

SESSION LAWS
OF THE
STATE OF WASHINGTON

TWENTY-SECOND SESSION

Convened January 12, Adjourned March 12

1931

Compiled in Chapters by J. GRANT HINKLE, Secretary of State,
and Including Two Acts Passed by the People Under the
Initiative Provision of the State Constitution at
the General Election, Held on
November 4, 1930.

Marginal Notes and Index

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PUBLISHED BY AUTHORITY

EXPLANATORY

The Twenty-second Legislature of the State of Washington convened at 12 o'clock, noon, January 12, 1931 (being the second Monday in January), and adjourned *sine die* March 12, 1931.

All acts passed by the session approved by the Governor, together with those which were permitted to become laws without his signature, take effect ninety days after adjournment, or 12 o'clock, midnight, June 10, 1931, except relief bills, appropriations and other acts declaring an emergency.

J. GRANT HINKLE,
Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Twenty-Second Regular Session

1931

CHAPTER 1.

[INITIATIVE TO THE LEGISLATURE NO. 1.]

POWER AND WATER DISTRICTS.

AN ACT relating to and authorizing the establishment of public utility districts, and the consolidation thereof and annexation thereto; providing for the construction, purchase, condemnation and purchase, acquisition, maintenance, conducting, operation, development and regulation by such districts of certain kinds of public utilities; providing methods of payment therefor; and providing for the creation of local assessment districts by, and defining, prescribing and regulating the powers, duties and government of, such utility districts.

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

SECTION 1. The purpose of this act is to authorize the establishment of public utility districts to conserve the water and power resources of the State of Washington for the benefit of the people thereof, and to supply public utility service, including water and electricity for all uses.

Purpose
of act.

SEC. 2. Municipal corporations, to be known as public utility districts, are hereby authorized for the purposes of this act and may be established within the limits of the State of Washington, as provided herein.

Districts
may be
established.

Proposal to create submitted to vote.
Petition filed.
Withdrawal of signatures.
Auditor's certificate.
Notice of election.

SEC. 3. At any general election the board of county commissioners of any county in this state may, or on petition of ten (10%) per cent of the qualified electors of such county, based on the total vote cast in the last general county election, shall, by resolution, submit to the voters of such county the proposition of creating a public utility district which shall be coextensive with the limits of such county as now or hereafter established. Such petition shall be filed with the county auditor, who shall within fifteen days examine the signatures thereof and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of election officers within such county. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners, who shall thereupon immediately transmit such proposition to the election board of such county, and it shall be the duty of such county election board to submit such proposition to the voters at the next general election. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the State of Washington, governing the time and manner of holding elections. In submitting the

said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms :

Public Utility District No..... YES Ballot title.

Public Utility District No..... NO

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the board of county commissioners shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when such petition will be heard. Such publication, and all other publications required by this act, shall be in a newspaper published in the proposed or established public utility district, or, if there be no such newspaper, then in a newspaper published in the county in which such district is situated, and of general circulation in such county. The hearing on such petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the board of county commissioners shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, the said board shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: *Provided*, That no lands shall be included within the boundaries so fixed lying outside the

District area.

Hearing on petition.

Publications.

Final hearing.

Boundaries fixed.

boundaries described in the petition, except upon the written request of the owners of such lands. Thereafter the same procedure shall be followed as prescribed in this act for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

SEC. 4. Within five days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the election board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become a municipal corporation of the State of Washington, and the name of such public utility district shall be Public Utility District No. of County. The powers of the public utility district shall be exercised through a commission consisting of three members, one from each of the three county commissioner districts of the county in which the public utility district is located, when the public utility district is coextensive with the limits of such county. When the public utility district comprises only a portion of the county, three commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, and one commissioner shall be elected from each of said commissioner districts. No person shall be eligible to hold the office of public utility district commissioner unless he is a qualified voter and a freeholder within such public utility district, and is and has been a resident for a period of three years, except as hereinafter provided, of the commissioner district from which he is elected.

Election returns, canvass.

District named.

Commission.

Districts numbered.

Commissioners, qualifications.

Public utility district commissioners shall hold office for the term of three (3) years and until their respective successors are elected and qualified, each term to commence on the fourth Tuesday in March in each year in Class A counties and counties of the first class, and in all other counties on the second Monday in January in each year, following the election thereto. At the same election at which the proposition is submitted to the voters as to whether a public utility district shall be formed, three (3) commissioners shall be elected to hold office, respectively, for the term of one, two and three years. All candidates shall be voted upon by the entire public utility district, and the candidate residing in commissioner district number one receiving the highest number of votes in the public utility district shall hold office for the term of three (3) years; and the candidate residing in commissioner district number two receiving the highest number of votes in the public utility district shall hold office for the term of two (2) years, and the candidate residing in commissioner district number three receiving the highest number of votes in the public utility district shall hold office for the term of one (1) year, each of said terms to date from the times specified in this section following the election, but also to include the period intervening between the election and the beginning of the regular terms specified in this section. All expenses of elections for the formation of such public utility districts shall be paid by the county holding such election, and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the public utility district, if formed. Nominations for public utility district commissioners shall be by petition signed by one hundred (100) qualified electors of the public utility district to be filed in the office of the county auditor

Commissioners, terms, elections, dates.

Commissioner districts.

Formation expenses.

Commissioners nominated.

not more than sixty (60) days, and not less than thirty (30) days prior to the day of such election: *Provided, however,* That in any public utility district having a population of less than four thousand, such nominating petition shall be signed by a number of qualified electors equaling ten (10) per cent or more of the qualified electors of the public utility district. A vacancy in the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, non-attendance at meetings of the public utility district commission for a period of sixty (60) days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office such vacancy shall be filled at the next general election, the vacancy in the interim to be filled by appointment by the remaining commissioners. If there should be at the same time such number of vacancies that there are not in office a majority of the full number of commissioners fixed by law, a special election shall be called by the county election board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty (40) days after the occurring of such vacancies.

Com-
missioner
vacancies.

Vacancies
filled.

Commission-
ers, quorum.

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

The boundaries of the commissioners districts shall not be changed oftener than once in four (4) years, and only when all members of the commission are present: *Provided*, That any proposed change therein must be made by resolution and notice of the time of a public hearing thereon shall be published for two (2) weeks prior thereto: *And Provided further* That upon a referendum petition signed by six per cent (6%) of the qualified voters of the public utility district being filed with the clerk, the commission shall submit such proposed change to the voters of the public utility district for their approval or rejection. The checking of said petition as to its sufficiency or insufficiency shall be governed by the provisions in this act relating thereto.

Boundaries
changed.

Hearing.

Referendum.

SEC. 5. The term general election as used in this act shall be held and construed to mean biennial general elections at which state and county officers are elected, and also public utility district elections for the election of commissioners. Public utility district elections for the election of commissioners held in Class A counties and counties of the first class shall be held on the second Tuesday in March in each year, and in all other counties on the first Saturday in December in each year. The election board of the county shall give notice of all elections held under the provisions of this act for the time and in the manner and form provided by law for city, school district and port district elections. Whenever in the judgment of the election board of the county an emergency exists, and such board is requested so to do by a resolution of the public utility district commission, it may call a special election at any time in such public utility district, and at any such special election said board may combine, unite or divide precincts for the purpose of holding such special election, and every such special

Elections.

Notice.

Emergency.

election so called shall be conducted and notice thereof given in the manner provided by law.

Election
board.

The chairman of the board of county commissioners, the county auditor and the prosecuting attorney of the county in which the election is held shall constitute an election board for all elections held under the provisions of this act; and it shall be the duty of such board to provide polling places for holding elections under this act, to appoint the election officers, to provide their compensation, to provide ballot boxes, and ballots or voting machines, poll books and tally sheets, and deliver them to the election officers at the polling places, to publish and post notices of calling such elections in the manner provided by law, and to apportion to the public utility district its share of the expense of holding such election.

Election
officers.

The election officers appointed by the election board of the county shall conduct such elections and shall receive and deposit ballots cast thereat in a separate ballot box, and shall count said ballots and make returns thereof to the election board of the county, which board shall constitute a canvassing board for all elections held under the provisions of this act. The manner of conducting and voting at elections under this act, opening and closing of polls, keeping of poll lists, canvassing the votes, declaring the result, and certifying the returns, shall be the same as provided by the general election laws governing the election of state and county officers, except as otherwise provided in this act.

Conduct of
elections.

Offices to
be filled.

The public utility district commission shall certify to the election board a list of offices to be filled at any election to be held under the provisions of this act, and such commission, if it desires to submit to the voters of such public utility district any proposition for their approval or adoption, or rejection, at any election held under the provisions of this

act, shall require the secretary of such commission to certify the same to the election board at the time and in the manner and form now provided by law for certifying propositions to said board by the governing boards of cities, towns and port districts.

SEC. 6. All public utility districts organized under the provisions of this act shall have power:

Powers of districts.

(a) To make a survey of hydro-electric power, irrigation and domestic water supply resources within or without the district, and to compile comprehensive maps and plans showing the territory that can be most economically served by the various resources and utilities, the natural order in which they should be developed, and how they may be joined and co-ordinated to make a complete and systematic whole;

Hydro-electric, water supply, irrigation.

