carry out the Provisions of House Bill No. 226.....	\$55,000.00
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FROM THE ACCIDENT FUND.

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:

Department of labor and industries.

To Carry out the Provisions of Senate Bill No. 325.....	\$852,796.00
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FROM THE MEDICAL AID FUND.

To Carry out the Provisions of Senate Bill No. 325.....	\$124,976.00
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FROM THE REAL ESTATE COMMISSION FUND.

FOR THE DEPARTMENT OF LICENSES:

Department of licenses.

To Carry out the Provisions of House Bill No. 289, expendi-	
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tures not to exceed 80% of the receipts heretofore or hereafter accruing under the act.. \$352,000.00

FROM THE MOTOR VEHICLE FUND.

State finance committee. FOR THE STATE FINANCE COMMITTEE:

Expenses incident to issuance and sale of bonds authorized by Senate Bill No. 403..... \$10,000.00

FROM THE HIGHWAY BOND RETIREMENT FUND.

Highway bond retirement and interest. FOR BOND RETIREMENT AND INTEREST \$1,372,243.66

FROM THE MOTOR VEHICLE FUND.

Vetoed { FOR TRANSFER:
To Highway Bond Retirement Fund \$1,489,500.00

FROM THE INSTITUTIONAL BUILDING BOND REDEMPTION FUND.

Institutional building bonds interest. To validate over expenditure of appropriation for interest on bonds for the 1951-1953 biennium \$189,101.25

FROM THE PUBLIC SCHOOL BUILDING BOND REDEMPTION FUND.

Public school building bonds interest. To validate over expenditure of appropriation for interest on bonds for the 1951-1953 biennium \$378,138.75

FROM THE WAR VETERANS' COMPENSATION BOND RETIREMENT FUND.

War veterans' compensation bonds interest. To validate expenditure for bond retirement and interest paid on bonds in the 1949-1951 biennium \$4,201,138.29

FROM THE PARKS AND PARKWAY FUND.

State parks and recreation commission. FOR THE STATE PARKS AND RECREATION COMMISSION:
Replacement of land improvements, buildings and other facilities, including Salaries, Wages and Operations, incident thereto, at Sacajawea State Park, located in Frank-

lin County, expenditures not to exceed receipts from the Federal Government	\$75,000.00
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FROM THE GENERAL FUND.

FOR THE RELIEF OF J. R. ABBOTT ON account of care for welfare re- cipient	\$240.00	Relief of J. R. Abbott.
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SEC. 3. This act is necessary for the immediate Emergency.
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 12, 1953.

Passed the Senate March 12, 1953.

Approved by the Governor March 23, 1953, with
the exception of certain items, which are vetoed.

CHAPTER 290.

[H. B. 85.]

CEMETERIES.

AN ACT relating to the regulation of cemeteries; adding a new
chapter to title 68, RCW, creating a cemetery board and
defining its powers and duties; adding a new section to
chapter 68.40, RCW; and amending sections 68.36.060,
68.36.070, 68.36.090; and amending sections 68.40.010, 68-
.40.020, 68.40.030, 68.40.040, 68.40.060, 68.40.070, 68.40.080;
and amending sections 68.44.010, 68.44.020, 68.44.030, 68.44-
.050, 68.44.070, 68.44.080, 68.44.090, 68.44.100, 68.44.110, 68-
.44.120, 68.44.160, 68.44.170, RCW, providing penalties, and
repealing section 68.44.040, RCW.

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

SECTION 1. Section 68.36.060, RCW, as derived Amendment.
from section 83, chapter 247, Laws of 1943, is
amended to read as follows:

If at any time before the adjudication of abandon- Contract for
care before
adjudication.
ment the owner of an unoccupied space contracts
with the owner or manager of the cemetery for the

Action dismissed.

endowment care of the space, the court shall dismiss the proceedings as to such unoccupied space.

Amendment.

SEC. 2. Section 68.36.070, RCW, as derived from section 84, chapter 247, Laws of 1943, is amended to read as follows:

Contract for care within one year after adjudication.

If at any time within one year after the adjudication of abandonment, the former owner of the unoccupied space shall contract for its endowment care, and reimburse the owner or manager of the cemetery for the expense of the proceedings, including attorney's fees, the space shall not be sold and the order adjudging it to have been abandoned shall be vacated upon petition of the former owner.

Amendment.

SEC. 3. Section 68.36.090, RCW, as derived from section 86, chapter 247, Laws of 1943, is amended to read as follows:

Disposition of proceeds.

Not more than twenty per cent of the funds realized from the sale of abandoned space shall be used to defray the expenses of the proceedings to abandon, and the improving of it in such manner as to place it in condition for care, and the balance shall be placed immediately in a trust fund or shall be immediately transferred to a non-profit organization to be used exclusively for the endowment care and maintenance of the cemetery.

Amendment.

SEC. 4. Section 68.40.010, RCW, as derived from section 118, chapter 247, Laws of 1943, is amended to read as follows:

Endowment care cemetery defined.

An endowment care cemetery is one which deposits in its endowment care fund not less than the following amounts for plots sold: Ten per cent of the gross sales price, with a minimum of ten dollars for each adult grave; five dollars for each niche; and thirty dollars for each crypt.

Deposits.

The deposits shall be made not later than the twentieth day of the month following the final payment on the sale price.

Any endowment care cemetery hereafter established shall also have deposited in its endowment care fund the additional sum of twenty-five thousand dollars before disposing of any plot or making any sale thereof.

SEC. 5. Section 68.40.020, RCW, as derived from section 120, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

An endowment care cemetery may contain a small section which may be sold without endowment 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 it as a "nonendowment care section," in lettering equivalent to a minimum of forty-eight point black type. There shall be printed or stamped at the head of all contracts and certificates of ownership or deed[s] referring to plots in the section, the phrase "nonendowment care" in lettering equivalent to a minimum of ten point number two black type. Nonendowment care section.

SEC. 6. Section 68.40.030, RCW, as derived from section 121, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

An endowment 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 an endowment care property." Identifying sign.

SEC. 7. Section 68.40.040, RCW, as derived from section 122, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

An endowment care cemetery shall file in its principal office a written report which shall be available to any plot owner, and which shall state the amount of the principal of the endowment care Endowment care fiscal report.

fund and the total amount invested in lawful investments, and the amount of cash on hand, which shall show the true financial condition of the trust.

Amendment.

SEC. 8. Section 68.40.060, RCW, as derived from section 129, chapter 247, Laws of 1943, is amended to read as follows:

May accept property in trust; application of proceeds.

The cemetery authority of an endowment care cemetery may accept any property bequeathed, granted, or given to it in trust and may apply the principal, or proceeds, or income to any or all of the following purposes:

- (1) Improvement or embellishment of all or any part of the cemetery or any lot in it;
- (2) Erection, renewal, repair, or preservation of any monument, fence, building, or other structure in the cemetery;
- (3) Planting or cultivation of trees, shrubs, or plants in or around any part of the cemetery;
- (4) Special care or ornamenting of any part of any plot, section, or building in the cemetery; and
- (5) Any purpose or use consistent with the purpose for which the cemetery was established or is maintained.

Amendment.

SEC. 9. Section 68.40.070, RCW, as derived from section 119, chapter 247, Laws of 1943, is amended to read as follows:

Nonendowment care cemetery defined.

A nonendowment care cemetery is one that does not deposit in an endowment care fund the minimum required of an endowment care cemetery.

Amendment.

SEC. 10. Section 68.40.080, RCW, as derived from section 123, chapter 247, Laws of 1943, is amended to read as follows:

Identifying sign.

A nonendowment 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 an endowment care property." This phrase likewise shall be printed or stamped at the head of all contracts, certificates of ownership, or deeds.

SEC. 11. Section 68.44.010, RCW, as derived from section 105, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

Any cemetery authority may place its cemetery under endowment care, and establish, maintain, and operate an irreducible endowment care fund. Endowment care and special care funds may be commingled for investment and the income therefrom shall be divided between the funds in the proportion that each contributed to the 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. Irreducible endowment care fund.
Investments.

SEC. 12. Section 68.44.020, RCW, as derived from sections 106 and 126, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

Endowment care funds shall not be used for any purpose other than to provide, through income only, for the endowment care stipulated in the instrument by which the fund was established, and shall be kept separate and distinct from all other funds. The principal shall forever remain irreducible and inviolable. Use and care of funds.

SEC. 13. Section 68.44.030, RCW, as derived from section 127, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

Endowment care funds shall be kept invested in accordance with the provisions of section 30.24.020, RCW. Authorized investments.

SEC. 14. Section 68.44.040, RCW, as derived from section 128, chapter 247, Laws of 1943, is hereby repealed. Repealing clause.

Amendment.

SEC. 15. Section 68.44.050, RCW, as derived from section 131, chapter 247, Laws of 1943, is amended to read as follows:

Loan to officers prohibited.

No director or officer of the cemetery authority or trustee of the endowment care or special care funds shall borrow any of such funds for himself, directly or indirectly.

Amendment.

SEC. 16. Section 68.44.070, RCW, as derived from sections 130 and 117, chapter 247, Laws of 1943, is amended to read as follows:

Purpose of endowment care.

The endowment care and special care funds and all payments or contributions thereto are hereby expressly permitted for charitable and eleemosynary purposes. Endowment care and such contributions are provisions for the discharge of a duty from the persons contributing to the persons interred and to be interred in the cemetery and provisions for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkempt and places of reproach and desolation in the communities in which they are situated. No payment, or contribution for general endowment 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.

Validity.

Amendment.

SEC. 17. Section 68.44.080, RCW, as derived from section 108, chapter 247, Laws of 1943, is amended to read as follows:

Plans for care; source of funds.

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 purchasers of plots such reasonable sum as it deems will aggregate a fund, the reasonable income from which will provide care, maintenance, and embellishment on an endowment basis.

SEC. 18. Section 68.44.090, RCW, as derived from section 109, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

Upon payment of the purchase price and the amount fixed as a proportionate contribution for endowment care, there may be included in the deed of conveyance or by separate instrument, an agreement to care, in accordance with the plan adopted, for the cemetery and its appurtenances on an endowment basis to the proportionate extent the income received by the cemetery authority from the contribution will permit. Covenant to care for cemetery.

SEC. 19. Section 68.44.100, RCW, as derived from section 110, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

Upon the application of an owner of a plot, and upon the payment by him of the amount fixed as a reasonable and proportionate contribution for endowment care, a cemetery authority may enter into an agreement with him for the care of his plot and its appurtenances. Agreement by owner to care for plot.

SEC. 20. Section 68.44.110, RCW, as derived from section 111, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

The cemetery authority may appoint a board of not less than three members as trustees for its endowment care fund, who shall hold office subject to the direction of the cemetery authority. Trustees of fund.

SEC. 21. Section 68.44.120, RCW, as derived from section 112, chapter 247, Laws of 1943, is amended to read as follows: Amendment.

The directors of a cemetery authority may be the trustees of its endowment 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 investments of the endowment care Directors as trustees.
Secretary.

fund may be held in the name of the cemetery authority.

Amendment. SEC. 22. Section 68.44.160, RCW, as derived from section 116, chapter 247, Laws of 1943, is amended to read as follows:

Contributions. A cemetery authority which has established an endowment care fund may take 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 endowment care fund.

Amendment. SEC. 23. Section 68.44.170, RCW, as derived from section 107, chapter 247, Laws of 1943, is amended to read as follows:

Use of income from fund. The income from the endowment care fund shall be used solely for the general care, maintenance, and embellishment of the cemetery, and shall be applied in such manner as the cemetery authority may from time to time determine to be for the best interest of the cemetery.

New section. SEC. 24. Chapter 68.40, RCW, is amended by adding thereto a new section to read as follows:

Penalty. It is a misdemeanor for any cemetery authority, its officers, employees, or agents, or a cemetery broker or salesman to represent that an endowment care fund, or any other fund set up for maintaining care, is perpetual.

New chapter. SEC. 25. Sections 26 through 55 of this act shall constitute a new chapter under title 68, RCW.

Definitions of Ch. 68.04, RCW, applicable. SEC. 26. The definitions in chapter 68.04, RCW, are applicable to this chapter and govern the meaning of terms used herein, except as otherwise provided expressly or by necessary implication.

"Board" defined. SEC. 27. The term "board" used in this chapter means the cemetery board.

SEC. 28. The terms "endowment care" or "endowed care" used in this chapter shall include both general and special care funds. Endowment or endowed care.

SEC. 29. There shall be, in the office of the state treasurer, a fund to be known and designated as the "cemetery fund." All regulatory fees or other monies to be paid under this act, unless provision be made otherwise, shall be paid at least once a month to the state treasurer to be credited to the cemetery fund. All monies credited to the cemetery fund shall be used, when appropriated by the legislature, by the cemetery board to carry out the provisions of this act. "Cemetery fund."

SEC. 30. The provisions of this chapter do not apply to any of the following: Any religious corporation, church, coroner, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them, any county, town, or city cemetery, or any burial park having an area not exceeding ten acres. Exceptions from chapter.

SEC. 31. A cemetery board is created to consist of five members to be appointed by the governor within thirty days after the effective date of this act. The terms of the members first appointed shall expire: One, January 15, 1954; one, January 15, 1955; one, January 15, 1956; and two, January 15, 1957. Thereafter appointments shall be for a four year term. Cemetery board created.

SEC. 32. Members of the board shall be appointed only from persons who have had, immediately preceding their appointment, a minimum of five consecutive years experience in this state in the active administrative management of a cemetery corporation or as a member of the board of directors thereof for this period and shall at the time of their appointment, have the actual and full authority of a presi- Members of board.

dent, general manager, or executive vice president, but they shall hold office only so long as they continue in such active, actual, and authoritative capacity. The five year consecutive period shall be exclusive of time spent in the armed services.

Compensation of members.

SEC. 33. Each member of the board shall receive no compensation for his services, but shall receive his necessary travelling and other expenses.

Board officers.

SEC. 34. The board shall elect annually a chairman and vice chairman and such other officers as it shall determine from among its members. Subject to the provisions of law the board may employ, fix the salaries of and prescribe the duties of, one administrative assistant and such clerical, technical and other employees as are necessary in the carrying out of its duties.

Employees.

Meetings.

SEC. 35. The board shall meet at least twice a year in order to conduct its business and may meet at such other times as it may designate. The board may meet at any place within this state.

Rules and regulations.

SEC. 36. The board may establish necessary rules and regulations for the administration and enforcement of this title and the laws subject to its jurisdiction and prescribe the form of statements and reports provided for in this title: *Provided, however,* The board shall have no jurisdiction with regard to the provisions of chapter 68.48, RCW.

Oaths.

SEC. 37. The board may administer oaths, and examine under oath, any person relative to the administration and enforcement of this title.

Actions to enforce by attorney general.