(b) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate all lands, property, property rights, water, water rights, dams, ditches, flumes, aqueducts, pipes and pipe lines, water power, leases, easements, rights of way, franchises, plants, plant facilities and systems for generating electric energy by water power, steam or other methods, plant, plant facilities and systems for developing, conserving and distributing water for domestic use and irrigation, buildings, structures, poles and pole lines, and cables and conduits and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and for the purpose of acquiring the right to make physical connection with plants and plant facilities of any and all persons, corporations and municipalities, and such right of eminent domain shall be exercised and instituted pursuant to resolution of the commission and conducted in

Purchase, condemn, lease property.

Eminent domain.

Procedure.

the same manner and by the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the State of Washington in the acquisition of like property and property rights. It shall be no defense to a condemnation proceeding hereunder that a portion of the electric current generated or sold by such public utility district will be applied to private purposes provided the principal uses intended are public; *Provided*, That no public utility owned by a city or town shall be condemned hereunder, and none shall be purchased without submission of the question to the voters of the utility district. In any condemnation proceeding under this act, the court shall submit to the jury the values placed upon such property by the county assessor or other taxing authority, for taxation purposes, and in respect to property, plants and facilities of persons and corporations using public highways for the furnishing of public service without franchises, shall consider in determining the value thereof the fact that such property, plants and facilities are subject to be removed from such highways by reason of being so operated without such franchises.

Condemnation submitted to vote.

Acquisition of water works and irrigation systems.

(c) To construct, purchase, condemn and purchase, acquire, add to, maintain, conduct and operate water works and irrigation plants and systems, within or without its limits, for the purpose of furnishing such public utility district, and the inhabitants thereof, and any other persons, including public and private corporations within or without its limits, with an ample supply of water for all uses and purposes, public and private, including water power, domestic use and irrigation; with full and exclusive authority to sell and regulate and control the use, distribution and price thereof.

Electric current.

(d) To purchase, within or without its limits, electric current for sale and distribution within or

without its limits, and to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate works, plants, transmission and distribution lines and facilities for generating electric current, operated either by water power, steam or other methods, within or without its limits, for the purpose of furnishing said public utility district, and the inhabitants thereof and any other person, including public and private corporations, within or without its limits, with electric current for all uses, with full and exclusive authority to sell and regulate and control the use, distribution, rates, service, charges and price thereof, free from the jurisdiction and control of the director of public works and division of public utilities, in all things, together with the right to purchase, handle, sell or lease motors, lamps, transformers and any and all other kinds of equipment and accessories of every nature and kind whatsoever necessary and convenient for the use, distribution and sale thereof; *Provided*, That the commission shall not supply water to a privately owned utility for the production of electric energy, and may supply, directly or indirectly, to privately owned public utilities which sell electric energy or water to the public, any of the surplus electric energy or water under its control, and contracts therefor shall not extend over a longer period than three (3) years: *Provided*, That it must at all times first make adequate provision for the needs of the district, both actual and prospective.

(e) And for the purposes aforesaid, it shall be lawful for any public utility district so organized to take, condemn and purchase, purchase, and acquire any and all public and private property, franchises and property rights, including state, county and school lands, and property and littoral and water rights, for any of the purposes aforesaid, and for railroads, tunnels, pipe lines, aqueducts, transmis-

Rates.

Water supplied to privately owned utility.

Condemnation of public and private property.

Purchase
and con-
demnation
of water.

Build dams.

Occupation
of beds and
shores of
waters.

sion lines, and any and all other facilities necessary or convenient, and, in connection with the construction, maintenance or operation, of any such utility or utilities, to acquire by purchase or condemnation and purchase the right to divert, take, retain and impound and use water from or in any lake or watercourse, regardless of whether such lake or watercourse or the water therein be public or private, navigable or non-navigable, or held, owned or used by the state, or any subdivision thereof, or by any person or corporation for any public or private use, proprietary or governmental, or any underflowing water within the state; and such public utility district is hereby authorized and empowered to erect and build, within or without its limits, dams or other works across any river or watercourse, or across or at the outlet of any lake, up to and above high water mark; and, for the purpose of constructing or laying aqueducts or pipe lines, dams or waterworks or other necessary structures in storing, retaining and distributing water as above provided, or for any of the purposes provided for by this act, such public utility district shall have the right to occupy and use the beds and shores up to the high water mark of any such lake, river or watercourse and to acquire by purchase or by condemnation and purchase, or otherwise, any water, water rights, easements or privileges named in this act or necessary for any of said purposes, and any such public utility district shall have the right to acquire by purchase or condemnation and purchase, or otherwise, any lands, property or privileges necessary to be had to protect the water supply of such public utility district from pollution; *Provided*, That should private property be necessary for any such purposes, or for storing water above high water mark, such public utility district may condemn and purchase or purchase and acquire such private prop-

erty. Such public utility district shall have power to build and maintain inter-tie lines connecting its power plant and distribution system with the power plant and distribution system owned by any other public utility district, or municipal corporation, or to connect with the power plants and distribution systems owned by any municipal corporation in the district, and from any such inter-tie line to sell electric energy to any individual, or public utility district, or any city or town, or other corporations, public or private, and, by means of transmission or pole lines, to conduct electric energy from the place of production to the point of distribution, and to construct and lay said aqueducts, pipe or pole lines, and transmission lines along and upon public highways, roads and streets, and to condemn and purchase, purchase or acquire, lands, franchises and rights of way necessary for the same.

(f) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the public utilities thereof, and to issue general obligation or utility bonds therefor, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, said bonds not to be sold for less than par and accrued interest; to purchase with surplus funds, local utility district bonds of districts created by the commission and sell the same giving preference to residents of the district, and to create a revolving fund to insure the prompt payment of all local utility district bonds.

(g) To raise revenue by the levy of an annual tax on all taxable property within such public utility district not exceeding two mills in any one year, exclusive of interest and redemption for general obligation bonds. The commission shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the

Indebtedness.

Bonds.

Revenue.

Tax levy.

Budget.

Notice of
filing.

Public
hearing.

Adoption.

Money
borrowed.
Warrants
issued.

Contracts
with U. S.,
state, mu-
nicipalities.

Acquisition
of property.

records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October, the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined, and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public utility district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate of not to exceed six per cent per annum.

(h) To enter into any contract with the United States Government, or any state, municipality or other utility district, or any department of those governing bodies, for carrying out any of the powers authorized by this act.

(i) To acquire by gift, devise, bequest, lease or purchase, real and personal property necessary or convenient for the purposes of the district or any local district therein.

(j) To make contracts, employ engineers, attorneys and other technical or professional assistance; to print and publish information or literature and to do all other things necessary to carry out the provisions of this act.

Contracts.
Employees.

The public utility district commission shall appoint a manager, who shall be appointed for an indefinite time and be removable at the will of the commission. Appointments and removals shall be by resolution, introduced at a regular meeting and adopted at a subsequent regular meeting by a majority vote. He shall receive such salary as the commission shall fix by resolution.

Manager.

Salary.

The manager shall be the chief administrative officer of the public utility district, and shall have control of administrative functions of the district, and shall be responsible to the commission for the efficient administration of all the affairs of the district placed in his charge. He shall be an experienced executive with administrative ability. In case of the absence or temporary disability of the manager, he shall, with the approval of the president of the commission, designate some competent person as acting manager.

Duties.

Qualifications.

The manager shall be entitled to attend all meetings of the commission and its committees, and to take part in the discussion of any matters pertaining to the duties of his department, but shall have no vote.

The public utility district manager shall have power, and it shall be his duty:

Powers

To carry out the orders of the commission, and to see that all the laws of the state pertaining to matters within the functions of his department are duly enforced.

To keep the commission fully advised as to the financial condition and needs of the district. To prepare, each year, an estimate for the ensuing fiscal

year of the probable expenses of his department, and to recommend to the commission what development work should be undertaken, and what extensions and additions, if any, should be made, during the ensuing fiscal year, with an estimate of the costs of such development work, extensions and additions. To certify to the commission all bills, allowances and payrolls, including claims due contractors of public works. To recommend to the commission salaries of the employes of his office, and a scale of salaries or wages to be paid for the different classes of service required by the district. To hire and discharge clerks, laborers and other employes under his direction. To perform such other duties as may be imposed upon him by resolution of the commission. It shall be unlawful for him to make any contribution of money in aid of or in opposition to the election of any candidate for public utility commissioner or to advocate or oppose any such election.

Hire clerks,
laborers,
employes.

(k) To sue and be sued in any court of competent jurisdiction; *Provided*, That all suits against the public utility district shall be brought in the county in which the public utility district is located. No suit for damages shall be maintained against such public utility district except on the basis of a claim therefor filed with the commission of such district complying in all respects with the terms and requirements for claims for damages filed pursuant to general law against cities of the second class.

Suits by and
against.

(l) By resolution to establish and define the boundaries of local assessment districts to be known as Local Utility District No. — for the distribution, under the general supervision and control of the commission, of water for domestic use and (or) irrigation and (or) electric energy, and in like manner to provide for the purchasing, or otherwise acquiring, or constructing and equipping distribution systems for said purposes and for extensions and

Local as-
sessment
districts.

betterments thereof, and to levy and collect in accordance with the special benefits conferred thereon, special assessments and re-assessments on property specially benefited thereby, for paying the cost and expense of the same, or any portions thereof, as herein provided, and to issue local improvement bonds and (or) warrants to be repaid wholly or in part by collection of local improvement assessments.