SEC. 38. The board is authorized to bring actions to enforce the provisions of the law subject to its jurisdiction, in which actions it shall be represented by the attorney general.

Administration.

SEC. 39. The board shall enforce and administer the provisions of chapter 68.04 to 68.44, RCW, inclusive, subject to provisions of section 30 of this act.

SEC. 40. Each cemetery authority in charge of cemetery endowment care funds shall file with the board annually, on or before the thirtieth day of June, a written report in form prescribed by the board setting forth:

Cemetery
authority
annual
reports.

(1) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care:

(a) From June 12, 1943, to the first day of January of the year preceding the filing of this report.

(b) From the first day of January through the thirty-first day of December of the preceding year.

(2) The amount collected and deposited in both the general and special endowment care funds:

(a) Prior to June 12, 1943.

(b) From June 12, 1943, to the first day of January preceding the filing of this report.

(c) From the first day of January through the thirty-first day of December of the preceding year segregated as to the amounts deposited for crypts, niches, and grave space.

(3) A statement showing the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall show the actual financial condition of the funds.

The report shall be verified by the president or vice president and one other officer of the cemetery authority and shall be certified by the accountant or auditor preparing the same.

Verification
and
certification.

SEC. 41. The board shall examine the reports filed with it as to their compliance with the requirements of the law.

Examination
of reports.

SEC. 42. The board shall examine the endowment care funds of a cemetery authority:

Examination
of endow-
ment care
funds.

(1) Within one year after the effective date of this act and whenever it deems necessary, but at least

Date.

once every three years after the original examination;

Failure to file report.

(2) Whenever the cemetery authority in charge of endowment care funds fails to file the report required by this chapter; or

Upon request.

(3) Whenever it is requested by verified petition signed by twenty-five lot owners alleging that the endowment care funds are not in compliance with this title, in which case the examination shall be at the expense of the petitioners.

Expense of examination.

(4) The expense of the examination as provided in sub-sections (1) and (2), not to exceed fifty dollars per day for each examiner engaged in the examination whenever the examination requires more than two days, shall be paid by the cemetery authority. Such examination shall be privately conducted in the principal office of the cemetery authority.

Refusal to pay examination expense.

SEC. 43. If any cemetery authority refuses to pay examination expenses in advance, the board shall refuse it a certificate of authority and shall revoke any existing certificate of authority. All examination expense moneys collected by the board shall be paid into the state treasury to the credit of the cemetery fund.

Examination powers of the board.

SEC. 44. In making such examination the board:

(1) Shall have free access to the books and records relating to the endowment care funds, their collection and investment, and the number of graves, crypts and niches under endowment care.

(2) Shall inspect and examine the endowment care funds to determine their condition and the existence of the investments.

(3) Shall ascertain if the cemetery authority has complied with all the laws applicable to endowment care funds.

SEC. 45. If any examination made by the board, or any report filed with it, shows that there has not been collected and deposited in the endowment care funds the minimum amounts required by this title, the board shall require such cemetery authority to comply with chapter 68.40, RCW.

Failure to deposit in endowment care fund minimum amounts required.

SEC. 46. Whenever the board finds, after notice and hearing, that any endowment care funds have been invested in violation of this title, it shall by written order mailed to the person or body in charge of the fund require the reinvestment of the funds in conformity with this title within the period specified by it which shall be not less than two years where the investment was made prior to the effective date of this act and not less than six months when made after such effective date. Such period may be extended by the board in its discretion.

Violation of investment provisions.

SEC. 47. Applications in writing for a certificate of authority shall be made by a cemetery authority to the board accompanied by the regulatory charge provided for in this title. Such application must show that the cemetery authority owns or is actively operating a cemetery which is subject to the provisions of this title.

Applications for certificate of authority.

SEC. 48. The board may require such proof as it deems advisable concerning the compliance by such applicant to all the laws, rules, regulations, ordinances and orders applicable to it.

Proof of compliance.

SEC. 49. Upon violation of any of the provisions of this title, the board may revoke or suspend the certificate of authority of any cemetery authority.

Revocation or suspension of certificate of authority.

SEC. 50. The regulatory charges for cemetery certificates at all periods of the fiscal year are the same as provided in this chapter. All regulatory charges are payable at the time of the filing of the application and in advance of the issuance of the certificates. All certificates shall be issued for the

Regulatory charges; when payable.

Issuance of
certificates.

fiscal year and shall expire at midnight, the thirtieth day of January of each fiscal year. Failure to pay the regulatory charge fixed by the board prior to January 1, 1954, and prior to the first day of February for any succeeding year automatically shall suspend the certificate of authority. Such certificate may be restored upon payment to the board of the prescribed charges.

Annual
regulatory
charges;
amounts.

SEC. 51. Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge, not to exceed twenty-five dollars, to be fixed by the board, plus an additional charge of not more than fifteen cents per interment made during the preceding full calendar year, which charges shall be deposited in the cemetery fund. Upon payment of said charges, the board will issue a certificate of authority.

Penalty.

SEC. 52. It shall be a misdemeanor for any cemetery authority to make any interment without a valid, subsisting, and unsuspended certificate of authority. Each interment shall be a separate violation.

SEC. 53. It shall be unlawful for any cemetery under this act to refuse burial to any person because such person may not be of the Caucasian race.

Vetoed

SEC. 54. No license of any kind or character shall be required of any person, firm or corporation on account of or to authorize the sale of lots, graves or interment spaces in any dedicated cemetery.

Short title.

SEC. 55. This act shall be known as "The Cemetery Act."

Passed the House February 13, 1953.

Passed the Senate February 20, 1953.

Approved by the Governor March 3, 1953, with the exception of Section 54, which is vetoed.

AUTHENTICATION

I, Earl Coe, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Thirty-third Legislative Session of the State of Washington, held from January 12, 1953, until March 12, 1953, inclusive, with the original enrolled laws, now on file in this office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], in each case as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 1st day of July, 1953.



EARL COE,
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 RESOLUTION NO. 13

Be It Resolved, By the Senate and the House of Representatives of the State of Washington in legislative session assembled:

WHEREAS, The Territory of Washington was created by Act of Congress, approved March 2, 1853, and

WHEREAS, This historic event will be commemorated by the legislature in Joint Session on March 2, 1953, and

WHEREAS, Under Legislative Authority the Washington State Historical Society has formulated plans for the state-wide observance of the Territorial Centennial,

Now, Therefore, Be It Resolved, That 1953 be hereby designated as the Washington Territorial Year, with particular attention directed to the period between March 2nd and November 11th, Statehood Day; that we commend all citizens to the study of Washington history during that period; that we urge every possible assistance to all Centennial observances, to the end that by direction of our thinking to the vision, courage, sacrifices, determination, faith, ideals and character of the pioneers, we realize ourselves as the pioneers of today and dedicate ourselves to the higher level of citizenship that will reflect itself in a determination to continue the memorable progress of the past century and build even greater centuries in the future.

Adopted by the Senate February 10, 1953.

Adopted by the House February 27, 1953.

SENATE JOINT RESOLUTION NO. 19

WHEREAS, The thirty-second session of the legislature of the State of Washington appointed and empowered three Senate members and four House members to serve as a committee to investigate problems affecting anadromous fish life in the Columbia river basin and elsewhere, to the end that ways of rehabilitating and perpetuating this valuable natural resource should be devised and brought to the attention of the legislature; and

WHEREAS, This interim committee of Washington has conducted extensive investigations and held conferences with other groups having an interest in the protection of the salmon runs in the Columbia river and elsewhere, and has submitted its report and recommendations to the thirty-third regular session; and

WHEREAS, It appears in the best interest of the state that an interim committee on fisheries should be appointed for the ensuing biennium with power to investigate and inspect all matters relating to the production of food fish in all waters of the state and those of bordering states and the province of British Columbia, Canada, and report back to the thirty-fourth session its recommendations for the protection, rehabilitation and management of said food fish, which constitutes an industry worth some one hundred million dollars to the state; and

WHEREAS, It appears that further negotiations with an interim committee or committees or the proper officials, boards, commissions or departments of the United States government, the States of Oregon and Idaho, and the Province of British Columbia shall be beneficial in obtaining interstate and international cooperation in the production and protection of food fish;

Now, Therefore, Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

THAT, The President of the Senate be, and he hereby is, empowered and directed to appoint three Senate members, and the Speaker of the House of Representatives be, and he hereby is, empowered and directed to appoint four House members to

serve as a committee to make a study of the fisheries of the State of Washington, particularly those affected by the Pacific Marine Fisheries Compact, the Columbia Interstate Compact, and the international treaty for rehabilitation of the Puget Sound and Fraser river sockeye salmon runs, and to serve as a legislative liaison between fisheries and power, reclamation and other industries in the development of a cooperative water use policy for the state; and

Be It Further Resolved, That the committee so appointed be, and it hereby is, authorized and empowered to negotiate with similar committees and officers, boards, commissions, departments or other official agencies of the United States government, the States of Oregon and Idaho, the Province of British Columbia, and the Columbia Interstate Compact Commission; and with representative groups of fishermen, sportsmen, packers and distributors of fish, to the end that the fishing industry may be improved and enlarged and sound basic protection given to the industry; and

Be It Further Resolved, That the members so appointed and the employees of the committee shall be entitled to their actual traveling expenses, including lodging and sustenance while absent from their usual place of residence, in the service of the state, in attendance at meetings of the committee, and for traveling to and from such meetings, the same to be paid upon their individual vouchers, from any sums of money appropriated for the expense of this thirty-third session of the legislature: *Provided*, That the total amount of money expended by this committee for its traveling, lodging and sustenance expenses in carrying out its duties under this resolution, shall not exceed the sum of one thousand dollars; and

Be It Further Resolved, That the committee so appointed make a report on their proceedings, including therein recommendations for consideration by the 1955 legislative sessions of the States of Washington, Oregon and Idaho.

Adopted by the Senate March 11, 1953.

Adopted by the House March 10, 1953.

SENATE JOINT MEMORIAL NO. 1

To the Honorable Dwight D. Eisenhower, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, Peace compacts and treaties heretofore had with Japan have been productive of great controversy as respects safeguarding the fishing interests of this state and nation in the ocean waters of Alaska, Pacific Coast and Washington; and

WHEREAS, It is in the national interest that the development and preservation of our fishing industry be borne in mind in the drafting and enforcement of any treaty or pact or agreement between the United States and Japan;

Now, Therefore, Your Memorialists respectfully petition the President and the Congress of the United States to make all possible provision in any treaty, pact or agreement with Japan for the preservation and the safeguarding of the fishing interests of this state and nation in the ocean waters off the Territory of Alaska, Pacific Coast and of the State of Washington; and

Be It Further Resolved, That copies of this memorial be transmitted to the President of the United States, the Secretary of State, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Washington Congressional delegation.

Adopted by the Senate January 28, 1953.

Adopted by the House February 18, 1953.

SENATE JOINT MEMORIAL NO. 4

To the Honorable Dwight D. Eisenhower, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The establishment of peace between Israel and the Arab states is essential to the free world; and

WHEREAS, The State of Israel is a progressive democracy which is desirous of cooperating with the free world in defense of freedom and against totalitarian aggression; and

WHEREAS, It is authentically reported that Great Britain is selling jet aircraft to the Arab states and that the United States intends to facilitate the acquisition by the Arab states of military equipment; and

WHEREAS, The acquisition by the Arab states of the means of waging war, while those states remain technically at war with Israel, imperils the security of the State of Israel and may be the means of provocation of war in the Middle East; and

WHEREAS, We view with dismay the portent of strife in the Middle East and the endangering of the security of the progressive democracy of Israel;

Now, Therefore, Be It Resolved, By the Senate and the House of Representatives of the State of Washington, in legislative session assembled, that we respectfully petition the President of the United States and the Secretary of State to take such action to prevent the flow of arms and materials of warfare to said Arab states; and

Be It Further Resolved, That the President of the United States and the Secretary of State use the influence of their office and of these United States to the accomplishment of a speedy and honorable era of peace between Israel and the Arab states; and

Be It Further Resolved, That copies of this Memorial be transmitted immediately to the Honorable Dwight D. Eisen-

hower, President of the United States, to the Secretary of State, to the Senate and the House of Representatives of the United States; and to each member of Congress from the State of Washington.

Adopted by the Senate February 3, 1953.

Adopted by the House February 25, 1953.

SENATE JOINT MEMORIAL NO. 5

To the Honorable Dwight D. Eisenhower, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled, and to the Federal Security Administrator:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, Federal legislation and regulations limit the participation in any aid program to states making such aid payments strictly on the basis of need and thereby prevent states from recognizing the principle of incentive earnings without jeopardizing their rights to federal funds; and

WHEREAS, The inability of states under any circumstances to recognize the earnings of any persons which commence or are increased after a grant is made to such person without the deduction in full thereof from the amount of their grants, has in many cases prevented persons from eventually becoming self supporting or partially self supporting thereby causing an actual loss in the long run to both the state and federal relief funds; and

WHEREAS, The federal government has recognized this situation to the extent of making a special provision that the first fifty dollars of earnings by the blind is exempt from the operation of the above rule, and has further made it possible for children to participate in the F.F.A. or 4-H educational programs even though the same may bring about earnings or profit on their part through their participation without a reduction in the grants made to or in respect to such children, and that the number of persons affected thereby is very small and in the case of children limited entirely to those in rural districts; and

WHEREAS, It is unreasonable to expect recipients of relief funds to make any effort to earn money or increase their earnings when the same will be of no advantage to them; and

WHEREAS, The bringing up of children under a system by which they are penalized instead of rewarded for working and earning money is an injury to them and to the future citizenry of our country;

Now, Therefore, We your Memorialists respectfully petition the Congress of the United States to pass the necessary legislation, and the Federal Security Administrator to make the necessary regulations, to exempt a certain percentage of the earnings of any dependent children in respect to whom aid is being paid, under such safeguards as may be necessary to see that said earnings are applied to the present or future benefit of said children, and that they further consider the advisability of legislation and regulations similarly exempting a percentage of earnings or increase of earnings subsequent to the making of a grant by the recipients of other classes of relief, particularly the blind and the physically disabled, such percentage exemption if possible to be made on a sliding scale and to cease when the amount of earnings equal or exceed the original grant; and that if it shall appear impossible to make such exemption on a percentage basis then at least that grants in behalf of dependent children and to the physically disabled be given a similar minimum exemption as is now given to the blind or that the exemption to the blind be increased and a similar exemption be given to the other classes; and

Be It Further Resolved, That copies of this resolution be sent to the President of the United States, the Senators and Representatives from the State of Washington, to the Vice President and chairman of the committee on finance of the Senate, to the Speaker and chairman of the ways and means committee in the House of Representatives, and to the Federal Security Administrator.

Adopted by the Senate February 4, 1953.

Adopted by the House February 18, 1953.