Special assessments.

The commission shall, by resolution, establish the method of procedure in all matters relating to local utility districts. Any public utility district may determine by resolution what work shall be done or improvements made at the expense, in whole or in part, of the property specially benefited thereby; and to adopt and provide the manner, machinery and proceedings in any way relating to the making and collecting assessments therefor in pursuance of this act. Except as herein otherwise provided, or as may hereafter be set forth by resolution, all matters and proceedings relating to the local utility district, the levying and collection of assessments, the issuance and redemption of local improvement warrants and bonds, and the enforcement of local assessment liens hereunder, shall be governed, as nearly as may be, by the laws relating to local improvements for cities of the first class: *Provided*, That no protest against a local utility district improvement shall be received by the commission after twelve o'clock noon of the day set for hearing.

Procedure.

Protests.

Any improvement authorized by this act may be ordered only by resolution of the commission either upon petition or resolution therefor. Whenever a petition, signed by ten per cent of the owners of land in the district to be therein described, shall be filed with the commission, asking that the plan or improvement therein set forth be adopted and ordered, and defining the boundaries of a local improvement district to be assessed in whole or in part to pay the

Improvement ordered.

Petition.

Boundaries.

Hearing,
notice.

Boundaries
changed.

Eminent
domain
proceedings.

cost thereof, it shall be the duty of the commission to fix the date of hearing on such petition, and give not less than two (2) weeks notice thereof by publication. The commission may, in its discretion, deny such petition or order the improvement unless a majority of the owners of lands in said district shall file prior to 12:00 o'clock noon of the day of said hearing with secretary thereof a petition protesting against said improvement; and if the commission shall order the improvement, then it may alter the boundaries of such proposed district and prepare and adopt detail plans of any such local improvement, declare the estimated cost thereof, what proportion of such cost shall be borne by such local improvement district, and what proportion of the cost, if any, shall be borne by the entire public utility district. Whenever such a petition signed by a majority of the landowners in such a proposed local improvement district shall be filed with the commission, asking that the improvement therein described be ordered, the commission shall forthwith fix a date for hearing on said petition, after which the commission must, by resolution, order such improvement, and may alter the boundaries of such proposed district, prepare and adopt such improvement, prepare and adopt detail plans thereof, declare the estimated cost thereof, what proportion of such cost shall be borne by such proposed local improvement district, and what proportion of the cost, if any, shall be borne by the entire public utility district, and provide the general funds thereof to be applied thereto, if any, acquire all lands and other properties therefor, pay all damages caused thereby, and commence in the name of the public utility district such eminent domain proceedings and supplemental assessments or re-assessment proceedings to pay all eminent domain awards as may be necessary to entitle said district to proceed with such work,

and shall thereafter proceed with such work, and shall make 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 such local improvement district in proportion to the special benefits to be derived by the property in such local improvement district from such improvement. Before the approval of such roll, a notice shall be published ten (10) days stating that such roll is on file and open to inspection in the office of secretary of the district, and fixing a time not less than fifteen (15) nor more than thirty (30) days from the date of the first publication of such notice, within which protests must be filed with secretary of said district against any assessments shown thereon, and fixing a time when a hearing shall be held by said commission on said protests. After such hearing the commission may alter any and all assessments shown on such roll and may then, by resolution, approve the same, but if any assessment be raised, a new notice, similar to such first notice, shall be given, and a hearing had thereon, after which final approval of such roll may be made by the commission. Any person feeling aggrieved by such assessments shall perfect an appeal to the Superior Court of such county within ten (10) days after such approval in the manner now provided by law for appeals from assessments levied by cities of the first class in this state. Engineering, office and other expenses necessary or incident to said improvement shall be borne by the public utility district: *Provided*, That where any municipal corporation included within such public utility district already owns or operates a utility of like character for which such assessments are levied hereunder, then all such engineering and other expenses mentioned above shall be borne by the local assessment district.

Assessment roll.

Notice published.

Protests.

Hearing.

Approval.

Court appeals.

Engineering expenses.

Payments
for im-
provements.

Whenever any improvement shall be ordered hereunder, payment for which shall be made in part from assessments against property specially benefited, not more than fifty per cent (50%) of the cost thereof shall ever be borne by the entire public utility district, nor shall any sum be contributed by it to any improvement acquired or constructed with or by any other body, exceed such amount, unless a majority of the electors of such district shall consent to or ratify the making of such expenditure.

Sale of
plants.

(m) It is, and shall be lawful for any public utility district organized hereunder to sell and convey all the works, plants, systems, utilities and properties authorized by this act and owned by it after proceedings had as required by sections 9512, 9513 and 9514 of Remington's Compiled Statutes of Washington: *Provided*, That three-fifths ($\frac{3}{5}$) of the voters voting for such sale, in lieu of a majority shall be necessary. Public utility districts shall be held to be municipal corporations within the meaning of said sections and the commission of such public utility district shall be held to be the legislative body within the meaning of said sections, and the president and secretary of such district shall have the same powers and perform the same duties as the mayor and city clerk referred to in said sections, and the resolutions of the public utility districts shall be held to mean ordinance within the meaning of said sections.

General
resolutions
of commis-
sion.

(n) The commission of each public utility district may adopt general resolutions to carry out the purposes, objects and provisions of this act.

Acquisition
of property.

SEC. 7. Whenever the commission shall deem it advisable that the public utility district purchase, purchase and condemn, acquire, or construct any such public utility, or make any additions or betterments thereto, or extensions thereof, the commission shall provide therefor by resolution, which shall

specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and specify whether general or utility indebtedness is to be incurred, the amount of such indebtedness, the amount of interest and the time in which all general bonds (if any) shall be paid, not to exceed thirty years. In the event the proposed general indebtedness to be incurred will bring the indebtedness of the public utility district to an amount exceeding one and one-half per cent (1½%) of the taxable property of the public utility district, the proposition of incurring such indebtedness and the proposed plan or system shall be submitted to the qualified electors of said public utility district for their assent at the next general election held in such public utility district.

Plan.

Bonds.

Indebtedness.

Election.

Whenever the commission (or a majority of the qualified voters of such public utility district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public utility, as aforesaid, and shall have authorized indebtedness therefor by a three-fifths vote of the qualified voters of such district, voting at said election, general or public utility bonds may be used as hereinafter provided. Said general bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear, said interest not to exceed six per cent (6%), and the place and date of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public utility district shall be affixed to each bond but not to the coupon; *Provided, however,* That said

Bonds issued.

Form.

Interest rate.

Execution.

coupon, in lieu of being so signed, may have printed thereon a facsimile of the signature of such officers. The principal and interest of such general bonds shall be paid from the revenue of such public utility district after deducting costs of maintenance, operation, and expenses of the public utility district, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable property within said district sufficient to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be sold in such manner as the commission shall deem for the best interest of the district. All bonds and warrants issued under the authority of this act shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys. When the commission shall not desire to incur a general indebtedness in the purchase, condemnation and purchase, acquisition, or construction of any such public utility, or addition or betterment thereto, or extension thereof, it shall have the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility, or addition or betterment thereto, or extension thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, 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 to issue and sell bonds or warrants bearing interest not exceeding six per cent (6%) per annum, payable semi-annually, executed in such manner, and payable at such times and places as the commission shall determine, but such bonds or war-

Paid.

Sale.

Special
funds.

rants and the interest thereon, shall be payable only out of such special fund or funds. In creating any such special fund or funds, the commission 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 revenues previously pledged as a fund for the payment of bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants, and interest thereon, issued against any such fund, as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it. Said bonds and warrants shall be sold in such manner as the commission shall deem for the best interests of the district, and the commission may provide in any contract for the construction and acquisition of a proposed improvement or utility that payment therefor shall be made only in such bonds or warrants at the par value thereof. In all other respects, the issuance of such utility bonds or warrants and payment therefor shall be governed by the public utility laws for cities and towns.

Bond or
warrant pay-
able from
special fund.

SEC. 8. The commissioners shall serve without compensation. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize by the election of its own members of a president and secretary, shall by reso-

Commission-
ers, no pay.

Adoption of
resolutions.

Organize.

Record of
proceedings.

lution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records. The county treasurer of the county in which such district is situated shall be the treasurer of the district, and all funds of the district shall be paid to him as such treasurer and shall only be disbursed by him on warrants drawn and signed by an auditor to be appointed by the commission, upon order of or vouchers approved by the commission. The commission shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide.

Contracts
for work
and material.

All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars (\$5,000.00) shall be by contract. Before awarding any such contract, the commission shall cause to be published a notice at least thirty (30) days before the letting of said contract, inviting sealed proposals for such work, plans and specifications which must at the time of the publication of such notice be on file at the office of the public utility district, subject to public inspection: *Provided, however,* That the commission may at the same time, and as part of the same notice, invite tenders for said work or materials upon plans and specifications to be submitted by bidders. Such notice shall state generally the work to be done, and shall call for proposals for doing the same, to be sealed and filed with the commission on or before the day and hour named therein. Each bid shall be accompanied by a certified check, payable to the order of the commission, for a sum not less than five per cent (5%) of the amount of the bid, and no bid shall be considered unless accompanied by such check. At the time and place named, such bids shall be publicly

Notice
published.