SENATE JOINT MEMORIAL NO. 6

To the Honorable Dwight D. Eisenhower, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:

We, your Memorialists, the Thirty-third Legislature of the State of Washington, convened in regular session, respectfully represent and petition as follows:

WHEREAS, There exists in the State of Washington a partially constructed coastal highway which begins at the City of Hoquiam in Grays Harbor county, skirts the north shores of Grays Harbor and North Bay, and then turns northerly to follow the shore of the Pacific Ocean to a junction with the Olympic Loop Highway in the vicinity of Queets; and

WHEREAS, This highway is of major importance to the nation from the standpoint of coastal defense and of great importance to the economic development of the state; and

WHEREAS, There is a fourteen mile section of this highway between Taholah, on the left bank of the Quinault River, and the aforesaid junction with the Olympic Loop Highway not yet constructed; said unconstructed section being entirely within the boundaries of the Quinault Indian Reservation; and

WHEREAS, State and federal funds for the construction of this part of the highway, which, with necessary bridges, is estimated to cost two million eight hundred ten thousand dollars, will not be available in the foreseeable future;

Now, Therefore, Your Memorialists respectfully pray that the Congress of the United States speedily take such legislative action as may be necessary to bring about the completion of the highway described hereinbefore; and

Be It Resolved, That copies of this Memorial be immediately transmitted to the Honorable Dwight D. Eisenhower, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of Washington.

Adopted by the Senate February 14, 1953.

Adopted by the House March 4, 1953.

SENATE JOINT MEMORIAL NO. 7

To the Honorable Dwight D. Eisenhower, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:

WE, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The international wheat agreement has been of great benefit to the wheat growers of the United States; and

WHEREAS, The international wheat agreement will soon expire; and

WHEREAS, The production of wheat in the United States is beginning to pile up surpluses, which can only be disposed of if the agreement is renewed;

Now, Therefore, Your Memorialists respectfully petition the President and the Congress of the United States to renew the international wheat agreement as soon as such action may be feasible; and

Be It Resolved, That copies of this memorial be transmitted to the President of the United States, the Secretary of State, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Washington Congressional delegation.

Adopted by the Senate February 20, 1953.

Adopted by the House March 4, 1953.

SENATE JOINT MEMORIAL NO. 11

To the Honorable Dwight D. Eisenhower, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:

WE, Your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The Supreme Court of the United States has recently held that the activities of a private contractor performing services for the Atomic Energy Commission are to be treated as activities of the Atomic Energy Commission itself for the purpose of securing immunity from state and local taxes;

Now, Therefore, Your Memorialists respectfully petition the Congress of the United States to amend the Atomic Energy Act so as to eliminate therefrom any language which may be interpreted as providing for the extension of tax exemption to private contractors with the Atomic Energy Commission or to the vendors of such contractors, contrary to the well-established principles of intergovernmental relations which have assured to the states and their political subdivisions full power to impose nondiscriminatory taxation upon private persons who deal with the government; and

Be It Resolved, That copies of this memorial be transmitted to the Honorable Dwight D. Eisenhower, 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 Washington Congressional delegation.

Adopted by the Senate February 27, 1953.

Adopted by the House March 9, 1953.

SENATE JOINT MEMORIAL NO. 14

To the Honorable Dwight D. Eisenhower, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:

WE, Your Memorialists, the Senate and the House of Representatives of the State of Washington in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, There exists in the State of Washington a primary state highway on the north side of the Columbia river from Vancouver to Maryhill; and

WHEREAS, It is essential to the economy of the state and the orderly development of lines of transportation leading to and from the Columbia Basin that this highway be continued easterly on a water grade along the north bank of the river for a distance of thirty-seven miles; and

WHEREAS, The location of this new highway and its height above the existing high water level in the Columbia river must be related to the height of the new water level to be established by the proposed John Day dam in the Columbia river;

Now, Therefore, Your Memorialists respectfully pray that the Congress of the United States speedily take such action as may be necessary to make known to the public the elevation of the theoretical maximum high water level of the pool behind the proposed John Day dam and the probable year in which the construction of this dam be started;

Be It Resolved, That copies of this memorial be immediately transmitted to the Honorable Dwight D. Eisenhower, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of Washington.

Adopted by the Senate February 26, 1953.

Adopted by the House February 27, 1953.

HOUSE JOINT RESOLUTION NO. 8

WHEREAS, The Governors' Conference is scheduled to be held the second, third, fourth and fifth of August, 1953, and the site of the conference has not been determined; and

WHEREAS, The State of Washington is celebrating its territorial centennial observance; and

WHEREAS, The people of this sovereign State of Washington desire to extend their personal invitation to the Governors of the other sovereign states of this Union to hold their conference in this the Evergreen State and to urge the acceptance of our people's warm hospitality and grandeur of our bounteous God-given wonders of scenic beauty.

Be It Resolved, By the House of Representatives and the Senate of the State of Washington, in legislative session assembled: That the Governor be directed to extend an invitation on behalf of this State to the Governors of all the other states to hold their conference in the State of Washington, and also to invite the Honorable Dwight D. Eisenhower, President of the United States, and others who might participate.

Adopted by the House January 29, 1953.

Adopted by the Senate January 30, 1953.

HOUSE JOINT RESOLUTION NO. 16

*BALLOT TITLE

ALIEN CORPORATION LAND OWNERSHIP

Shall Article II, section 33, as amended by amendment 24 of the Constitution of the State of Washington, be amended to permit the ownership of land by corporations, the majority of the capital stock of which is owned by aliens?

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in Legislative Session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1954, there shall be submitted to the qualified voters of the state for their adoption or rejection, the following proposed amendment to the Constitution of the State of Washington:

Section 33 of Article II as amended by Amendment 24 of the Constitution of the State of Washington is hereby amended to read as follows:

Art. 2, Sec. 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: *Provided*, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire-clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: *And provided further*, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state.

Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly

* As prepared by Don Eastvold, Attorney General.

newspaper in every county where a newspaper is published throughout the state.

Adopted by the House March 6, 1953.

Adopted by the Senate March 10, 1953.

HOUSE CONCURRENT RESOLUTION NO. 3

Be It Resolved, By the House, the Senate concurring, that the House meet the Senate in joint session on Wednesday, January 14, at 12:50 p. m., in the House chamber, for the purpose of inaugurating the constitutional elective officials and to receive the message of Governor Arthur B. Langlie.

Adopted by the House January 12, 1953.

Adopted by the Senate January 12, 1953.

HOUSE CONCURRENT RESOLUTION NO. 4

WHEREAS, A number of former members of the Senate and the House of Representatives of the State of Washington have passed from this life, leaving a record of service to the people, it is now our privilege to honor the memories of these, our departed comrades:

Grant C. Angle
 Arthur H. Bassett
 Charles M. Baldwin
 Dr. Delmar Bice
 A. Lou Cohen
 Paul I. Donahoe
 Dr. U. S. Ford
 Arthur E. Graham
 Joseph Griffin
 Guy B. Groff
 H. D. Hall
 C. A. Hanks
 Roland H. Hartley
 Timothy Healy
 W. R. Heglar
 E. F. Hultgrenn
 John C. Hurspool
 David W. Jones
 Albert Kelly
 Col. Geo. B. Lamping
 Howard C. Lucas
 Frank R. Marshall
 J. W. Maxwell

J. A. McKinnon
 Frederick J. Mess
 John Metcalfe
 Edmund J. Miller
 Martin S. Miller
 Dr. H. A. Mount
 George H. Northup
 I. G. O'Harra
 W. M. Pease
 Hubert Remley
 Joseph Dana Roberts
 Charles I. Roth
 Robert R. Somerville
 Gen. W. T. Tillotson
 Arthur L. True
 Robert F. Waldron
 A. L. Willhite
 William V. Wells
 Oscar Wenberg
 L. H. Wheeler
 Olaf A. Wiggen
 Harold Zent

AND WHEREAS, It is our desire to pay special and fitting tribute to the lives and services of these valued public servants and to express our sympathies to their bereaved families;

Be It Resolved, By the House of Representatives, the Senate concurring, that in recognition of the valued services rendered to the State by these eminent citizens, appropriate services be held in the House Chamber on Thursday, February 12, 1953, at 11:00 o'clock, a. m., that their bereaved families be invited to attend such memorial services, and that an opportunity be given for a tribute to their memories;

And Be It Further Resolved, That the Memorials Committee of the House of Representatives and the Senate, jointly arrange for the memorial services;

And Be It Further Resolved, That as a further mark of respect to the memories of the deceased, the Chief Clerk of the House and the Secretary of the Senate be instructed to transmit a copy of this resolution, suitably engrossed, to the families of the deceased and that a record of this resolution and of the memorial services provided for, be printed in the House journal as a permanent record.

Adopted by the House February 6, 1953.

Adopted by the Senate February 7, 1953.

HOUSE CONCURRENT RESOLUTION NO. 6

WHEREAS, Through sincere deliberations by the Committee on Industrial Insurance it has become apparent that there is need for a comprehensive study of the entire field of workmen's compensation in the State of Washington; and

WHEREAS, There are a great number of delays experienced by the injured workman in having his claim promptly processed, which may be due to the procedures now required by the present industrial insurance act; and

WHEREAS, The records show a substantial increase in rates notwithstanding a marked decrease in accident frequency; and

WHEREAS, There are in excess of eleven hundred claims now pending before the board of industrial insurance appeals; and

WHEREAS, A review of the court decisions on the claims appealed from the board of industrial insurance appeals indicates that over seventy per cent of the appeal board's decisions have not been sustained; and

WHEREAS, There is insufficient time during the regular session of the legislature to allow for proper consideration of the complex problems involving industrial insurance;

Now, Therefore, Be It Resolved, By the House of Representatives, the Senate concurring, that the Joint Interim Committee on Industrial Insurance is hereby created and authorized and directed to ascertain, study and analyze all facts relating to or in any way bearing upon the field of workmen's compensation, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing thereon, and to report thereon to the next regular session of the legislature on opening day, including in the report its recommendations for appropriate legislation.

Be It Further Resolved, That the Committee shall consist of eleven members, and the Governor shall appoint one member from the American Federation of Labor, one from the Congress of Industrial Organizations, one from an independent labor union, three from industry, one from the Washington State Medical Association, and the President of the Senate shall appoint one

Senate member from each political party, and the Speaker of the House of Representatives shall appoint one House member from each political party. Vacancies occurring in the membership of the Committee shall be filled by the appointing power. The Committee shall select its own chairman and officers, and shall have authority to employ such employees and technical assistance as it deems necessary and proper.

Be It Further Resolved, That the members so appointed and the employees of the Committee shall be entitled to their actual traveling expenses, and a per diem allowance not exceeding ten dollars per day for lodging and subsistence, the same to be paid upon their individual vouchers, from any sums of money appropriated for the expense of the Committee.

Adopted by the House [as amended] March 9, 1953.

Adopted by the Senate March 8, 1953.

HOUSE CONCURRENT RESOLUTION NO. 9

Be It Resolved, By the House, the Senate concurring, that the Legislative Council, during the interim between the 1953 session and the 1955 session of the legislature, shall make a study of the retirement funds and pensions of various employees, including police, firemen, teachers, and other groups, and furnish statistical information and make recommendations to the 1955 session of the legislature for such legislation as may be found necessary or desirable in connection with such retirement funds.

Adopted by the House March 11, 1953.

Adopted by the Senate March 12, 1953.

HOUSE JOINT MEMORIAL NO. 2

To the Honorable Dwight D. Eisenhower, President of the United States, and to the Honorable Richard B. Nixon, Vice-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, respectfully represent as follows:

WHEREAS, There was held, on November 4, 1952, a national election for the purpose of electing officers to various national and state offices; and

WHEREAS, As the outcome of said national election, a new administration in the national government of the United States is assuming office under the leadership of the Honorable Dwight D. Eisenhower, thirty-third President of the United States;

Now, Therefore, Be It Resolved, That the Legislature of the State of Washington does hereby extend to the new national administration, under the leadership of The Honorable Dwight D. Eisenhower, President of the United States, its felicitations, and its most earnest and sincere best wishes, that, with God's guidance, it may meet, with wisdom and foresight, the momentous matters which are now, and will in the ensuing years, be placed before it for consideration.

Be It Hereby Further Resolved, That copies of this Memorial be transmitted to the President of the United States, the Vice-President of the United States, the Secretary of the Senate and of the House, the Speaker of the House of Representatives of the United States, and to each member of the Washington Congressional delegation.

Adopted by the House January 19, 1953.

Adopted by the Senate January 19, 1953.

HOUSE JOINT MEMORIAL NO. 3

To the Honorable Dwight D. Eisenhower, President of the United States, and the Senate and House of Representatives of the United States of America in Congress Assembled:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

WHEREAS, The extension by proclamation of the Olympic National Park, of January 4, 1940, includes within its boundaries the corridor north of Quinault Lake and River and the highway therein known as the North Shore Road; and

WHEREAS, This extension of boundaries brings within the jurisdiction of the National Park administration a considerable area of land owned by bona fide settlers together with the only road affording entry into and egress from the homes of these settlers, some of which were settled as early as 1888; and

WHEREAS, The land in question does not belong to the Olympic National Park nor to the United States, but belongs to private citizens who hold it by virtue of patents granted by the United States; and

WHEREAS, No timber land owned by the United States or the State of Washington is involved in this area which contains approximately four thousand acres, of which two thousand five hundred acres are potentially tillable; and

WHEREAS, The area is now the permanent residence of one hundred and seventy-seven people who enjoy electric lights, telephone service, rural free delivery mail, and bus service for children to an accredited high school; and

WHEREAS, The National Park Service could at its discretion, isolate the residents of the area by its failure to maintain a road;

Now, Therefore, Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled, that we respectfully petition the Congress of the United States to speedily enact legislation to readjust the boundaries of the Olympic National Park so as to restore the private land and road along the north shore of Quinault Lake

and River to the administration of the agency or agencies under whose jurisdiction it existed prior to the proclamation of January 4, 1940; and

Be It Further Resolved, That copies of this Memorial be immediately transmitted to the Honorable Dwight D. Eisenhower, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Honorable Secretary of the Interior, and to each Senator and Representative from the State of Washington.

Adopted by the House February 18, 1953.

Adopted by the Senate March 8, 1953.

HOUSE JOINT MEMORIAL NO. 11

To the Honorable Dwight D. Eisenhower, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress Assembled:

We, your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, There now exists an utmost urgency to the economy of the fishing industry in and about the city of Blaine, Washington and the tributaries and harbor in said area in which the principal industry is that of fishing; and

WHEREAS, The number of fishing vessels is so great and the depth and breadth of the Blaine, Washington harbor should be widened and deepened in order to provide adequate moorage and safety for the fishing fleet; and

WHEREAS, It is in the national interest that the progress of our fishing industry be borne in mind; and

WHEREAS, The deepening and enlarging of the Blaine, Washington harbor is of great importance in order to provide adequate moorage facilities for fishing fleets; and

WHEREAS, There has been an increase of approximately thirty-three and one-third percent of employees engaged in or related to the use of the Blaine port facilities; and

WHEREAS, Approximately six hundred ninety-five different fishing vessels made approximately three thousand five hundred trips into Blaine harbor to deliver fish during the 1952 fishing season; and

WHEREAS, For a long time the increased use of the harbor facilities has created a potential danger of fire; and

WHEREAS, The value of fishing boats and fishing equipment in the said Blaine harbor exceeds one million five hundred thousand dollars; and

WHEREAS, Expansion by widening and deepening the said harbor is of primary importance to the development of the fishing industry in the northwest area of the United States; and

WHEREAS, Numerous lives and property have been and are placed in great jeopardy, particularly during such times as there are storms, because of inadequate harbor facilities to accommodate the entire fishing fleet;

Now, Therefore, Your Memorialists respectfully petition the Congress of the United States to enact legislation and make adequate appropriation for the development of the facilities for fishing fleet moorage in the Blaine harbor; and

Be It Resolved, That copies of this memorial be transmitted to the 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 Washington Congressional delegation.

Adopted by the House March 10, 1953.

Adopted by the Senate March 12, 1953.

Part III

LAWS, EXTRAORDINARY SESSION, 1953

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PREFACE

The Extraordinary Session of the 1953 Legislature convened at Olympia on March 13, 1953, at the hour of 11:00 A. M., at the call of Governor Arthur B. Langlie. The special session adjourned eight days later *sine die* on March 21, 1953.

Nine measures were passed and signed into law and all but three contained emergency clauses. These three measures take effect ninety days after adjournment, or 12:00 o'clock **midnight**, June 10, 1953. The three measures are as follows:

- Chapter 4: Tuberculosis Hospitalization—State Aid—Fund Established
- Chapter 8: Employment Security Act
- Chapter 9: Public Employment — Competitive Examinations—Veterans' Preference.



EARL COE,
Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Thirty-Third Extraordinary Session

1953

CHAPTER 1.

[S. B. 1.]

APPROPRIATION—EXPENSES OF LEGISLATURE INCLUDING PRINTING AND TRAVEL EXPENSE.

AN ACT appropriating the sum of eighty thousand dollars, or so much thereof as may be necessary, for the actual and necessary expenses of the legislature, including traveling expenses of the legislators according to the state constitutional provision, and printing; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the general fund of the state of Washington the sum of eighty thousand dollars, or so much thereof as may be necessary, to be used for the purpose of paying the expenses, including traveling expenses of the legislators according to the state constitutional provision, and legislative printing, of the first extraordinary session of the thirty-third legislature of the state of Washington.

Appropriation.

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

Emergency.

Passed the Senate March 17, 1953.

Passed the House March 16, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 2.

[S. B. 2.]

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

AN ACT relating to legislators' expenses and providing for in lieu payments to members of the legislature for lodging and subsistence; containing an appropriation; amending RCW 44.04.080; and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated out of the general fund of the state of Washington the sum of seventeen thousand four hundred dollars, for the actual and necessary expenses of the members of the first extraordinary session of the thirty-third legislature of the state of Washington. Notwithstanding any statute, or section of this bill to the contrary the members of the thirty-third legislature shall be paid not to exceed fifteen dollars per day in lieu of subsistence and lodging during and while attending the first extraordinary session of the thirty-third legislature.

Amendment.

SEC. 2. Section 44.04.080, RCW, as derived from section 1, chapter 173, Laws of 1941, as last amended by section 1, chapter 4, Laws of 1945, is amended to read as follows:

Subsistence and lodging allowance.

Members of the legislature shall be paid not to exceed ten dollars per day in lieu of subsistence and lodging during and while attending the legislative session.

Emergency.

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 March 17, 1953.

Passed the House March 16, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 3.

[S. B. 14.]

APPROPRIATIONS—DEPARTMENT OF PUBLIC ASSISTANCE—TRANSFER OF RESPONSIBILITIES.

AN ACT relating to public assistance, amending chapter 74.04, RCW, by adding a new section thereto, making appropriations and reappropriations, and declaring an emergency.

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

SECTION 1. Chapter 74.04, RCW, is amended by adding thereto a new section to read as follows: New section.

The transfer of responsibility for general assistance from the several counties to the state of Washington, as contemplated by RCW 74.04.150, as amended by section 43, chapter 174, Laws of 1953, shall not take effect until January 1, 1954, the beginning of the fiscal year in which proceeds of the state tax levy authorized by said section 43 will become available and until that date the several counties of the state shall remain responsible for general assistance to the extent provided under pre-existing law. Transfer of general assistance responsibility; when.

SEC. 2. There is hereby appropriated out of the general fund to the department of public assistance for the payment of senior citizen grants for the biennium beginning April 1, 1953, and ending March 31, 1955, the sum of seven and one-half million dollars (\$7,500,000), or so much thereof as may be necessary. Appropriation for senior citizen grants.

SEC. 3. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of the general fund to the department of public assistance for the fiscal biennium beginning April 1, 1953, and ending March 31, 1955, for the purposes hereinbelow indicated, the same being reappropriations of sums appropriated to the department of social security by Substitute Senate Bill No. 400 and House Bill No. 451 of the thirty-third regular session of the legislature: Reappropriation of sums appropriated to department of social security by regular session of legislature.

General Administration:	
Salaries, Wages and Operations.	\$10,240,000.00
Survey of Consumers' Expenditures in Low Income Group..	75,000.00
Division of Old Age Assistance:	
Senior Citizen Grants.....	86,337,293.00
Division of Public Assistance:	
Aid to the Permanently Disabled	8,922,147.00
General Home Assistance.....	7,815,556.00
Burials	893,750.00
Division for Children:	
Child Welfare Services:	
Salaries, Wages and Operations	2,150,000.00
Assistance as Provided by Law	4,449,520.00
Aid to Dependent Children:	
Assistance as Provided by Law	21,044,033.00
Division for the Blind:	
Assistance as Provided by Law.	1,459,967.00
Self-supporting Aid to Blind:	
To carry out provisions of chapter 166, Laws of 1949..	28,800.00
Vocational Rehabilitation for the Blind:	
Administration:	
Salaries and Wages.....	128,538.00
Operations	54,532.00
Assistance	50,000.00
Other Case Services to the Blind	249,600.00
Contingencies: <i>Provided</i> , That this appropriation shall become available only in the event that 1/24th of the foregoing appropriations for assistance is insufficient to meet the demands for any one month: <i>And provided further</i> , That such allocations shall become available only upon written approval by the Governor	
	2,471,484.00
Total	<u> </u> \$146,370,220.00
Division of Public Assistance:	
General Home Assistance.....	\$3,250,000.00
Contingencies: <i>Provided</i> , That this appropriation shall become available only upon written approval by the Governor.....	
	750,000.00

(Expenditures from the foregoing two appropriations not to exceed amounts received from the tax levied under the provisions of Substitute House Bill No. 225.)

Total \$4,000,000.00

SEC. 4. 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 April 1, 1953.

Passed the Senate March 19, 1953.

Passed the House March 20, 1953.

Approved by the Governor March 25, 1953.

CHAPTER 4.

[S. B. 12.]

TUBERCULOSIS HOSPITALIZATION—STATE AID—FUND ESTABLISHED.

AN ACT relating to tuberculosis hospitalization; providing state aid therefor; establishing a state tuberculosis equalization fund and prescribing procedure for its disbursement; imposing certain duties upon counties; and repealing section 70.32.020, RCW.

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

SECTION 1. To provide necessary funds for adequate care of tuberculosis patients in counties having a tuberculosis incidence there is established 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 six-tenths mill tax levy required by RCW 70.32.010 are not sufficient to provide adequate tuberculosis hospitalization for all cases unable to pay the cost of such care.

Tuberculosis equalization fund established.

Payments from the state equalization fund shall be made by warrant of the state auditor to individual

Same; payments from.

counties upon vouchers of the state department of health. Upon receipt of such warrant the amount thereof shall be paid into the county tuberculosis hospitalization fund and disbursed in the same manner as county moneys are disbursed therefrom.

Same;
payments;
how made.

Payments to counties from the equalization fund shall be made on the following basis: Payments shall commence at such time as the county has expended all budgeted county moneys in the county tuberculosis hospitalization fund, excepting a sum estimated to be required for two months' operation of the tuberculosis hospitalization program within the county, which sum shall be used as a revolving fund and be expended for tuberculosis hospitalization during the final two months of the state biennium: *Provided*, That where proceeds of the six-tenths mill tax levy are not sufficient for the estimated two months' operation of the county tuberculosis hospitalization program the state shall advance such funds as are estimated to be required from the state tuberculosis equalization fund to provide the moneys for the two months' revolving fund at the beginning of each biennium.

Report
by county
auditor.

SEC. 2. The county auditor shall report monthly all moneys collected for tuberculosis hospitalization from all sources, including the revenue from the six-tenths mill tax levy as received, to the state director of health and deposit the same in the county tuberculosis hospitalization fund.

Review of
tuberculosis
hospital-
ization
program by
director of
health.

SEC. 3. The state director of health shall annually review the tuberculosis hospitalization program in the state to determine if, through the consolidation of tuberculosis patients from smaller hospitals into larger tuberculosis hospitals which maintain good standards of medical care as determined by the state department of health, a financial saving will result to the state tuberculosis equalization fund. Before giving the notice of consolidation hereinafter pro-

vided the director of health shall conduct a public hearing at the county seat of the county wherein the smaller affected hospital is located; thirty days' notice of such hearing shall be given by the director of health in a manner so as to notify the affected hospital and the general public. If he so determines he shall notify the county or counties, as the case may be, of the facts, requesting that such consolidation be effectuated within a reasonable time but not to exceed one year from the date of such notification. If the county or counties refuse to make such consolidation, the director of health shall then allow from the state tuberculosis equalization fund only the amount of money that he estimates would have been the cost against the tuberculosis equalization fund if consolidation had been effected. Funds needed by said county or counties to operate their tuberculosis hospital over and above the six-tenths mill tax levy and above allotted state equalization fund amounts shall then be the financial responsibility of said county or counties.

SEC. 4. Section 70.32.020, RCW, as derived from section 2, chapter 162, Laws of 1943, as last amended by section 1, chapter 204, Laws of 1951, is repealed.

Passed the Senate March 19, 1953.

Passed the House March 19, 1953.

Approved by the Governor March 27, 1953.

CHAPTER 5.

[S. B. 10.]

MEDICAL SERVICES—PUBLIC ASSISTANCE—MEDICALLY INDIGENT PERSONS.

AN ACT relating to state government; providing medical and related services to recipients of public assistance and medically indigent persons; prescribing powers and duties of certain state agencies in relation thereto; affecting the availability and confidentiality of records and reports; containing a subrogation provision; repealing sections 74.08.140 to 74.08.200, RCW, inclusive, and sections 36.39.020 and 36.62.260, RCW; and declaring an emergency.

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

Administrative responsibility for medical services placed with department of health.

SECTION 1. On and after April 1, 1953, administrative responsibility for providing for needed medical, dental and allied services to recipients of public assistance and medical indigents shall be the responsibility of the state department of health. "Medical indigents" are persons without income or resources sufficient to secure necessary medical services.

Determination of eligibility for public assistance.

SEC. 2. The determination of eligibility of recipients for public assistance shall be the responsibility of the department of public assistance and that department shall promptly notify the department of health of the names of persons who are eligible and those who are no longer on the eligible list. Eligible persons shall be entitled to medical services as defined by the welfare medical care committee.

Determination of eligibility for medical services.

The determination of eligibility of medical indigents shall be the responsibility of the department of health in accordance with the standards established by the welfare medical care committee. The department of health is empowered to employ the necessary personnel to carry out the standards established.

SEC. 3. In carrying out the administrative responsibility of the act, the department of health may con-

tract with an individual or a group, may utilize existing local county or district departments of health, or establish separate welfare medical care offices on a county or multi-county unit basis as found necessary.

Administrative responsibility; how carried out.

SEC. 4. (1) The department of health may utilize county hospitals and county infirmaries as determined necessary. County institutions so used shall submit a county hospitalization budget and/or infirmary budget to the state director of health not less than forty days prior to the time county budgets are finally approved and adopted by the county commissioners. He shall consider the proposed budget or budgets and return it or them to the commissioners with his recommendations within thirty days of its receipt by him. The commissioners shall be empowered to adopt as the final budget the proposed budget or budgets as submitted by the board or boards of trustees, the recommended budget or budgets of the state director of health or such budget or budgets as the county commissioners themselves determine to adopt: *Provided*, That if the total of the budget or budgets as finally adopted shall be in excess of the total of the budget or budgets as recommended by the state director of health, the said director may withhold from the county the amount of the excess over and above the total set forth in his recommended budget or budgets.

Utilization of county hospitals and infirmaries.

Budgets recommended by state, counties or county commissioners.

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

Patients from other counties.

(2) The department of health shall provide for necessary physicians' services and hospital care as defined by the welfare medical care committee, and may provide such allied services as dental services, ambulance services, drugs, medical supplies, nursing service in the home, nursing home care, (except sub-

Medical services available as defined by welfare medical care committee.

sistence which shall be the responsibility of the department of social security) and other appliances as determined by the welfare medical care committee, who shall take into consideration the appropriations available.

Evaluation of employability.

(3) In addition the department of health shall provide (a) for evaluation of employability when a person is applying for public assistance representing a medical condition as the basis for need, and (b) for medical evaluation of total and permanent disability as requested by the department of public assistance. It shall further provide for medical consultation and assistance in the determination of the need for special diets, housekeeper and attendants' services, and other requirements as found necessary because of a medical condition under rules established by the welfare medical care committee.

Evaluation of disability at request of department of public assistance.

State welfare medical care committee established.

SEC. 5. There is hereby established a state welfare medical care committee composed of twelve members, six members representing the major providers of medical service, one a legislator, one a county commissioner, and the remaining four from the public. Members shall be appointed by the governor and serve at his pleasure and they shall be entitled to actual and necessary traveling and subsistence expenses not to exceed ten dollars per day while carrying out the functions of this committee.

Members appointed by governor.

Duties.

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

County or district medical care committees.

The department of health may establish county or district welfare medical care committees on a county or district basis. Such committees shall advise and assist the local office of the state department of health in carrying out the standards, rules and

regulations established by the welfare medical care committee and the administrative policies of the department. Such committees shall be composed of not more than eight members and may have equal representation from the providers of medical service and the public. Appointments are to be made by the director of health and the department shall pay their necessary travel and subsistence expenses not to exceed ten dollars per day when engaged in the work of the committee out of funds appropriated to the department.

Duties.

Composition.

Appoint-
ments.