Contents
of notice.

Bids.

opened and read, and the commission shall proceed to canvass the bids, and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications: *Provided, however,* That no contract shall be let in excess of the estimated cost of said materials or work, or if, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and re-advertise, and in such case all checks shall be returned to the bidders; but if such contract be let, then and in such case, all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials for doing such work, and a bond to perform such work furnished, with sureties satisfactory to the commission, in an amount to be fixed by the commission, not less than twenty-five (25%) per cent of contract price in any case, between the bidder and commission, in accordance with the bid. If such bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten (10) days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the public utility district.

Contract awards.

Rejection of bids.

Forfeiture of checks.

Every contractor and sub-contractor performing any work for said public utility districts or local utility districts within said public utility district shall pay or cause to be paid to its employes on such work or under such contract or sub-contract not less than the minimum scale fixed by the resolution of the commission prior to the notice and call for bids on such work. The commission, in fixing such minimum scale of wages shall fix the same as nearly as possible to the current prevailing and going wages within the district for work of like character.

Contractors.

Wage scale.

SEC. 9. The county treasurer of the county in which is located any public utility district shall be ex-officio treasurer of any public utility district in such county, and he shall create a fund for any public utility district to be known as public utility district fund, into which shall be paid all money received by him from the collection of taxes in behalf of such public utility district, and he shall also maintain such other special funds as may be created by the public utility commission, into which shall be placed such moneys as the public utility commission may by its resolution direct.

County
treasurer.

Public
utility dis-
trict fund.

All such public utility district funds shall be deposited with the county depositories under the same restrictions, contracts and security as is provided by statute for county depositories, and all interest collected on such public utility funds shall belong to such public utility district and be deposited to its credit in the proper public utility district funds.

Depositories.

SEC. 10. Two or more contiguous public utility districts may become consolidated into one public utility district after proceedings had as required by sections 8909, 8910 and 8911, of Remington's Compiled Statutes of Washington, *Provided*, That a ten (10) per cent petition shall be sufficient; and public utility districts shall be held to be municipal corporations within the meaning of said sections, and the commission shall be held to be the legislative body of the public utility district as the term legislative body is used in said sections: *Provided*, That any such consolidation shall in no wise affect or impair the title to any property owned or held by any such public utility district, or in trust therefor, or any debts, demands, liabilities or obligations existing in favor of or against either of the districts so consolidated, or any proceeding then pending: *Provided, further*, That no property within either of the former public utility districts shall ever be taxed

Consolida-
tion.

Property
taxed.

to pay any of the indebtedness of either of the other such former districts.

The boundaries of any public utility district may be enlarged and new territory included therein, after proceedings had as required by section 8894 of Remington's Compiled Statutes of Washington: *Provided*, That a ten per cent (10%) petition shall be sufficient; and public utility districts shall be held to be municipal corporations within the meaning of said section, and the commission shall be held to be the legislative body of the public utility district: *Provided*, That no property within such territory so annexed shall ever be taxed to pay any portion of any indebtedness of such public utility district contracted prior to or existing at the date of such annexation.

Boundaries enlarged.

In all cases wherein public utility districts of less area than an entire county desire to be consolidated with a public utility district including an entire county, and in all cases wherein it is desired to enlarge a public utility district including an entire county, by annexing a lesser area than an entire county, no election shall be required to be held in the district including an entire county.

District of less area than entire county.

SEC. 11. Adjudication of invalidity of any section, clause or part of a section of this act shall not impair or otherwise [otherwise] affect the validity of the act as a whole or any other part thereof.

Invalidity of part not to affect balance.

The rule of strict construction shall have no application to this act, but the same shall be liberally construed, in order to carry out the purposes and objects for which this act is intended.

Rule of construction.

When this act comes in conflict with any provision, limitation or restriction in any other law, this act shall govern and control.

Conflict with other law.

SEC. 12. This act shall not be deemed or construed to repeal or affect any existing act, or any part thereof, relating to the construction, operation

Not deemed as repeal of other acts.

Property
excluded.

Property in
irrigation
districts.

and maintenance of public utilities by irrigation or water districts or other municipal corporations, but shall be supplemental thereto and concurrent therewith. No public utility district created hereunder shall include therein any municipal corporation, or any part thereof, where such municipal corporation already owns or operates all the utilities herein authorized; *Provided*, that in case it does not own or operate all such utilities it may be included within such public utility district for the purpose of establishing or operating therein such utilities as it does not own or operate: *Provided, further*, That no property situated within any irrigation or water districts or other municipal corporations shall ever be taxed or assessed to pay for any utility, or part thereof, of like character to any utility, owned or operated by such irrigation or water districts or other municipal corporations.

Filed in office of secretary of state October 25, 1928.

Submitted to the Legislature January 21, 1929.

Rejected by the Legislature February 1, 1929.

Passed by vote of the people at the general election November 4, 1930.

Proclamation signed by the Governor December 3, 1930.

CHAPTER 2.

[INITIATIVE MEASURE NO. 57.]

LEGISLATIVE REAPPORTIONMENT.

AN ACT enacted by the people of the State of Washington, relating to, and providing for the number, district and apportionment of, the members of the Senate and House of Representatives of the State of Washington, and repealing all acts and parts of acts in conflict therewith.

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

SECTION 1. The people of the State of Washington, acting under and by virtue of the powers, rights and authority reserved under Article II, Section 1, Amendment 7, of the State Constitution, do hereby provide for the number of members of the Senate and House of Representatives of the State of Washington, the districts from which the members thereof shall be elected, and the apportionment of the members thereof, in accordance with the number of inhabitants, as herein set forth.

Declaration of authority for act.

SEC. 2. The Senate shall consist of forty-six members, one of whom shall be elected from each of the forty-six senatorial districts herein established, and said senatorial districts are hereby created, constituted and numbered as follows:

Senate, number and districts.

1st. The counties of Okanogan and Douglas shall be the first senatorial district.

1st.

2nd. The counties of Stevens and Pend Oreille shall be the second senatorial district.

2nd.

3rd. The precincts in Spokane county now constituting the third senatorial district under existing law shall be the third senatorial district.

3rd.

4th. The precincts in Spokane county now constituting the fourth senatorial district under existing law shall be the fourth senatorial district.

4th.

5th. The precincts in Spokane county now constituting the fifth senatorial district under existing law shall be the fifth senatorial district.

6th. The precincts in Spokane county now constituting the sixth senatorial district under existing law shall be the sixth senatorial district.

7th. The precincts in Spokane county now constituting the seventh senatorial district under existing law shall be the seventh senatorial district.

8th. The counties of Ferry, Lincoln and Adams shall be the eighth senatorial district.

9th. The county of Whitman, except the following precincts: Texas, Hooper, Hay, Pampa, La Crosse, Penawawa and Le Roy, shall be the ninth senatorial district.

10th. The counties of Asotin, Garfield and Columbia and the following precincts in Whitman county: Texas, Hooper, Hay, Pampa, La Crosse, Penawawa and Le Roy, shall be the tenth senatorial district.

11th. The county of Walla Walla shall be the eleventh senatorial district.

12th. The county of Chelan shall be the twelfth senatorial district.

13th. The counties of Grant and Kittitas shall be the thirteenth senatorial district.

14th. The following precincts in Yakima county: 1 to 30 inclusive (all of the city of Yakima), 35, 36, 37, 39, 41, 42, 44, 47, 48, 49, 51, 56, 58, 60, 66, 67, 68, 76, 77, 78, 79, 88, 89, 98, 104, 105, 106, 108, 111, 112 and 114, shall be the fourteenth senatorial district.

15th. The county of Yakima, except the precincts set out in senatorial district numbered the fourteenth herein, shall be the fifteenth senatorial district.

16th. The counties of Benton, Franklin, Skamania and Klickitat shall be the sixteenth senatorial district. ^{16th.}

17th. The county of Clark shall be the seventeenth senatorial district. ^{17th.}

18th. The counties of Cowlitz and Wahkiakum shall be the eighteenth senatorial district. ^{18th.}

19th. The county of Pacific and the following precincts in Grays Harbor county: Westport, Grayland, Ocosta, Johns River, Western, Cosmopolis, Arctic, Melbourne, Vesta, Delezenne, Block House, Connie, Fords Prairie, Oakville, Porter and Malone, shall be the nineteenth senatorial district. ^{19th.}

20th. The county of Lewis shall be the twentieth senatorial district. ^{20th.}

21st. The county of Grays Harbor, except the precincts set out in senatorial district numbered the nineteenth herein, shall be the twenty-first senatorial district. ^{21st.}

22nd. The county of Thurston shall be the twenty-second senatorial district. ^{22nd.}

23rd. The county of Kitsap shall be the twenty-third senatorial district. ^{23rd.}

24th. The counties of Mason, Jefferson and Clallam shall be the twenty-fourth senatorial district. ^{24th.}

25th. The precincts in Pierce county now constituting the twenty-fifth senatorial district under existing law shall be the twenty-fifth senatorial district. ^{25th.}

26th. The precincts in Pierce county now constituting the twenty-sixth senatorial district under existing law shall be the twenty-sixth senatorial district. ^{26th.}

27th. The precincts in Pierce county now constituting the twenty-seventh senatorial district under existing law shall be the twenty-seventh senatorial district. ^{27th.}

28th. The precincts in Pierce county now constituting the twenty-eighth senatorial district under existing law shall be the twenty-eighth senatorial district.