The department may employ local professional auditing committees to assist the local office of the state department of health. Such members shall be appointed by the director of health, and may be paid for their services and reimbursed for their necessary travel and subsistence expenses incurred in the performance of their duties.

Employment
of local
professional
auditing
committees.

SEC. 6. The department of health may employ administrative personnel in both state and local offices and employ the services of professional screeners and consultants as found necessary.

Administra-
tive
personnel
and
screeners.

The department is further empowered to establish minimum standards of operation and care for institutions including hospitals participating in this program. Institutions which do not meet such standards shall not be used in the program. Standards so established shall be filed with the secretary of state and shall become effective thirty days thereafter.

Standards
for hospitals,
etc.,
established
by health
department.

SEC. 7. The department of health shall be responsible for the administration of the welfare medical care program but shall not employ personnel to render direct medical care service.

Employment
of personnel
to render
direct
medical care
prohibited.

SEC. 8. The department may purchase necessary physician and dentist services by contract or on a fee for service basis. The department shall purchase hospital care by contract or at not more than the

Purchase of
physician
and dental
services.

Hospital care services.

minimum ward rate of each hospital after approval of the rate by the department of health. Any hospital when requested by the department shall supply such information as necessary to justify its rate. All additional services provided by the hospital shall be purchased at rates agreed upon by the hospital and the department.

Other services.

All other services and supplies including drugs, provided under the program shall be secured generally through customary trade channels in accordance with agreements between the vendor and the department.

Minimum standards of care established by state welfare medical care committee.

SEC. 9. The state welfare medical care committee may prescribe by regulation the minimum standards of care to be provided by the various vendor groups and other standards and rules and regulations as may be necessary to carry out the provisions of this act. Such rules, regulations and standards so prescribed shall be filed with the secretary of state and shall become effective thirty days thereafter.

The committee shall further advise the department of health on policies and rules and regulations governing the administration of the program.

Analysis of program provided by health department.

SEC. 10. The department of health shall annually provide the committee, the governor and legislature with a full statistical and financial analysis of the program which shall set forth the amount of service provided, utilization and expenditures by groups served, and kind of services provided.

Personnel covered by merit system.

SEC. 11. All personnel employed in the administration of the medical care program shall be covered by the existing merit system under the state personnel board or its successor.

SEC. 12. Each vendor or group who has a contract and is rendering service to eligible persons as defined in this act shall submit such charges as agreed upon between the department and the individual or group

on a monthly basis and shall present their final charges not less than sixty days after the termination of service. If the final charges are not presented within the sixty day period they shall not be a charge against the state unless previous extension in writing has been given by the department of health.

Charges of groups rendering medical services.

SEC. 13. All of the records and reports of the department of health or of the department of public assistance relative to the administration of the program covered by this act shall be available to the state advisory committee and the county advisory committees created by sections 9 and 11, chapter 174, Laws of 1953, subject to all of the restrictions of confidentiality of RCW 74.04.060 as amended by section 7, chapter 174, Laws of 1953.

Records and reports made available to state advisory committee.

SEC. 14. If assistance furnished to any recipient under this act is occasioned by negligence or wrong of another the state shall be subrogated to the recipient's right of recovery therefor to the extent of the value of the assistance furnished thereby.

Subrogation right of the state.

SEC. 15. Sections 74.08.140 to 74.08.200, RCW, inclusive, as derived from section 7, chapter 1, Laws of 1951, and section 36.62.260, RCW, as derived from section 2, chapter 256, Laws of 1951, and section 36.39.020, RCW, as derived from section 2701 of the Code of 1881, are repealed.

Repealing clause.

SEC. 16. 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.

Emergency.

Passed the Senate March 20, 1953.

Passed the House March 20, 1953.

Approved by the Governor March 27, 1953.

CHAPTER 6.

[S. B. 22.]

APPROPRIATION—STATE FUNDS FOR KINDERGARTENS
—LIMITATIONS.

AN Act relating to schools; limiting use of state funds for kindergartens in an appropriation from the current school fund; and declaring an emergency.

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

SECTION 1. Substitute Senate Bill No. 400, passed by the thirty-third regular session of the legislature, appropriating one hundred forty-one million dollars (\$141,000,000) from the current school fund to counties for school districts in accordance with chapter 141, Laws of 1945, limited the application of portions of said appropriation for the cost of maintaining kindergartens under chapter 28.35, RCW. Such limitation shall not apply to the balance of the school year ending June 30, 1953 or to those apportionments determined in accordance with chapter 28.41, RCW, which are based on kindergarten attendance prior to June 30, 1953, and after the aforesaid date no portion of the aforesaid appropriation shall be apportioned to school districts on the basis of kindergarten educational units or on the basis of kindergarten attendance, including such attendance for computing equalization payments: *Provided*, That notwithstanding any provisions of law to the contrary, no school district shall be prohibited from expending for the operation and maintenance of kindergartens, funds raised in any other manner.

Limitation on application of appropriation to counties for kindergartens inapplicable during balance of school year.

Emergency.

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 March 20, 1953.

Passed the House March 20, 1953.

Approved by the Governor March 27, 1953.

CHAPTER 7.

[Sub. S. B. 11.]

EMERGENCY SCHOOL CONSTRUCTION—BONDS—COMMISSION—APPROPRIATION.

AN ACT providing funds for the emergency construction of public school plant facilities; authorizing the issuance and sale of limited obligation bonds of the state and providing ways and means to pay said bonds; creating the school emergency construction commission; prescribing the powers and duties of certain officers; making an appropriation; and declaring an emergency.

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

SECTION 1. For the purpose of furnishing funds for state assistance in providing certain public school plant facilities under the provisions of this act, there shall be issued and sold, at any time prior to April 1, 1957, limited obligation bonds of the state of Washington in the sum of twenty million dollars to be paid and discharged not more than thirty years of the date of issuance. The issuance, sale, and retirement of said bonds shall be under the general supervision and control of the state finance committee.

Issuance of limited obligation bonds authorized.

The state finance committee is authorized to prescribe the form of such bonds, the provisions of sale of all or any portion or portions of such bonds, the terms, provisions and covenants of said bonds and the sale, issuance and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of four percent per annum. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner prescribed in this act from the proceeds of motor vehicle excise taxes as imposed by RCW 82.44.150. As a part of the contract of sale of the aforesaid bonds, the state agrees to continue to levy the motor vehicle excise taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient proceeds

State finance committee to supervise.

Terms of bonds.

Bonds payable from motor vehicle excise taxes.

thereof available to pay said bonds and interest thereon until all such obligations have been paid in full.

Calling of bonds prior to maturity.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached to such bonds. Such bonds shall be payable at such places as the state finance committee may provide.

Signatures.

Where payable.

Disposition of proceeds of sale.

SEC. 2. The proceeds from the sale of the bonds authorized herein shall be deposited in the school emergency construction fund which shall be held by the state treasurer as ex officio custodian but which shall not be mingled with funds in the state treasury nor be deemed a fund in the state treasury.

Appropriation from school emergency construction fund to state finance committee.

SEC. 3. The sum of twenty million dollars, or so much thereof as may be necessary, is appropriated from the school emergency construction fund to the state finance committee to be expended by the committee for the payment of expenses incident to the sale and issuance of the bonds authorized herein and through allotments made to the state board of education at the direction of the school emergency construction commission for the purpose of carrying out the provisions of this act.

School emergency construction bond redemption fund created.

SEC. 4. The school emergency construction bond redemption fund is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by this act. The state finance committee shall, on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by this act. The state treasurer shall thereupon deposit such amount in the school emergency construction bond redemption fund from

State finance committee to certify amount needed.

that portion of the motor vehicle excise tax allocable to the state school equalization fund under RCW 82-44.150. The amount so deposited in the aforesaid fund shall be devoted exclusively to payment of interest on and to retirement of the bonds authorized by this act. Such amount certified by the state finance committee to the state treasurer shall be a first and prior charge against all motor vehicle excise tax revenues of the state allocable to the state school equalization fund, which amounts so allocable shall never be less than seventy percent of said excise tax revenues.

State treasurer to deposit amount needed in school emergency construction bond redemption fund.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Bond owner may compel transfer.

SEC. 5. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington nor in any manner the credit of any school district.

Payment of bonds by additional means.

SEC. 6. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits, and be fully negotiable instruments.

Bonds legal investment for state.

SEC. 7. There is hereby created a school emergency construction commission to consist of five members, one of whom shall be the superintendent of public instruction ex officio, another of whom shall be a member of the state board of education selected by said board and to hold office at the board's pleasure, and the remaining three of whom shall be appointed by the governor to hold office at his pleasure.

School emergency construction commission created.

Allocations
to school
districts.

Basis.

SEC. 8. Allocations to school districts of the funds created by such bond issue shall be made on an emergency basis as determined by the school emergency construction commission. Emergency and priority of allocations shall be based upon acuteness of overcrowding, sudden growth in attendance, assessed valuation per pupil, amount of local or other funds available, the time of district's application for such funds, and the children of which district shall benefit most from additional school buildings. Exceptions may be made for the benefit of the children affected.

Allotments
restricted
to qualified
school
districts.

Qualifica-
tions.

SEC. 9. Of the funds provided by this chapter, the school emergency construction commission shall, through the state board of education, make allotments for needed school construction only, to school districts qualifying under this chapter. No allotment shall be made to any school district unless (1) the district is determined to be in an emergency school construction situation, and (2) the district shall be indebted for school construction purposes in excess of eighty-five percent of the total indebtedness authorized it by law for such purposes. Allocations may be made to districts otherwise qualified provided that such district issues its bonds for the construction program contemplated in such amount as to make the district eligible for allocation under this chapter, plus such further amount as may be required by the school emergency construction commission. For the purpose of this chapter, bonds of a school district shall be deemed to have been issued when duly voted by the district.

Repayment
not required.

SEC. 10. A school district receiving an emergency allotment under this chapter shall be under no obligation whatsoever to repay or return any portion thereof.

SEC. 11. Ten years after an allocation to a school district, the commission may, on such terms, condi-

tions and installments as it deems proper or necessary, deduct the amount of the allocation or any portion thereof, without interest, from any state fund or funds under state control which might otherwise be provided to such district. Funds required by the constitution of this state or the constitution or laws of the United States to be made available to school districts shall not be subject to this deduction. The amounts so deducted shall be placed into the school emergency construction fund to be available for further allocations for school construction pursuant to the provisions of this act.

Allocations may be deducted from future grants.

SEC. 12. Funds for the administration for the provisions of this act, including expenses of the school emergency construction commission, not to exceed one percent of the total issue of bonds herein authorized, shall be made available to the state board of education upon approval by and under the direction of the school emergency construction commission.

Funds for administration of act.

SEC. 13. If any section, paragraph, sentence, clause, phrase or word of this act should be held to be invalid or unconstitutional, such shall not affect or impair the validity or constitutionality of any other section, paragraph, sentence, clause, phrase or word of this act. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this act is declared invalid been eliminated from the act at the time the same was considered, the act would have nevertheless been enacted with such portions eliminated.

Partial invalidity.

SEC. 14. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of state government and existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate March 20, 1953.

Passed the House March 20, 1953.

Approved by the Governor March 27, 1953.

CHAPTER 8.

[H. B. 18.]

EMPLOYMENT SECURITY ACT.

AN ACT providing for relief from unemployment; defining terms; establishing the employment security department; providing for officers and their powers and duties; providing for contributions, funds, claims, disqualifications and other penalties, the receipt of moneys, reciprocal arrangements, and cooperation with states and governments; accepting provisions of certain federal enactments; defining crimes and prescribing penalties; amending sections 50.04.200, 50.04.320, 50.12.200, 50.16.010, 50.16.020, 50.20.160, 50.20.190, 50.24.030, 50.24.040, 50.24.120, 50.24.150, 50.28.020, 50.28.040, 50.28.050, 50.36.010 and 50.36.020, RCW, and reenacting sections 50.08-.010, 50.20.010, 50.20.050, 50.20.060, 50.20.070, 50.20.080 and 50.20.090, RCW, to be known as the Employment Security Act.

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

Amendment.

SECTION 1. Section 50.04.200, RCW, as derived from section 21, chapter 35, Laws of 1945, as amended by section 7, chapter 265, Laws of 1951, is amended to read as follows:

“Employment”; exemption; service in employ of state or political subdivisions. Exceptions.

The term “employment” shall not include service performed in the employ of this state, or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions: *Provided*, That this exemption shall not be deemed to apply to public utility districts and public power authorities, nor shall this exemption be deemed to apply if the state or any political subdivision thereof or any instrumentality of this state or its political subdivisions voluntarily elects coverage for all or any distinct class or group of individuals in its employ: *And provided further*, That the state or any political subdivision thereof or any instrumentality of this state or its political subdivisions is hereby authorized to pay to the unemployment compensation division for the unemployment compensation fund contributions required of employers by the provisions of this title.

State and political subdivisions authorized to contribute.

Note: This section also amended by section 1, chapter 276, *supra*.

SEC. 2. Section 50.04.320, RCW, derived from section 33, chapter 35, Laws of 1945, as amended by section 3, chapter 265, Laws of 1951, is amended to read as follows: Amendment.

For the purpose of payment of contributions, "wages" means the first three thousand dollars of remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state. After December 31, 1950, if an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor employer, then, for the purposes of determining whether the successor employer has paid remuneration equal to three thousand dollars to such individual during such calendar year, any remuneration paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer. "Wages";
for the
purpose of
payment of
contribu-
tions.

For the purpose of payment of benefits, "wages" means the remuneration payable by one or more employers to an individual for employment under this title during one calendar year. For the
purpose of
payment of
benefits.

"Remuneration" means all compensation paid for personal services, including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be esti- "Remunera-
tion."

mated and determined in accordance with rules prescribed by the commissioner.

Re-enactment.

SEC. 3. Section 50.08.010, RCW, derived from section 38, chapter 35, Laws of 1945, as amended by section 8, chapter 215, Laws of 1947, is re-enacted and reads as follows:

Department established.

There is established the employment security department for the state, to be administered by a commissioner. The commissioner shall be appointed by the governor with the consent of the senate, and shall hold office at the pleasure of, and receive such compensation for his services as may be fixed by, the governor.

Commissioner.

Amendment.

SEC. 4. Section 50.12.200, RCW, as derived from section 59, chapter 35, Laws of 1945, as amended by section 12, chapter 215, Laws of 1947, is amended to read as follows:

State advisory council; appointment.

The commissioner shall appoint a state advisory council composed of not more than nine members, of which three shall be representatives of employers, three shall be representatives of employees, and three shall be representatives of the general public who are not entitled to benefits under this title. Such council shall aid the commissioner in formulating policies and discussing problems related to the administration of this title and of assuring impartiality and freedom from political influence in the solution of such problems. The council shall serve without compensation. The commissioner may also appoint committees, and industrial or other special councils, to perform appropriate services. Members shall be reimbursed for any travel expense incurred in accordance with the travel regulations applicable to employees of the employment security department.

Duties.

Compensation.

Other committees and councils.

Travel expenses.

Amendment.

SEC. 5. Section 50.16.010, RCW, as derived from section 60, chapter 35, Laws of 1945, is amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state, an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

Special funds.

Unemployment compensation fund.

- (1) all contributions collected pursuant to the provisions of this title,
- (2) all fines and penalties collected pursuant to the provisions of this title,
- (3) interest earned upon any moneys in the fund,
- (4) any property or securities acquired through the use of moneys belonging to the fund,
- (5) all earnings of such property or securities,
- (6) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended, and
- (7) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after the effective date of this act. The amount in this fund in excess of one hundred thousand dollars on the close of business of the last day of each calendar quarter shall be immediately transferred to this state's account in the unemployment trust fund. Moneys available in the administrative contingency fund shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him that such expenditure is necessary for:

Administrative contingency fund.

- (1) The proper administration of this title and no federal funds are available for the specific purpose

to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(2) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Amendment.

SEC. 6. Section 50.16.020, RCW, as derived from section 61, chapter 35, Laws of 1945, is amended to read as follows:

Administra-
tion of funds;
treasurer and
custodian.

The commissioner shall designate a treasurer and custodian of the unemployment compensation fund and of the administrative contingency fund, who shall administer such funds in accordance with the directions of the commissioner and shall issue his warrants upon them in accordance with such regulations as the commissioner shall prescribe. He shall maintain within the unemployment compensation fund three separate accounts as follows:

Accounts
of un-
employment
compensation
fund.

- (1) a clearing account,
- (2) an unemployment trust fund account, and
- (3) a benefit account.

Moneys
payable
to un-
employment
compensation
fund.

All moneys payable to the unemployment compensation fund, upon receipt thereof by the commissioner, shall be forwarded to the treasurer, who shall immediately deposit them in the clearing account.

Refunds
from un-
employment
compensation
fund.

Refunds payable pursuant to the provisions of this title from the unemployment compensation fund may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commissioner: *Provided, however,* That refunds of interest on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner.

Refunds of
interest on
delinquent
contribu-
tions.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States 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.

Unemployment trust fund.

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 and in the administrative contingency fund 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.

Benefit account composition.

Moneys in clearing and benefit accounts and in administrative contingency 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.

Security for deposits.

The treasurer shall give a bond conditioned upon the faithful performance of his duties as a custodian of the funds in an amount fixed by the state administrative board and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund. All sums recovered on official bonds for losses sustained by the unemployment compensation fund shall be deposited in such fund. All sums recovered on official bonds for losses sustained by the administrative contingency fund shall be deposited in such fund.

Bonding of treasurer.

Re-enactment.

SEC. 7. Section 50.20.010, RCW, derived from section 68, chapter 35, Laws of 1945, as amended by section 9, chapter 265, Laws of 1951, is re-enacted and reads as follows:

Waiting period credit or benefits; eligibility.

An unemployed individual shall be eligible to receive waiting period credit or benefits with respect to any week only if the commissioner finds that

Registration for work and reporting at employment office.

(1) he has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

Application and claim.

(2) he has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

Able and available for work.

(3) he is able to work, and is available for work in any trade, occupation, profession, or business for which he is reasonably fitted. To be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or his agents;

Unemployed for waiting period.

(4) he has been unemployed for a waiting period of one week; and

Base year minimum wages.

(5) he has within the base year been paid wages of not less than the minimum amount now or hereafter fixed by law as the minimum amount to be earned in order to allow the individual to receive unemployment benefits.

SEC. 8. Section 50.20.050, RCW, derived from section 73, chapter 35, Laws of 1945, as amended by section 12, chapter 215, Laws of 1951, is re-enacted and reads as follows:

Re-enactment.

An individual shall be disqualified for benefits for the calendar week in which he has left work voluntarily without good cause and for the five calendar weeks which immediately follow such week.

Disqualification for leaving work.

SEC. 9. Section 50.20.060, RCW, derived from section 74, chapter 35, Laws of 1945, as amended by section 13, chapter 215, Laws of 1951, is re-enacted and reads as follows:

Re-enactment.

An individual shall be disqualified for benefits for the calendar week in which he has been discharged or suspended for misconduct connected with his work and for the five calendar weeks which immediately follow such week.

Disqualification for discharge for misconduct.

SEC. 10. Section 50.20.070, RCW, derived from section 75, chapter 35, Laws of 1945, as amended by section 10, chapter 265, Laws of 1951, is re-enacted and reads as follows:

Re-enactment.

Irrespective of any other provisions of this title an individual shall be disqualified for benefits for any week with respect to which he has knowingly made a false statement or representation involving a material fact or knowingly failed to report a material fact and has thereby obtained or attempted to obtain any benefits under the provisions of this title, and for an additional twenty-six weeks commencing with the first week for which he completes a claim for waiting period or benefits following the date of the delivery or mailing of the determination of disqualification under this section: *Provided*, That such disqualification shall not be applied after two years have elapsed from the date of the delivery or mailing of the determination of disqualification under this section, but all overpayments established by such deter-

Disqualification for false representation.

mination of disqualification shall be collected as otherwise provided by this title.

Re-enact-
ment.

SEC. 11. Section 50.20.080, RCW, derived from section 76, chapter 35, Laws of 1945, as amended by section 14, chapter 215, Laws of 1951, is re-enacted and reads as follows:

Disqualifica-
tion for
failure to
apply for
work, etc.

An individual is disqualified for benefits, if the commissioner finds that he has failed without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner, or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner. Such disqualification shall continue for the calendar week in which such failure occurred and for the five calendar weeks which immediately follow such week.

Re-enact-
ment.

SEC. 12. Section 50.20.090, RCW, derived from section 77, chapter 35, Laws of 1945, is re-enacted and reads as follows:

Disqualifica-
tion for labor
disputes.

An individual shall be disqualified for benefits for any week with respect to which the commissioner finds that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed: *Provided*, That this section shall not apply if it is shown to the satisfaction of the commissioner that

(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 departments of the same premises, each such department shall, for the purpose of this subdivision, be deemed to be a separate factory, establishment, or other premises.

SEC. 13. Section 50.20.160, RCW, as derived from section 84, chapter 35, Laws of 1945, as amended by section 6, chapter 215, Laws of 1951, is amended to read as follows: Amendment.

Within one year from the date of delivery or mailing of an initial determination or a determination of denial of benefits and within sixty days from the date of the allowance of benefits, the commissioner may reconsider and redetermine such determination whenever he finds that there has been an error in identity, computation, or statement of amount of wages earned, or an error or omission of fact or misapplication of the law with respect to the facts: *Provided*, That a redetermination may be made at any time to conform to a final court decision applicable to either an initial determination or a determination of denial or allowance of benefits. Written notice of any such redetermination shall be promptly given by mail or delivered to such interested parties as were notified of the initial determination or determination of denial or allowance of benefits and any new interested party or parties who, pursuant to such regulation as the commissioner may prescribe, would be an interested party. Redetermination.

SEC. 14. Section 50.20.190, RCW, as derived from section 87, chapter 35, Laws of 1945, as amended by section 8, chapter 215, Laws of 1951, is amended to read as follows: Amendments.

Any person who is paid any amount as benefits under this title to which he is not entitled shall become liable for such amount: *Provided*, That in the absence of fraud, misrepresentation or wilful nondisclosure, such person shall not be liable for an Benefits improperly received; liability.

amount of overpayment received without fault on his part where the recovery thereof would be against equity and good conscience. The amount of the overpayment and the basis thereof shall be assessed to the liable person and following the overpayment assessment such amount, if not collected, shall be deducted from any future benefits payable to the individual: *Provided*, That in the absence of fraud, misrepresentation, or wilful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of the benefit year in which the purported overpayment was made.

Appeals.

Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: *Provided*, That an appeal from any determination covering overpayment only, shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within ten days of the delivery of the notice of determination of liability, or within ten days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final, and the court shall, upon application of the commissioner, enter a judgment in the amount provided by the notice of determination, which judgment shall have and be given the same effect as if entered pursuant to civil action.

Mutual aid
between
governments.

On request of any agency which administers an employment security law of another state, the United States or a foreign government and which has found

in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact with respect to a claim taken in this state as an agent for such agency, the commissioner may collect the amount of such benefits from such claimant to be refunded to such agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

SEC. 15. Section 50.24.030, RCW, as derived from section 91, chapter 35, Laws of 1945, as amended by section 19, chapter 214, Laws of 1949, is amended to read as follows: Amendment.

Payments of contributions erroneously paid to an unemployment compensation fund of another state or to the United States government which should have been paid to this state and which thereafter shall be refunded by such other state or the United States government and paid by the employer to this state, shall be deemed to have been paid to this state and to have filed contribution reports thereon at the date of payment to the United States government or such other state. Erroneous payments to United States or another state.

Sec. 16. Section 50.24.040, RCW, as derived from section 92, chapter 35, Laws of 1945, is amended to read as follows: Amendment.

If contributions are not paid on the date on which they are due and payable as prescribed by the com- Interest on delinquent contributions.

missioner, the whole or part thereof remaining unpaid shall bear interest at the rate of one percent per month from and after such date until payment plus accrued interest is received by him. In computing interest from any period less than a full month, the rate shall be one-thirtieth of one percent for each day or fraction thereof. Interest shall not accrue in excess of twenty-four percent for delinquent contributions for any one contributions period. The date as of which payment of contributions, if mailed, is deemed to have been received may be determined by such regulations as the commissioner may prescribe. Interest collected pursuant to this section shall be paid into the administrative contingency 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.

Amendment.

SEC. 17. Section 50.24.120, RCW, as derived from section 100, chapter 35, Laws of 1945, is amended to read as follows:

Collections from employer by civil action.

(1) If after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due may be collected by civil action in the name of the state, and the employer adjudged in

default shall pay the cost of such action. Any lien created by this title may be foreclosed by decree of the court in any such action. Civil actions brought under this 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 title and cases arising under the industrial insurance laws of this state.

(2) Any employing unit which is not a resident of this state and which exercises the privilege of having one or more individuals perform service for it within this state, and any resident employing unit which exercises that privilege and thereafter removes from this state, shall be deemed thereby to appoint the secretary of state as its agent and attorney for the acceptance of process in any civil action under this section. In instituting such an action against any such employing unit the commissioner shall cause such process or notice to be filed with the secretary of state and such service shall be sufficient service upon such employing unit, and shall be of the same force and validity as if served upon it personally within this state: *Provided*, That the commissioner shall forthwith send notice of the service of such process or notice, together with a copy thereof, by registered mail, return receipt requested, to such employing unit at its last known address and such return receipt, the commissioner's affidavit of compliance with the provisions of this section, and a copy of the notice of service shall be appended to the original of the process filed in the court in which such civil action is pending.

Nonresident
employing
unit.

(3) The courts of this state shall in the manner provided in subsections (1) and (2) of this section entertain actions to collect contributions or interest thereon for which liability has accrued under the

Duty of
courts.

employment security law of any other state or of the federal government.

Amendment.

SEC. 18. Section 50.28.020, RCW, as derived from section 2, chapter 235, Laws of 1949, is amended to read as follows:

Experience rating credits; "qualified employer."

"Qualified employer" means any employer of record on the effective date who had employment in each of the four consecutive calendar years immediately preceding the computation date and who filed contribution reports thereon on or before the cut-off date: *Provided*, That no employer shall be deemed a qualified employer if he has reported no employment for four or more consecutive calendar quarters in such four calendar years: *And provided further*,

(1) When an employer or prospective employer has acquired all or substantially all the operating assets of an employer, the experience of both during such four calendar years shall be jointly considered for the purpose of determining and establishing the acquiring party's qualification for and amount of credit, and the transferring employer shall be divested of his experience; or

(2) When an employer or prospective employer has acquired an operating department, section, division or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable, the entire payroll experience of the transferring employer shall be divided between the transferring and acquiring employers in proportion to the payroll for the four preceding completed calendar quarters attributable to the operating assets conveyed and retained.

Amendment.

SEC. 19. Section 50.24.150, RCW, as derived from section 103, chapter 35, Laws of 1945, is amended to read as follows:

No later than three years after the date on which any contributions or interest have been paid, an em-

ployer 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 unemployment compensation fund: *Provided, however,* That after the effective date of this act that refunds of interest on delinquent contributions shall be paid from the administrative contingency fund upon warrants issued by the treasurer under the direction of the commissioner. 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.

Adjustments and refunds of employer contributions and interest.

SEC. 20. Section 50.28.040, RCW, as derived from section 3, chapter 235, Laws of 1949, is amended to read as follows:

Amendment.

The amount of credit for each qualified employer shall be established in the following manner:

Experience rating credits.

(1) Qualified employers shall be grouped into six credit classes, to be designated as classes 6, 5, 4, 3, 2, and 1, in accordance with the sum of the quotients of annual decreases of payroll in regard to the three consecutive calendar years immediately preceding the computation date, each such quotient to be obtained by dividing any decrease of the payroll of a qualified employer in any calendar year from

Six credit classes of qualified employers.

the preceding calendar year by the amount of the payroll in such preceding calendar year, each division being carried out to the fourth decimal place and the remaining fraction, if any, disregarded. Each qualified employer's credit class shall be determined from the sum of such employer's quotients of annual decrease of payroll in accordance with the following schedule:

Schedule of annual decrease quotients.	<i>Sum of Annual Decrease Quotients</i>	<i>Credit Class</i>
	0.0000 to 0.0999.....	6
	0.1000 to 0.2999.....	5
	0.3000 to 0.4999.....	4
	0.5000 to 0.6999.....	3
	0.7000 to 0.7999.....	2
	0.8000 or more.....	1

"Class weight."
(2) A "class weight" shall be assigned to each credit class as follows:

<i>Credit Class</i>	<i>Class Weight</i>
6.....	6
5.....	5
4.....	4
3.....	3
2.....	2
1.....	0

"Class product."
(3) The "class product" shall be obtained by dividing the total of the payrolls for the calendar year immediately preceding the computation date for all qualified employers in the same class by the total of the payrolls of all qualified employers for such year, such division being carried out to the fourth decimal place, and multiplying the quotient by the class weight.

Surplus to be credited.
(4) The surplus to be credited to each class shall be the product obtained by dividing the class product for each class by the sum of the class products for all classes and multiplying the quotient by the surplus to be credited to all employers. No portion of the surplus shall be credited to credit class 1.

"Class credit factor."
(5) The "Class credit factor" shall be the quotient obtained by dividing the portion of the surplus

assigned to any class of qualified employer by the sum of the payrolls of all employers in that class for the calendar year immediately preceding the computation date, such division being carried out to the fourth decimal place and the remaining fraction, if any, disregarded.