29th. The precincts in Pierce county now constituting the twenty-ninth senatorial district under existing law shall be the twenty-ninth senatorial district.

30th. The precincts in King county now constituting the thirtieth senatorial district under existing law, shall be the thirtieth senatorial district.

31st. The precincts in King county, except those in the city of Seattle, now constituting the thirty-first senatorial district under existing law, and the following precincts in the city of Seattle: 348, 352 to 367 inclusive, and 399 to 406 inclusive, shall be the thirty-first senatorial district.

32nd. The following precincts in the city of Seattle, in King county: 15 to 32 inclusive, 67, 68, 104, and 113 to 136 inclusive, shall be the thirty-second senatorial district.

33rd. The following precincts in the city of Seattle in King county: 302, 305, 306, 312 to 319 inclusive, 321 to 327 inclusive, 329 to 338 inclusive, 340 to 347 inclusive, and 349 to 351 inclusive, shall be the thirty-third senatorial district.

34th. The following precincts in the city of Seattle in King county: 309 to 311 inclusive, 320, 328, 339 and 368 to 398 inclusive, shall be the thirty-fourth senatorial district.

35th. The following precincts in the city of Seattle in King county: 233 to 238, inclusive, and 244 to 280 inclusive, shall be the thirty-fifth senatorial district.

36th. The following precincts in the city of Seattle, in King county: 144 to 179 inclusive, shall be the thirty-sixth senatorial district.

37th. The following precincts in the city of Seattle in King county: 216 to 229 inclusive, 239 to 243 inclusive, 281 to 301 inclusive, 303, 304, 307 and 308, shall be the thirty-seventh senatorial district.

38th. The county of Island, excepting therefrom Camano Island, and the precincts now constituting the thirty-eighth senatorial district in the county of Snohomish, under existing law, excepting therefrom the following precincts: Goldbar, Sultan, Sultan River, Wallace, Olney, Winter's Lake and Startup, shall be the thirty-eighth senatorial district.

39th. Camano Island of Island county, and the precincts in Snohomish county now constituting the thirty-ninth senatorial district under existing law, together with the following precincts: Goldbar, Sultan, Sultan River, Wallace, Olney, Winter's Lake and Startup, shall be the thirty-ninth senatorial district.

40th. The counties of Skagit and San Juan shall be the fortieth senatorial district.

41st. The precincts in Whatcom county now constituting the forty-first senatorial district under existing law shall be the forty-first senatorial district.

42nd. The precincts in Whatcom county now constituting the forty-second senatorial district under existing law shall be the forty-second senatorial district.

43rd. The following precincts in the city of Seattle, in King county: 1 to 3 inclusive, 180 to 215 inclusive and 230 to 232 inclusive, shall be the forty-third senatorial district.

44th. The following precincts in the city of Seattle, in King county: 81 to 87 inclusive, 92 to 101 inclusive, 105 to 112 inclusive, and 137 to 143 inclusive, also the following precincts in King county outside the city of Seattle: Meadow Point, Broad-

view, Foy and Richmond, shall be the forty-fourth senatorial district.

45th. The following precincts in the city of Seattle, in King county: 36 to 44 inclusive, 49 to 53 inclusive, 58, 62 to 66 inclusive, 69 to 80 inclusive, 88 to 91 inclusive, 102 and 103, also the following precincts in King county outside the city of Seattle: Woodland, North Park, North Trunk, Oak Lake, Haller Lake and Greenwood, shall be the forty-fifth senatorial district.

46th. The precincts in King county and the city of Seattle now constituting the thirty-second senatorial district under existing law, except those precincts set out in senatorial districts numbered herein thirty-second, thirty-sixth, forty-third, forty-fourth and forty-fifth, shall be the forty-sixth senatorial district.

House of
Representatives.

SEC. 3. The House of Representatives shall consist of ninety-nine members who shall be elected from forty-six representative districts herein established, and said representative districts are hereby created, constituted and numbered as follows:

Number and
districts.

1st. The counties of Okanogan and Douglas shall be the first representative district and be entitled to two representatives.

2nd. The counties of Stevens and Pend Orielle shall be the second representative district and be entitled to two representatives.

3rd. The precincts in Spokane county now constituting the second representative district shall be the third representative district and be entitled to two representatives.

4th. The precincts in Spokane county now constituting the third representative district shall be the fourth representative district and be entitled to two representatives.

5th. The precincts in Spokane county now constituting the fourth representative district shall be

the fifth representative district and be entitled to two representatives.

6th. The precincts in Spokane county now constituting the fifth representative district shall be the sixth representative district and be entitled to two representatives.

7th. The precincts in Spokane county now constituting the sixth representative district shall be the seventh representative district and be entitled to two representatives.

8th. The counties of Ferry, Lincoln and Adams shall be the eighth representative district and be entitled to two representatives.

9th. The county of Whitman, except the following precincts: Texas, Hooper, Hay, Pampa, La Crosse, Penawawa and LeRoy, shall be the ninth representative district and be entitled to two representatives.

10th. The counties of Asotin, Garfield and Columbia and the following precincts in Whitman county: Texas, Hooper, Hay, Pampa, La Crosse, Penawawa and Le Roy, shall be the tenth representative district and be entitled to two representatives.

11th. The county of Walla Walla shall be the eleventh representative district and be entitled to two representatives.

12th. The county of Chelan shall be the twelfth representative district and be entitled to two representatives.

13th. The counties of Grant and Kittitas shall be the thirteenth representative district and be entitled to two representatives.

14th. The following precincts in Yakima county: 1 to 30 inclusive (all of the city of Yakima), 35, 36, 37, 39, 41, 42, 44, 47, 48, 49, 51, 56, 58, 60, 66, 67, 68, 76, 77, 78, 79, 88, 89, 98, 104, 105, 106, 108, 111, 112 and 114, shall be the fourteenth representative district and be entitled to three representatives.

15th. The county of Yakima, except the precincts set out in representative district numbered the fourteenth herein, shall be the fifteenth representative district and be entitled to two representatives.

16th. The counties of Benton, Franklin, Skamania and Klickitat shall be the sixteenth representative district and be entitled to two representatives.

17th. The county of Clark shall be the seventeenth representative district and be entitled to three representatives.

18th. The counties of Cowlitz and Wahkiakum shall be the eighteenth representative district and be entitled to two representatives.

19th. The county of Pacific and the following precincts in Grays Harbor county: Westport, Grayland, Ocosta, Johns River, Western, Cosmopolis, Arctic, Melbourne, Vesta, Delezenne, Block House, Connie, Fords Prairie, Oakville, Porter and Malone, shall be the nineteenth representative district, and be entitled to two representatives.

20th. The county of Lewis shall be the twentieth representative district and be entitled to three representatives.

21st. The county of Grays Harbor, except the precincts set out in representative district numbered the nineteenth herein, shall be the twenty-first representative district and be entitled to three representatives.

22nd. The county of Thurston shall be the twenty-second representative district and be entitled to two representatives.

23rd. The county of Kitsap shall be the twenty-third representative district and be entitled to two representatives.

24th. The counties of Mason, Jefferson and Clallam shall be the twenty-fourth representative district and be entitled to three representatives.

25th. The precincts in Pierce county now constituting the thirty-fifth representative district under existing law shall be the twenty-fifth representative district and be entitled to two representatives.

26th. The precincts in Pierce county now constituting the thirty-sixth representative district under existing law shall be the twenty-sixth representative district and be entitled to two representatives.

27th. The precincts in Pierce county now constituting the thirty-seventh representative district under existing law shall be the twenty-seventh representative district and be entitled to two representatives.

28th. The precincts in Pierce county now constituting the thirty-eighth representative district under existing law shall be the twenty-eighth representative district and be entitled to two representatives.

29th. The precincts in Pierce county now constituting the thirty-ninth representative district under existing law shall be the twenty-ninth representative district and be entitled to two representatives.

30th. The precincts in King county now constituting the fortieth representative district under existing law shall be the thirtieth representative district and be entitled to two representatives.

31st. The precincts in King county, except those in the city of Seattle, now constituting the forty-first representative district under existing law, and the following precincts in the city of Seattle: 348, 352 to 367 inclusive, and 399 to 406 inclusive, shall be the thirty-first representative district and be entitled to two representatives.

32nd. The following precincts in the city of Seattle, in King county: 15 to 32 inclusive, 67, 68, 104, and 113 to 136 inclusive, shall be the thirty-second representative district and be entitled to two representatives.

33rd. The following precincts in the city of Seattle, in King county: 302, 305, 306, 312 to 319 inclusive, 321 to 327 inclusive, 329 to 338 inclusive, 340 to 347 inclusive, and 349 to 351 inclusive, shall be the thirty-third representative district and be entitled to two representatives.

34th. The following precincts in the city of Seattle, in King county: 309 to 311 inclusive, 320, 328, 339 and 368 to 398 inclusive, shall be the thirty-fourth representative district and be entitled to two representatives.