(6) The portion of the surplus which is to be credited to any qualified employer is the product obtained by multiplying his payroll in the calendar year immediately preceding the computation date by the class credit factor of his class.

Surplus to be credited to qualified employer.

(7) As soon as practicable after the effective date, each qualified employer shall be furnished a notice showing the amount of credit to which he is entitled, if any. The amount shown on the notice may be applied only against contributions which are payable by him on wages paid in the credit year and reported not later than the date prescribed by the commissioner for payment of contributions on wages paid in the last quarter of such credit year: *Provided, however,*

Notice of entitled credits.

Application of credits.

(a) When an employer or prospective employer has acquired all or substantially all the operating assets of a qualified employer, any unused portion of the experience rating credit of the transferring employing unit shall be transferred to the acquiring employer who may apply such acquired credit only upon contributions which accrue and become due from such employer by reason of employment occurring subsequent to the date of acquisition and prior to the end of the current credit year, or

(b) When an employer or prospective employer has acquired an operating department, section, division or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable, any unused portion of the experience rating credit of the transferring employing unit shall be divided between the transferring and acquir-

ing employers in proportion to the payroll for the four preceding completed calendar quarters attributable to the operating assets conveyed and retained and the acquiring employers may apply such acquired credit only upon contributions which accrue and become due from such employers by reason of employment occurring subsequent to the date of acquisition and prior to the end of the current credit year: *Provided further,*

(c) That the transferring employing unit has submitted all reports and has paid all contributions and interest due to the date of such acquisition.

Amendment.

SEC. 21. Section 50.28.050, RCW, as derived from section 4, chapter 235, Laws of 1949, as amended by section 17, chapter 215, Laws of 1951, is amended to read as follows:

Redetermination of credit allowed employer.

Within three years from the effective date the commissioner may reconsider the credit allowed any employer whenever he finds that there has been an error in the computation evident from the payroll data or other facts submitted by the employer prior to the cut-off date. When an increase is due, he shall issue to such employer a supplementary credit notice reflecting the increase in the employer's credit; however, when a credit notice has been issued to an employer whose credit is reduced, such notice shall be deemed canceled and a revised notice issued. If the credit shown by the incorrect notice has already been applied in payment of contributions in excess of the correct credit, the employer shall thereupon become liable for payment into the fund in an amount equal to the excess of the credit taken by him over the credit to which he is entitled and such amount shall be deemed and collected as contributions payable under this title.

Notice.

Corrections or modifications of employers payroll; effect.

Corrections or modifications of an employer's payroll shall not be taken into account for the purpose of an increase of his credit unless such corrections

or modifications were established on or before the cut-off date.

Corrections or modifications of an employer's payroll may be taken into account within three years after the cut-off date, for the purpose of his credit.

Increases or reductions of an employer's credit shall not affect the credits established or to be established for any other employer, and shall further not affect any other computation made under this title.

Other employers and other computations not affected.

SEC. 22. Section 50.36.010, RCW, as derived from section 180, chapter 35, Laws of 1945, is amended to read as follows:

Amendment.

It shall be unlawful for any person to knowingly give any false information or withhold any material information required under the provisions of this title. Any person who violates any of the provisions of this title which violation is declared to be unlawful, and for which no contrary provision is made, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than two hundred and fifty dollars or by imprisonment in the county jail for not more than ninety days: *Provided*, That any person who violates the provisions of RCW 50.40.010 shall be guilty of a gross misdemeanor.

Violations generally.

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

The penalty prescribed in this section shall not be deemed exclusive, but any act which shall constitute a crime under any law of this state may be the basis of prosecution under such law notwithstanding that it may also be the basis for prosecution under this section.

Amendment. SEC. 23. Section 50.36.020, RCW, as derived from section 181, chapter 35, Laws of 1945, is amended to read as follows:

Violations by employers.

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

The term "person" as used in this section includes an officer or individual in the employment of a corporation, or a member or individual in the employment of a partnership, who as such officer, individual or member is under a duty to perform the act in respect of which the violation occurs. A corporation may likewise be prosecuted under this section and may be subjected to fine and payment of costs of prosecution as prescribed herein for a person.

Citation of act.

SEC. 24. Section 1, chapter 35, Laws of 1945 (uncodified), is amended to read as follows:

This act shall be known and may be cited as the "Employment Security Act."

Passed the House March 18, 1953.

Passed the Senate March 20, 1953.

Approved by the Governor March 27, 1953.

CHAPTER 9.

[H. B. 29]

PUBLIC EMPLOYMENT—COMPETITIVE EXAMINATIONS
—VETERANS' PREFERENCE.

AN ACT relating to veteran preference in competitive examinations; and amending section 41.04.010, RCW.

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

SECTION 1. Section 41.04.010, RCW, as derived from section 1, chapter 134, Laws of 1949, is amended to read as follows: Amendment.

In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the state, and all of its political subdivisions and all municipal corporations, shall give a preference status to all veterans, as herein defined, of all wars in which the United States of America has been, now is or may hereafter be engaged, by adding to the mark, grade or rating, based upon a possible rating of one hundred points as perfect, ten percent to his final earned test rating: *Provided*, That he has received a minimum passing grade in such examination. Preference to veterans in examinations.

The term "veteran" as herein used, includes every person who has served, now is serving, or may hereafter serve in any branch of the armed forces of the United States during any such war, including the Korean conflict, and, upon termination of the service, has received an honorable discharge, or a physical discharge with an honorable record, or has been relieved of active services under honorable circumstances. "Veteran" defined.

The provisions of this section shall not be applicable to promotional examinations to determine the qualifications of officers or employees for promotion from a lower grade position to a higher grade Promotional examinations.

position: *Provided*, That when such a veteran was employed in public service at the time of his entry into military service and returns to the same employment, he shall be entitled to the preference herein provided for on his first promotional examination.

Passed the House March 20, 1953.

Passed the Senate March 20, 1953.

Approved by the Governor March 27, 1953.

AUTHENTICATION

I, Earl Coe, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Extraordinary Session of the Thirty-third Legislature of the State of Washington, held from March 13, 1953, until March 21, 1953, inclusive, with the original enrolled laws, now on file in this office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], in each case as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 1st day of July, 1953.



EARL COE
Secretary of State



Part IV

INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS

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HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

(Each of these measures require 50,000 signatures of registered voters
in order to appear upon ballot)

- INITIATIVE MEASURE NO. 1 (**State Wide Prohibition**)—Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (**Eight Hour Law**)—Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- INITIATIVE MEASURE NO. 3 (**State Wide Prohibition**)—Filed January 8, 1914. Submitted to the 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 (**Legislative Reapportionment**)—Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 15 (**Fundamental Reform Act**)—Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE NO. 16 (**Legislative Reapportionment**)—Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE NO. 17 (**State Road Measure**)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (**Brewers' Hotel Bill**)—Filed December 14, 1914. Submitted to the people November 7, 1914; failed to pass.
- INITIATIVE MEASURE NO. 19 (**Non-Partisan Election and Presidential Primary**)—Filed February 11, 1916. No petition filed.

- INITIATIVE MEASURE NO. 20 (**First Aid**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (**Home Rule**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (**Fisheries Code**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (**Politicians' Code**)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (**Brewers' Bill**)—Filed April 20, 1916. Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (**Repealing State Wide Prohibition**)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (**Making the State a Prohibition District**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (**Repealing Chapter 57, Laws 1915, Relating to Regulation of Common Carriers**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (**Non-Partisan Elections**)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (**Capitol Removal Bill**)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (**Eight Hour Law**)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (**Municipal Marketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (**Picketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (**Non-Partisan Elections and Presidential Primary**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (**Relating to Salmon Fishing**)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (**Repealing Chapter 174, Laws 1919, Relating to Prevention of Criminal Syndicalism**)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (**Municipal Marketing Measure**)—Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (**Relating to Ownership of Land by Aliens**)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (**Repealing Chapter 209, Laws 1907, Relating to the Nomination of Candidates for Public Office**)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (**Repealing Chapter 138, Laws 1913, Relating to the Initiative Procedure**)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 40 (**Repealing Chapter 174, Laws 1921, Relating to the Poll Tax**)—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 (**Legislative 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.
- INITIATIVE MEASURE NO. 57 (**Re-districting State for Legislative Purposes**)—Filed April 25, 1930. Submitted to the people November 4, 1930; passed.
- INITIATIVE MEASURE NO. 58 (**Permanent Registration**)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 59 (**Tax Free Homes**)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (**Licensing of Mercantile Establishments**)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 61 (**Relating to Intoxicating Liquors**)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 62 (**Creating Department of Game**)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.

- INITIATIVE MEASURE NO. 63 (**Exemption of Homes from Taxation**)—
Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 64 (**Limits Tax Levy on Real and Personal Property to 40 Mills**)—Filed January 9, 1932. Submitted to the people November 8, 1932; **passed**.
- INITIATIVE MEASURE NO. 65 (**Cascade Mountain Tunnel**)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (**Scientific Birth Control**)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (**Abolishes Excise Tax on Butter Substitutes**)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (**Unemployment Insurance**)—Filed March 21, 1932. No petition filed.
- INITIATIVE MEASURE NO. 69 (**Income Tax Measure**)—Filed March 22, 1932. Submitted to the people November 8, 1932; **passed**.
- INITIATIVE MEASURE NO. 70 (**Compulsory Military Training Prohibited**)—
Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (**Liquor Control**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (**Distribution of Highway Funds**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 73 (**Catching of Fish**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 74 (**Tax Free Homes**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (**Unemployment Insurance**)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (**Tax Free Homes**)—Filed January 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 77 (**Fish Traps and Fishing Regulations**)—Filed February 1, 1934. Submitted to the people November 6, 1934; **passed**.
- INITIATIVE MEASURE NO. 78 (**Distribution of Highway Funds**)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (**Liquor Control**)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (**Liquor Control**)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (**Liquor Control**)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (**Fishing Regulations**)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (**State Sale of Gasoline**)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (**Blanket Primary**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (**State Fire Insurance**)—Filed March 17, 1934. No petition filed.

- INITIATIVE MEASURE NO. 86 (**State Fire Insurance**)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (**Workmen's Compensation**)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (**Liquor Control**)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (**One Man Grand Jury**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (**Criminal Appeals**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (**Regulating Motor Carriers**)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (**Regulating Motor Carriers**)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (**Distribution of Highway Funds**)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 94 (**40-Mill Tax Limit**)—Filed May 18, 1934. Submitted to the people November 6, 1934; **passed**.
- INITIATIVE MEASURE NO. 95 (**Liquor Control**)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (**Repeal of Business Occupation Tax**)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (**Dog Racing**)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (**Business and Occupation Tax**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (**Distribution of Highway Funds**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (**40-Mill Tax Limit**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (**Civil Service**)—Filed January 14, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 102 (**Creating "State Government Bank" Department**)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (**Old Age Pension**)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (**Tax on Gasoline**)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (**Relating to Gill Nets**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (**Voter's Identification Certificate**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (**Tax on Gasoline**)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (**40-Mill Tax Limit**)—Filed March 12, 1936. No petition filed.

- INITIATIVE MEASURE NO. 109 (**Admission of Sick to Hospitals**)—Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (**Annuity for Crippled and Blind**)—Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (**Admission of Sick to Hospitals**)—Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (**Abolishing Compulsory Military Training**)—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (**Tax on Gasoline**)—Filed April 15, 1936. No petition filed.
- INITIATIVE MEASURE NO. 114 (**40-Mill Tax Limit**)—Filed April 21, 1936. Submitted to the people November 3, 1936; **passed**.
- INITIATIVE MEASURE NO. 115 (**Old Age Pension**)—Filed April 21, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 116 (**Tax on Gasoline**)—Filed April 24, 1936. No petition filed.
- INITIATIVE MEASURE NO. 117 (**Production for Use**)—Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (**Liens for Labor**)—Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (**Production for Use**)—Filed May 9, 1936. Submitted to the people November 3, 1936; failed to pass.
- INITIATIVE MEASURE NO. 120 (**Tax on Gasoline**)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (**Beer on Sunday**)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (**Pertaining to Bribery and Grafting**)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (**Business and Occupation Tax**)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (**Distribution of Highway Funds**)—Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 125 (**Tax on Intoxicating Liquors**)—Filed February 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 126 (**Non-Partisan School Election**)—Filed February 24, 1938. Submitted to the people November 8, 1938; **passed**.
- INITIATIVE MEASURE NO. 127 (**Distribution of Highway Funds**)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (**Civil Service**)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 129 (**40-Mill Tax Limit**)—Filed March 18, 1938. Submitted to the people November 8, 1938; **passed**.
- INITIATIVE MEASURE NO. 130 (**Regulation of Labor Disputes**)—Filed April 6, 1938. Submitted to the people November 8, 1938; failed to pass.
- INITIATIVE MEASURE NO. 131 (**Civil Service**)—Filed April 7, 1938. No petition filed.

- INITIATIVE MEASURE NO. 132 (**Old Age Assistance**)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (**Relating to Licensing Gambling**)—Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (**Old Age Assistance**)—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (**40-Mill Tax Limit**)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (**Relating to Retail Beer and Wine Licenses**)—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (**Relating to Gambling**)—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (**Relating to Gambling**)—Filed June 13, 1938. No petition filed.
- INITIATIVE MEASURE NO. 139 (**P. U. D. Bonds**)—Filed January 5, 1940. Submitted to the people November 5, 1940; failed to pass.
- INITIATIVE MEASURE NO. 140 (**Liquor Control**)—Filed January 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 141 (**Old Age Pension**)—Filed January 11, 1940. Submitted to the people November 5, 1940; **passed**.
- INITIATIVE MEASURE NO. 142 (**Chain Store Tax**)—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (**Relating to State Sale of Gas and Oil**)—Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (**Unicameral Legislature**)—Filed February 23, 1940. Withdrawn. Re filed as Initiative Measure No. 147.
- INITIATIVE MEASURE NO. 145 (**Government Re-organization**)—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (**Relating to Sabbath Breaking**)—Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (**Unicameral Legislature**)—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (**Liquor Control**)—Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (**Anti-Subversive Activities**)—Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (**Intoxicating Liquor Sold by the Drink**)—Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (**Old Age Assistance**)—Filed January 3, 1942. Submitted to the people November 3, 1942; failed to pass.
- INITIATIVE MEASURE NO. 152 (**Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture**)—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (**Re-constitution of Board of State Land Commissioners**)—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (**After Discharge Benefits to Persons in the Armed Forces**)—Filed April 28, 1942. No petition filed.

- INITIATIVE MEASURE NO. 155 (**Washington Employment Peace Act**)—
Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (**Liberalization of Old Age Assistance Laws**)
—Filed February 19, 1944. Re filed as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (**Liberalization of Old Age Assistance Laws**)
—Filed March 3, 1944. Submitted to the people November 7, 1944; failed
to pass.
- INITIATIVE MEASURE NO. 158 (**Liberalization of Old Age Assistance Laws
by the Townsend Clubs of Washington**)—Filed March 28, 1944. Sub-
mitted to the people November 7, 1944; failed to pass.
- INITIATIVE MEASURE NO. 159 (**Increase of Injured Workmen's Compensa-
tion**)—Filed January 5, 1946. Insufficient signatures presented July 10,
1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 160 (**Increase of Injured Workmen's Compensa-
tion**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 161 (**Changing Form of General Election Ballot
to conform with Primary Election Ballot**)—Filed January 5, 1946. No
petition filed.
- INITIATIVE MEASURE NO. 162 (**Prohibiting the Governor from employing
members of the Legislature during the term for which he shall have been
elected**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (**Prohibiting the Sale of Beer or Wine by
any Person other than the State of Washington**)—Filed January 9, 1946.
Insufficient signatures presented July 6, 1946, and measure not certified
to general election ballot.
- INITIATIVE MEASURE NO. 164 (**Prohibiting the Sale of Fortified Wines**)—
Filed February 25, 1946. No petition filed.
- INITIATIVE MEASURE NO. 165 (**Providing for the Sale of Liquor by the
Drink**)—Filed March 1, 1946. Insufficient signatures presented July 8,
1946, and measure not certified to the general election ballot.
- INITIATIVE MEASURE NO. 166 (**Relating to Public Utility Districts; re-
quiring approval of voters as prerequisite to acquisition of any operating
electrical utility properties, etc.**)—Filed April 24, 1946. Signature peti-
tions filed June 29, 1946, and found sufficient. Measure rejected by voters
at November 5, 1946, State General Election.
- INITIATIVE MEASURE NO. 167 (**Providing Liquor by the Drink at Li-
censed Establishments**)—Filed January 2, 1948. Insufficient valid signa-
tures presented July 6, 1948, and measure not certified to state general
election ballot.
- INITIATIVE MEASURE NO. 168 (**Providing Liquor by the Drink for Con-
sumption on Premises Where Sold**)—Filed January 2, 1948. No signature
petitions filed for canvassing.
- INITIATIVE MEASURE NO. 169 (**Providing Bonus to Veterans of World
War II**)—Filed January 2, 1948. Signature petitions filed July 9, 1948,
and found sufficient. **Measure approved into law at November 2, 1948,
State General Election and became identified as Chapter 4, Laws of 1949.**
However, State Supreme Court ruled measure unconstitutional February
4, 1949. As consequence similar measure passed into law by 1949 Legis-
lature (Chapter 180, Laws of 1949).

- INITIATIVE MEASURE NO. 170 (**Relating to Liberalization of Social Security Laws**)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure re-filed as Initiative Measure No. 172.
- INITIATIVE MEASURE NO. 171 (**Providing Liquor by the Drink with Certain Restrictions**)—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Measure certified to November 2, 1948, State General Election Ballot and approved into law. Act now identified as Chapter 5, Laws of 1949.
- INITIATIVE MEASURE NO. 172 (**Relating to Liberalization of Social Security Laws**)—Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Measure certified to November 2, 1948, State General Election Ballot and approved into law. Act now identified as Chapter 6, Laws of 1949.
- INITIATIVE MEASURE NO. 173 (**Providing for the Observance of Daylight Saving Time in the State of Washington**)—Filed May 20, 1948. No signature petitions presented for canvassing.
- INITIATIVE MEASURE NO. 174 (**Making application to Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government**)—Filed January 16, 1950. No signature petitions presented for canvassing.
- INITIATIVE MEASURE NO. 175 (**Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under non-partisan control**)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).
- INITIATIVE MEASURE NO. 176 (**Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation**)—Filed April 20, 1950. Submitted to the people November 7, 1950; failed to pass.
- INITIATIVE MEASURE NO. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.
- INITIATIVE MEASURE NO. 178 (**Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health**)—Filed May 5, 1950. Submitted to the people November 7, 1950; passed. Measure now identified as Chapter 1, Laws of 1951.
- INITIATIVE MEASURE NO. 179 (**Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating**)—Filed May 5, 1950. No signature petitions presented for canvassing.
- INITIATIVE MEASURE NO. 180 (**Authorizing the Manufacture, Sale and Use of Colored Oleomargarine**)—Filed February 4, 1952. Submitted to the voters November 4, 1952; passed. Measure now identified as Chapter 1, Laws of 1953.
- INITIATIVE MEASURE NO. 181 (**Prescribing the Observance of Standard Time**)—Filed February 27, 1952. Submitted to the voters November 4, 1952; passed. Measure now identified as Chapter 2, Laws of 1953.

- INITIATIVE MEASURE NO. 182 (**Repealing Sunday Blue Laws**)—Filed March 24, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 183 (**Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences**)—Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (**Liberalizing Old Age Pension Laws**)—Filed April 3, 1952. Submitted to the voters November 4, 1952; failed to pass.
- INITIATIVE MEASURE NO. 185 (**Liberalizing Old Age Pension Laws**)—Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (**Providing a Civil Service System for Employees of County Sheriffs**)—Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (**Permitting a Modified Coloring of Oleomargarine**)—Filed May 15, 1952. No signature petitions presented for checking.

INITIATIVES TO THE LEGISLATURE

(Each of these measures require 50,000 signatures of registered voters in order to be certified 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. Re filed as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (**Pension for Blind**)—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (**Relating to Intoxicating Liquors**)—Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (**Unicameral Legislature**)—
Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (**Re-apportionment of State Legislative Districts**)—Filed July 8, 1942. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 12 (**Public Power Resources**)—
Filed August 29, 1942. Passed by the Legislature February 17, 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (**Restricting Sales of Beer and Wine to State Liquor Stores**)—This measure the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947, and found sufficient. Certified to 1947 Legislature which took no final action. Measure submitted to the people November 2, 1948, State General Election. Voted down.
- INITIATIVE TO THE LEGISLATURE NO. 14 (**Re-apportionment of State Legislative Districts**)—Filed September 19, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 15 (**Establishing a Civil Service System for the Employees of the State of Washington**)—Filed October 16, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 16 (**Providing for the Election of State Game Commissioners**)—Filed September 8, 1948. No signature petitions presented.
- INITIATIVE TO THE LEGISLATURE NO. 17 (**Regulating Legislative Committee Hearings**)—Filed October 16, 1948. No signature petitions filed.
- INITIATIVE TO THE LEGISLATURE NO. 18 (**Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.**)—This measure the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 19 (**Repealing the Subversive Activities Act**)—Filed September 19, 1952. No signature petitions presented for checking.

REFERENDUM MEASURES

(Each of these measures require 30,000 signatures of registered voters in order to appear upon ballot)

- REFERENDUM MEASURE NO. 1 (**Teachers' Retirement Fund**)—Filed March 11, 1913. Submitted to the people November 3, 1914; * failed to pass.
- REFERENDUM MEASURE NO. 2 (**Quincy Valley Irrigation Measure**)—Filed March 25, 1913. Submitted to the people November 3, 1914; * failed to pass.
- REFERENDUM MEASURE NO. 3 (**Chapter 54, Laws of 1915, Relating to Initiative and Referendum**)—Filed March 18, 1915. Submitted to the people November 7, 1916; * failed to pass.
- REFERENDUM MEASURE NO. 4 (**Chapter 55, Laws of 1915, Recall of Elective Public Officers**)—Filed March 18, 1915. Submitted to the people November 7, 1916; * failed to pass.
- REFERENDUM MEASURE NO. 5 (**Chapter 52, Laws 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. 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. 13A (**Chapter 112, Laws 1919, Death Penalty**)—Filed April 14, 1919. No petition filed.
- 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. 14A (**Senate Joint Resolution No. 1, Laws 1919, Intoxicating Liquor**)—Filed March 20, 1919. Insufficient number of signatures on petition.
- 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.

* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

- REFERENDUM MEASURE NO. 15 (**Chapter 176, Laws 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.
- REFERENDUM MEASURE NO. 25 (**Chapter 15, Laws 1943, Relating to Public Utility Districts**)—Filed March 18, 1943. Submitted to the people November 7, 1944; * failed to pass.
- REFERENDUM MEASURE NO. 26 (**Chapter 37, Laws 1945, Relating to appointment of State Game Commissioners by the Governor**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people November 5, 1946; * failed to pass.
- REFERENDUM MEASURE NO. 27 (**Chapter 202, Laws 1945, Relating to the creation of a State Timber Resources Board**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people November 5, 1946; * failed to pass.
- REFERENDUM MEASURE NO. 28 (**Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation**)—Filed March 30, 1949. Signature petitions filed June 8, 1949, and found sufficient. Submitted to the people November 7, 1950; * failed to pass.
- REFERENDUM MEASURE NO. 29 (**Portion of Chapter 190, Laws of 1949 amending State Insurance Code**)—Filed April 2, 1949. No signature petitions presented for canvassing.

* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM BILLS

(Measures passed by the Legislature and referred to the voters)

- REFERENDUM BILL NO. 1 (**Chapter 99, Laws 1919, State System Trunk Line Highways**)—Filed March 13, 1919. Submitted to the people November 2, 1920; failed to pass.
- REFERENDUM BILL NO. 2 (**Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation**)—Filed March 25, 1920. Submitted to the people November 2, 1920; **passed.**
- REFERENDUM BILL NO. 3 (**Chapter 87, Laws 1923, Electric Power Bill**)—Filed March 22, 1923. Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM BILL NO. 4 (**Chapter 164, Laws 1935, Flood Control; Creating Sinking Fund**)—Filed March 22, 1935. Submitted to the people November 3, 1936; failed to pass.
- REFERENDUM BILL NO. 5 (**Chapter 83, Laws 1939, 40-Mill Tax Limit**)—Filed March 10, 1939. Submitted to the people November 5, 1940; **passed.**
- REFERENDUM BILL NO. 6 (**Chapter 176, Laws of 1941, Taxation of Real and Personal Property**)—Filed March 22, 1941. Submitted to the people November 3, 1942; **passed.**
- REFERENDUM BILL NO. 7 (**Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities**)—Filed March 22, 1949. Submitted to the people November 7, 1950; **passed.**
- REFERENDUM BILL NO. 8 (**Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions**)—Filed March 22, 1949. Submitted to the people November 7, 1950; **passed.**
- REFERENDUM BILL NO. 9 (**Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning**)—Filed March 22, 1949. Submitted to the people November 7, 1950; failed to pass.

**HISTORY OF ADOPTED CONSTITUTIONAL AMENDMENTS
SINCE STATEHOOD**

- No. 1. To Section 5 of Article XVI. Re: **Permanent School Fund.** Adopted November, 1894.
- No. 2. To Section 1 of Article VI. Re: **Qualification of Electors.** Adopted November, 1896.
- No. 3. To Section 2 of Article VII. Re: **Uniform Rates of Taxation.** Adopted November, 1900.
- No. 4. To Section 11 of Article I. Re: **Religious Freedom.** Adopted November, 1904.
- No. 5. To Section 1 of Article VI. Re: **Equal Suffrage.** Adopted November, 1910.
- No. 6. To Section 10 of Article III. Re: **Succession in Office of Governor.** Adopted November, 1910.
- No. 7. To Section 1 of Article II. Re: **Initiative and Referendum.** Adopted November, 1912.
- No. 8. To Sections 33 and 34 of Article I. Re: **Recall.** Adopted November, 1912.
- No. 9. To Section 16 of Article I. Re: **Taking of Private Property.** Adopted November, 1922.
- No. 10. To Section 22 of Article I. Re: **Right of Appeal.** Adopted November, 1922.
- No. 11. To Section 4 of Article VIII. Re: **Appropriation.** Adopted November, 1922.
- No. 12. To Section 5 of Article XI. Re: **Consolidation of County Offices.** Adopted November, 1924.
- No. 13. To Section 15 of Article II. Re: **Vacancies in the Legislature.** Adopted November, 1930.
- No. 14. To Article VII. Re: **Revenue and Taxation.** Adopted November, 1930.
- No. 15. To Section 1 of Article XV. Re: **Harbors and Harbor Areas.** Adopted November, 1932.
- No. 16. To Section 11, Article XII. Re: **Double Liability of Stockholders.** Adopted November, 1940.
- No. 17. To Section 2, Article VII. Re: **40-Mill Tax Limit.** Adopted November, 1944.
- No. 18. To Article II, creating a Section 40. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only.** Adopted November, 1944.
- No. 19. To Article VII, creating a Section 3. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.** Adopted November, 1946.
- No. 20. To Section 1 of Article XXVII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.
- No. 21. To Section 4 of Article XI. Re: **Permit counties to adopt "Home Rule" charters.** Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials.** (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.

- No. 23. To Article XI, creating a Section 16. Re: **Permit the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.
- No. 24. To Article II, Section 33. **Permits ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.
- No. 25. To Article IV, creating a Section 3(a). Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. To Article II, creating a Section 41. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. To Section 6 of Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. To Sections 6 and 10 of Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.

**TEXT OF CONSTITUTIONAL AMENDMENTS APPROVED
BY THE VOTERS AT STATE GENERAL ELECTION
HELD NOVEMBER 4, 1952**

Amendment 25: (H. J. R. No. 6 of 1951 Legislature) **Establishing Retirement Age for Judges of Supreme and Superior Courts.**

Art. 4, Sec. 3(a). A judge of the supreme court or the superior court shall retire from judicial office at the end of the calendar year in which he attains the age of seventy-five years. The legislature may, from time to time, fix a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any such judge attains the age of seventy years, as the legislature deems proper. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to, or at the time of, approval and ratification of this provision. Notwithstanding the limitations of this section, the legislature may by general law authorize or require the retirement of judges for physical or mental disability, or any cause rendering judges incapable of performing their judicial duties. (Effective December 4, 1952.)

Amendment 26: (Sub. S. J. R. No. 7 of 1951 Legislature) **Permitting the Legislature to Amend Initiative Measures.**

Art. 2, Sec. 41. No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: *Provided*, That any such act, law or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general, regular or special election by direct vote of the people thereon. These provisions supersede the provisions of subsection (c) of section 1 of this article as amended by the seventh amendment to the constitution of this state. (Effective December 4, 1952.)

Amendment 27: (H. J. R. No. 8 of 1951 Legislature) **Extending Bonding Powers of School Districts.**

Art. 8, Sec. 6. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: *Provided further*, That (a) any city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city or town with water,

artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality and (b) any school district with such assent, may be allowed to become indebted to a larger amount but not exceeding five per centum additional for capital outlays. (Effective December 4, 1952.)

Amendment 28: (Sub. H. J. R. No. 13 of 1951 Legislature) **Increasing Monetary Jurisdiction of Justice Courts.**

Art. 4, Sec. 6. The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to one thousand dollars, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainers; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

Art. 4, Sec. 10. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: *Provided*, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed one thousand dollars, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use. (Effective December 4, 1952.)

Part V

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