35th. The following precincts in the city of Seattle, in King county: 233 to 238 inclusive, and 244 to 280 inclusive, shall be the thirty-fifth representative district and be entitled to two representatives.

36th. The following precincts in the city of Seattle, in King county: 144 to 179 inclusive, shall be the thirty-sixth representative district and be entitled to two representatives.

37th. The following precincts in the city of Seattle, in King county: 216 to 229 inclusive, 239 to 243 inclusive, 281 to 301 inclusive, 303, 304, 307 and 308, shall be the thirty-seventh representative district and be entitled to two representatives.

38th. The county of Island, excepting therefrom Camano Island and the precincts now constituting the forty-eighth representative district in the county of Snohomish under existing law, excepting therefrom the following precincts: Goldbar, Sultan, Sultan River, Wallace, Olney, Winters Lake and Startup, shall be the thirty-eighth representative district and be entitled to three representatives.

39th. Camano Island of Island county, and the precincts in Snohomish county now constituting the forty-ninth representative district under existing law, together with the following precincts: Goldbar, Sultan, Sultan River, Wallace, Olney, Winter's Lake and Startup, shall be the thirty-ninth repre-

representative district and be entitled to two representatives.

40th. The counties of Skagit and San Juan shall be the fortieth representative district and be entitled to three representatives. ^{40th.}

41st. The precincts in Whatcom county now constituting the fifty-third representative district under existing law shall be the forty-first representative district and be entitled to two representatives. ^{41st.}

42nd. The precincts in Whatcom county now constituting the fifty-fourth representative district under existing law shall be the forty-second representative district and be entitled to two representatives. ^{42nd.}

43rd. The following precincts in the city of Seattle, in King county: 1 to 3 inclusive, 180 to 215 inclusive, and 230 to 232 inclusive, shall be the forty-third representative district and be entitled to two representatives. ^{43rd.}

44th. The following precincts in the city of Seattle, in King county: 81 to 87 inclusive, 92 to 101 inclusive, 105 to 112 inclusive, and 137 to 143 inclusive, also the following precincts in King county outside the city of Seattle: Meadow Point, Broadview, Foy and Richmond, shall be the forty-fourth representative district and be entitled to two representatives. ^{44th.}

45th. The following precincts in the city of Seattle, in King county: 36 to 44 inclusive, 49 to 53 inclusive, 58, 62 to 66 inclusive, 69 to 80 inclusive, 88 to 91 inclusive, 102 and 103, also the following precincts in King county outside the city of Seattle: Woodland, North Park, North Trunk, Oak Lake, Haller Lake and Greenwood, shall be the forty-fifth representative district and be entitled to two representatives. ^{45th.}

46th. The precincts in King county and the city of Seattle now constituting the forty-second representative district under existing law, except those ^{46th.}

precincts set out in representative districts numbered herein thirty-second, thirty-sixth, forty-third, forty-fourth and forty-fifth, shall be the forty-sixth representative district and be entitled to two representatives.

Senators, elections. SEC. 4. At the general election to be held on the first Tuesday after the first Monday in November, 1932, and every four years thereafter, a senator shall be elected in each of the following senatorial districts: the 1st, 3rd, 4th, 5th, 9th, 10th, 11th, 12th, 14th, 16th, 17th, 18th, 19th, 20th, 22nd, 23rd, 24th, 25th, 27th, 28th, 39th, 40th and 41st, as numbered and created in Sec. 2 of this Act, who shall hold office for a term of four years. At the general election to be held on the first Tuesday after the first Monday in November, 1932, a senator shall be elected in each of the following senatorial districts: 8th, 13th, 15th, 33rd, 34th, 35th, 36th, 38th, 43rd, 44th, 45th and 46th, as numbered and created in Sec. 2 of this Act, who shall hold office for a term of two years; and thereafter the term of office of the senator elected for said senatorial district shall be four years. At the general election to be held on the first Tuesday after the first Monday in November, 1934, a senator shall be elected in each of the following senatorial districts: 2nd, 6th, 7th, 21st, 26th, 29th, 30th, 31st, 32nd, 37th and 42nd, as numbered and created in Sec. 2 of this Act who shall hold office for a term of four years; and thereafter the term of office of the senator elected for said senatorial district shall be four years. All senators elected at the general election to be held on the first Tuesday after the first Monday in November, 1930, shall hold office until the second Monday in January, 1933, except the senators elected from senatorial districts numbered 2nd, 6th, 7th, 21st, 26th, 29th, 30th, 31st, 32nd, 37th and 42nd, who shall hold office until the second Monday in January, 1935.

4-year term.

2-year term.

Elections.

4-year term.

Special terms.

SEC. 5. The representatives provided for in this Act shall be elected at the general election to be held on the first Tuesday after the first Monday in November, 1932, and every two years thereafter.

Representatives,
elections.

Term.

SEC. 6. The term of office of all senators and representatives elected under the provisions of this Act shall commence on the second Monday in January following the date of his election.

Commence-
ment of
terms.

SEC. 7. Any precinct not specifically mentioned or included within the boundaries of any senatorial and representative district under this Act, and which is completely surrounded by territory embraced within a particular senatorial and representative district, shall be and become a part of such senatorial and representative district; and in case any such precinct is not completely surrounded by territory embraced within a particular senatorial and representative district, the precinct shall be and become a part of the senatorial and representative district having the smallest number of electors and having territory adjoining or contiguous to such precinct in the same county in which such precinct is located. Any precinct as constituted and existing at the time this Act is filed with the secretary of state shall continue as such precinct for the purposes of this Act, except that changes may be made, by the proper authorities, in the boundaries of precincts, or new precincts created, which do not change the territory of any precinct as constituted at the time of filing this Act from one senatorial and representative district, as created and established by this Act, to another.

Precincts not
specifically
mentioned.

Assigned
district.

Existing
precincts to
continue.

SEC. 8. All acts and parts of acts in conflict herewith are hereby repealed.

Acts
repealed.

Filed in the office of secretary of state, July 3, 1930.

Passed by vote of the people at the general election, November 4, 1930.

Proclamation signed by the Governor, December 3, 1930.

CHAPTER 3.

[S. B. 1.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of one hundred twelve thousand, five hundred dollars, or so much thereof as may be necessary for the expenses of the twenty-second legislature and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of one hundred twelve thousand, five hundred dollars (\$112,500.00) or so much thereof as may be necessary to be used for the purpose of paying the expenses of the twenty-second legislature of the State of Washington.

Appropriation
\$112,500.

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

Effective
immediately.

Passed the Senate January 12, 1931.

Passed the House January 13, 1931.

Approved by the Governor January 14, 1931.

CHAPTER 4.

[S. B. 2.]

LEGISLATIVE PRINTING.

AN ACT appropriating the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary for the printing of the twenty-second legislature, and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary to pay for such print-

Appropriation
\$15,000.

ing as may be ordered by the twenty-second legislature, or either branch thereof.

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

Passed the Senate January 12, 1931.

Passed the House January 13, 1931.

Approved by the Governor January 14, 1931.

CHAPTER 5.

[H. B. 8.]

APPROPRIATION FOR EMERGENCY HIGHWAY MAINTENANCE.

AN ACT relating to emergency maintenance of highways, making an appropriation, and declaring that this act shall take effect immediately.

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

SECTION 1. For the purpose of continuing the work of emergency maintenance and repair of state highways, there is hereby appropriated, for the highway department, from the motor vehicle fund, the sum of two hundred thousand dollars (\$200,000.00), or so much thereof as may be necessary. Emergency maintenance and repairs, \$200,000.

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

Passed the House January 21, 1931.

Passed the Senate January 20, 1931.

Approved by the Governor January 26, 1931.

CHAPTER 6.

[S. B. 54.]

PRINTING REPORT OF TAX INVESTIGATION COMMISSION.

AN ACT making an appropriation for printing of additional copies of the Washington Tax Investigation Commission's report, and declaring that this act shall take effect immediately.

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

Appropriation \$400 for printing report.

SECTION 1. That there is hereby appropriated from the general fund in the state treasury, for the purpose of printing five thousand (5,000) copies of the Report of the Washington Tax Investigation Commission, the sum of four hundred dollars (\$400.00), or so much thereof as may be necessary.

Effective immediately.

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

Passed the Senate January 20, 1931.

Passed the House January 27, 1931.

Approved by the Governor February 4, 1931.

CHAPTER 7.

[H. B. 9.]

APPROPRIATION FOR REMODELING OF OLD SCIENCE HALL.

AN ACT making an appropriation for remodeling the old Science Hall on the campus of the University of Washington and declaring that this act shall take effect immediately.

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

Appropriation of \$129,500 for remodeling.

SECTION 1. There is hereby appropriated from the University of Washington building fund for the purpose of remodeling the old Science Hall on the university campus the sum of one hundred twenty-

nine thousand five-hundred dollars (\$129,500), or so much thereof as may be necessary.

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

Passed the House January 22, 1931.

Passed the Senate February 4, 1931.

Approved by the Governor February 10, 1931.

CHAPTER 8.

[H. B. 33.]

BANKS, TRUST COMPANIES, MUTUAL SAVINGS BANKS AND INDUSTRIAL LOAN COMPANIES.

AN ACT relating to banks, trust companies, mutual savings banks and industrial loan companies and providing that certain official communications from the supervisor of banking or his deputies shall be submitted to the board of directors and noted in the minutes of the board's meeting.

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

SECTION 1. Each official communication directed by the supervisor of banking or by one of his deputies to any bank, trust company, mutual savings bank or industrial loan company or to any officer thereof relating to an investigation or examination conducted by the banking department or containing suggestions or recommendations relative to the conduct of the business of the bank, trust company, mutual savings bank or industrial loan company shall be submitted by the officer receiving it to the board of directors at the next meeting of such board and shall be duly noted in the minutes of the meeting of such board. Communica-
tions from
Supervisor
of Banking.

Passed the House January 28, 1931.

Passed the Senate February 5, 1931.

Approved by the Governor February 10, 1931.

CHAPTER 9.

[H. B. 32.]

REVOCATION OF CERTIFICATES TO ANY BANK, TRUST
COMPANY, MUTUAL SAVINGS BANK OR INDUSTRIAL
LOAN COMPANY.

AN ACT authorizing the supervisor of banking to revoke the certificate of authority issued to any bank, trust company, mutual savings bank or industrial loan company if business is not commenced within six months from the date of the issuance of such certificate, and to extend the time in which to organize and commence business.

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

Certificate
of authority
forfeited for
failure to
commence
business.

SECTION 1. Every corporation heretofore or hereafter authorized by the laws of this state to do business as a bank, trust company, mutual savings bank or industrial loan company, which corporation shall have failed to organize and commence business within six months after certificate of authority to commence business has been issued by the supervisor of banking, shall forfeit its rights and privileges as such corporation, which fact the supervisor of banking shall certify to the county auditor in whose office the certificate of authority was filed, and to the secretary of state, and such certificate of forfeiture shall be filed in the office of the county auditor and filed and recorded in the office of the secretary of state in the same manner as the certificate of authority: *Provided*, That the supervisor of banking may, upon showing of cause satisfactory to him, issue an order under his hand and seal extending for not more than three months the time within which such organization may be effected and business commenced, such order to be transmitted to the offices of such county auditor and the secretary of state and filed and recorded therein.

Passed the House January 28, 1931.

Passed the Senate February 11, 1931.

Approved by the Governor February 21, 1931.

CHAPTER 10.

[H. B. 36.]

ENDORSEMENT OF CHECKS.

AN ACT relating to the endorsement of checks and other instruments for the payment of money, and amending Section 4 of Chapter 203 of the Laws of 1929.

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

SECTION 1. That section 4 of chapter 203 of the Laws of 1929 be amended to read as follows: Amends § 4, ch. 203, Laws of 1929.

Section 4. An endorsement of an item by the payee or other depositor "for deposit" shall be deemed a restrictive endorsement and indicate that the endorsee bank is an agent for collection and not owner of the item. "For deposit."

An endorsement of an item in blank made for the purpose of depositing such item with or of obtaining payment thereof from a bank shall be deemed to be an endorsement thereof to or to the order of such bank. Blank.

An endorsement "pay any bank or banker" or having equivalent words shall be deemed a restrictive endorsement and shall indicate the creation of an agency relation in any subsequent bank to whom the paper is forwarded, unless coupled with words indicating the creation of a trustee relationship; and such endorsement, and/or an endorsement to or to the order of any bank and/or any other restrictive endorsement, whether creating an agency or trustee relationship, shall constitute a guaranty by the endorser to all subsequent holders and to the drawee or payer of the genuineness of and the authority to make prior endorsements, and also to save the drawee or payer harmless in the event any prior endorsement appearing thereon is defective or irregular in any respect unless such endorsement "Pay any bank or banker."

be coupled with appropriate words disclaiming such liability as guarantor.

Payable to
bearer, spe-
cial endorse-
ment.

Where a deposited item is payable to bearer or endorsed by the depositor in blank or by special endorsement, the fact that such item is so payable or endorsed shall not change the relation of agent of the bank of deposit to the depositor, but subsequent holders shall have the right to rely on the presumption that the bank of deposit is the owner of the item. The endorsement of an item by the bank of deposit or by any subsequent holder in blank or by special endorsement or its delivery when payable to bearer, shall carry the presumption that the endorsee or transferee is owner provided there is nothing upon the face of the paper or in any prior endorsement to indicate an agency or trustee relation of any prior party. But where an item is deposited or is received for collection endorsed specially or in blank, the bank may convert such an endorsement into a restrictive endorsement by writing over the signature of the endorser the words "for deposit" or "for collection" or other restrictive words to negative the presumption that such bank of deposit or endorsee bank is owner; and in the case of an item deposited or received for collection payable to bearer, may negative such presumption by endorsing thereon the words "received for deposit" or "received for collection" or words of like import.

Deposit for
collection.

Passed the House February 2, 1931.

Passed the Senate February 11, 1931.

Approved by the Governor February 21, 1931.

CHAPTER 11.

[H. B. 39.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies; providing for certain deductions before the declaration and payment of dividends thereby; providing the conditions and the manner in which dividends may be declared and authorizing the supervisor of banking to withhold the payment thereof; and amending Section 3240, Remington's Compiled Statutes of the State of Washington.

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

SECTION 1. That section 3240, Remington's Compiled Statutes of the State of Washington, be amended to read as follows:

Amends
§ 3240 Rem.
Comp. Stat.

Section 3240. No bank or trust company shall declare or pay any dividend to an amount greater than its net profits then on hand, which net profits shall be determined only after deducting:

Dividends
from net
profits.

Net profits
defined.

1. All losses.
2. All assets or depreciation that the supervisor of banking or a duly appointed examiner may have required to be charged off, and no bank or trust company shall enter or at any time carry on its books any of its assets at a valuation exceeding the actual cost to such bank or trust company without first obtaining the written consent of the supervisor of banking to such other valuation.
3. All expenses, interest and taxes accrued and/or due from said bank or trust company.
4. Unpaid interest although due or accrued.
5. Bad debts, as defined by section 3254 Remington's Compiled Statutes of the State of Washington, owing to such bank or trust company.

After providing for the above deductions the board of directors of any bank or trust company may at any regular meeting thereof declare a dividend out of so much of the undivided profits of such

bank or trust company as they shall judge expedient: *Provided, however,* That before any such dividend is declared or the net profits in any way disposed of not less than one-tenth of such net profits shall be carried to a surplus fund until the amount in such surplus fund shall be equal to 20% of the paid-in capital of such bank or trust company: *Provided, further,* That the supervisor of banking shall in his discretion have the power to require any bank or trust company to suspend the payment of any and all dividends until all requirements that may have been made by the supervisor of banking and/or any duly appointed examiner shall have been complied with, and upon notice to suspend dividends no bank or trust company shall thereafter declare and/or pay any dividends until such notice has been rescinded in writing.

Passed the House February 3, 1931.

Passed the Senate February 11, 1931.

Approved by the Governor February 21, 1931.

CHAPTER 12.

[H. B. 67.]

TIDE LANDS OF THE SECOND CLASS.

AN ACT authorizing and directing the commissioner of public lands permanently to withhold from sale or lease certain tide lands of the second class.

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

SECTION 1. That the commissioner of public lands of the State of Washington be and he is hereby authorized and directed permanently to withhold and withhold from sale, lease, exchange or private use all tide lands 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,

Reserved
from sale,
lease or
exchange.

Particular
description.

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 tide lands for Island county, now on file in the office of the commissioner of public lands at Olympia, Washington.

Passed the House January 28, 1931.

Passed the Senate February 11, 1931.

Approved by the Governor February 21, 1931.

CHAPTER 13.

[H. B. 68.]

ACKNOWLEDGMENT OF INSTRUMENTS.

AN ACT relating to acknowledgments of instruments required to be acknowledged amending Section 3 of Chapter 33 of the Laws of 1929 and validating certain acknowledgments heretofore taken.

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

SECTION 1. That section 3 of chapter 33 of the Laws of 1929 be amended to read as follows:

Amends
§ 3, ch. 33,
Laws of 1929.

Section 3. Acknowledgments of deeds, mortgages and other instruments in writing, required to be acknowledged may be taken in this state before a judge of the supreme court, or the clerk thereof, or the deputy of such clerk, before a judge of the superior court, or qualified court commissioner thereof, or the clerk thereof, or the deputy of such clerk, or a county auditor, or the deputy of such auditor, or a qualified notary public, or a qualified

Deeds,
mortgages.

United States commissioner appointed by any district court of the United States for this state, and all said instruments heretofore executed and acknowledged according to the provisions of this section are hereby declared legal and valid.

Passed the House February 6, 1931.

Passed the Senate February 18, 1931.

Approved by the Governor March 2, 1931.

CHAPTER 14.

[H. B. 4.]

PRIMARY AND GENERAL ELECTIONS.

AN ACT relating to primary and general elections, and requiring the payment of certain fees by candidates for office.

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

SECTION 1. That section 5213 of Remington's Compiled Statutes be amended to read as follows:

Section 5213. Nothing in this act contained shall prevent any voter from writing or pasting on his ballot or ballots the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter: *Provided*, That no person who shall be nominated at any primary election as a candidate for any public office and who shall not have previously paid the regular filing fee shall have his name printed on the official ballot for the general election unless he shall, within ten days after the official canvass of the primary vote, pay the same fee required by law to be paid by candidates for filing a declaration of candidacy for the office for which he has been nominated.

Passed the House February 19, 1931.

Passed the Senate February 18, 1931.

Approved by the Governor March 2, 1931.

Use of
stickers
authorized.

Fees.

CHAPTER 15.

[H. B. 23.]

POWERS OF STATE TAX COMMISSION.

AN ACT relating to taxation; defining the powers of the State Tax Commission in connection therewith; amending Section 5 of Chapter 280 of the Laws of 1927; and declaring that this act shall take effect immediately.

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

SECTION 1. That section 5 of chapter 280 of the Session Laws of 1927 be and the same is hereby amended to read as follows:

Amends
§ 5, ch. 280,
Laws of 1927.

Section 5. The tax commission shall have the power and it shall be its duty from the time hereinafter specified:

First—To exercise all powers and perform all duties now vested in and required to be performed by the director of taxation and examination, except those relating to banking and savings and loan associations and those required by chapter XIII, title XVI, Remington's Compiled Statutes and the division of municipal corporations.

Powers and
duties by
transfer.

Second—To secure, tabulate, and keep records of valuations of all classes of property throughout the state, and for that purpose, to have access to all records and files of state offices and departments and county and municipal offices and to require all public officers and employees whose duties make it possible to ascertain valuations, including valuations of property of public service corporations for rate making purposes to file reports with the commission, giving such information as to such valuation and the source thereof: *Provided*, That the nature and kind of the tabulations, records of valuation and requirements from public officers, as stated herein, shall be in such form, and cover such valuations, as the tax commission shall prescribe.

Keep rec-
ords of
valuations.

Supervision
over assess-
ment and
tax laws.

Third—To exercise general supervision and control over the administration of the assessment and tax laws of the state, over township and county assessors, and county and township boards of equalization, and over boards of county commissioners, in the performance of their duties relating to taxation and to do and perform any act or give any order or direction to any county or township board of equalization or to any county or township assessor as to the valuation of any property, or class or classes of property in any county, township, city or town, which, in the commission's judgment may seem just and necessary, to the end that all taxable property in this state shall be listed upon the assessment rolls and valued and assessed according to the provisions of law, and equalized between persons, firms, companies and corporations, and between the different counties of this state, and between the different taxing units and townships, so that the equality of taxation shall be secured according to the provisions of law.

Test work
of county
and town-
ship assess-
ors.

Fourth—To examine and test the work of county and township assessors at any time, and to have and possess all rights and powers of such assessors for the examination of persons, and property, and for the discovery of property subject to taxation, and if it shall ascertain that any taxable property is omitted from the assessment list, or not assessed or valued according to law, it shall bring the same to the attention of the assessor of the proper county or township in writing, and if such assessor shall neglect or refuse to comply with the request of the tax commission to place such property on the assessment list, or to correct such incorrect assessment or valuation the tax commission shall have the power to prepare a supplement to such assessment list, which supplement shall include all property required by the tax commission to be placed on the assess-

ment list and all corrections required to be made. Such supplement shall be filed with the assessor's assessment list and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment list inconsistent therewith, and shall be submitted therewith to the county board of equalization.

Fifth—The tax commission shall have power to direct and to order any county or township board of equalization to raise or lower the valuation of any taxable property and to add such property to the assessment list. The tax commission may require any such board of equalization to reconvene after its adjournment for the purpose of performing any order or requirement made by the tax commission and may make such orders as it shall determine to be just and necessary. If such board of equalization shall fail or refuse forthwith to comply with any such order or requirement of the tax commission, the tax commission shall have power to make such correction or change in the assessment list, and such corrections and changes shall be a part of the record of the proceedings of the said board of equalization: *Provided*, That in all cases where the tax commission shall raise the valuation of any property or add property to the assessment list, it shall give notice either for the same time and in the same manner as is now required in like cases of county boards of equalization, or if it shall deem such method of giving notice impracticable it shall give notice by publication thereof in a newspaper of general circulation within the county in which the property affected is situated once each week for two consecutive weeks, and the tax commission shall not proceed to raise such valuation or add such property to the assessment list until a period of five days shall have elapsed subsequent to the date of the last publication of such notice. Such notice

Require boards of equalization to adjust valuations.

Notice.

Publication.

Contents of
notice.

shall give the legal description of each tract of land involved, or a general description in case of personal property; the tax record-owner thereof; the assessed value thereof determined by the county or township board of equalization in case the property is on the assessment roll; and the assessed value thereof as determined by the tax commission and shall state that the tax commission proposes to increase the assessed valuation of such property to the amount stated and to add such property to the assessment list at the assessed valuation stated.

Expense of
re-assess-
ment.

The necessary expense incurred by the tax commission in making such re-assessment and/or adding such property to the assessment list shall be borne by the county or township in which the property as re-assessed and/or so added to the assessment list is situated and shall be paid out of the proper funds of such county or township upon the order of the tax commission.

Investigate
tax laws.

Sixth—To investigate the tax laws of this and other states, and the possible taxable resources of this state for the purpose of recommending to the legislature methods by which a more just and equitable system of taxation may be developed.

Rules and
regulations.

Seventh—To make such rules and regulations as may be necessary to carry out the powers herein granted, and for conducting hearings and other proceedings before it.

Effective
immediately.

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

Passed the House February 4, 1931.

Passed the Senate February 18, 1931.

Approved by the Governor March 2, 1931.

CHAPTER 16.

[S. B. 32.]

COOPERATIVE MARKETING ASSOCIATIONS.

AN ACT relating to cooperative marketing associations and amending Sections 5, 7, 8, 9, 11, 13, 15 and 21 of Chapter 115 of the Laws of 1921.

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

SECTION 1. That section 5 of chapter 115 of the Laws of 1921, (section 2882 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 5, ch. 115, Laws of 1921; § 2882 Rem. Comp. Stat.

Section 5. Each association incorporated under this act shall have the following powers:

Powers.

(a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use by its members of supplies, machinery, or equipment, or in the financing of any such activities; or in any one or more of the activities specified in this section: or transact such business with or for non-members of the association to an amount in any one fiscal year, not to exceed fifteen per cent of its total gross business for the preceding fiscal year.

Marketing activities.

(b) To borrow money and to make advances to members.

Borrow money.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities.

Act as agent.

(d) To purchase or otherwise acquire, and to hold, own, and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stocks or bonds of any corporation or association engaged in any related activity or in the handling or

Purchase and own stocks and bonds.

marketing of any of the products handled by the association or corporate obligations eligible for the investment of trust funds by trust companies as provided by law.

Invest funds.

(e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws.

Buy and own real or personal property.

(f) To buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto.

To do all necessary things.

(g) To do each and everything necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the associations; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition any other rights, powers and privileges granted by the laws of this state to ordinary corporations, except such as are inconsistent with the express provisions of this act; and to do any such thing anywhere.

Amends § 7, ch. 115, Laws of 1921; § 2884 Rem. Comp. Stat.

SEC. 2. That section 7 of chapter 115 of the Laws of 1921 (section 2884 of Remington's Compiled Statutes) be amended to read as follows:

Articles of incorporation, contents.

Section 7. Each association formed under this act must prepare and file articles of incorporation, setting forth:

Name.

(a) The name of the association.

Purpose.

(b) The purpose for which it is formed.

Place of business.

(c) The place where its principal business will be transacted.

(d) The term for which it is to exist, not exceeding fifty (50) years. Term of existence.

(e) The number of directors thereof, which must not be less than five (5) and may be any number in excess thereof, and the term of office of such directors, which term shall not exceed three (3) years as may be provided by the by-laws of the association. Number of directors.

(f) If organized without capital stock, whether the property rights and interest of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed; and the association shall have the power to admit new members who shall be entitled to share in the property of the association with the old members, in accordance with such general rule or rules. This provision of the articles of incorporation shall not be altered, amended, or repealed except by the written consent or the vote of two-thirds of the members voting upon such change after notice of the proposed change shall have been given to all members entitled to vote thereon, in the manner provided by the by-laws: *Provided*, That if the total vote upon the proposed change shall be less than twenty-five percent (25%) of the total membership of the association, such change shall fail of adoption. Rights and interests of members.

(g) If organized with capital stock, the amount of such stock and the number of shares into which it is divided. The capital stock may be divided into preferred and common stock which stock may be of a fixed par value or non-par value. If so divided, the articles of incorporation must contain a statement of the number of shares of stock to which preference is granted and the number of shares of stock to which no preference is granted and the na- Amount and number of shares of stock.

ture and extent of the preference and privileges granted to each.

Articles
subscribed
and acknowl-
edged.

(h) The articles must be subscribed by the incorporators and acknowledged by three or more of such incorporators before an officer authorized by the law of this state to take and certify acknowledgments of deeds and conveyances; and shall be filed in accordance with the provisions of the general corporation law of this state; and when so filed the said articles of incorporation, or certified copies thereof, shall be received in all the courts of this state and other places, as prima facie evidence of the facts contained therein and of the due incorporation of such association.

Amends
§ 8, ch. 115,
Laws of
1921; § 2885
Rem. Comp.
Stat.

SEC. 3. That section 8 of chapter 115 of the Laws of 1921, (section 2885 of Remington's Compiled Statutes) be amended to read as follows:

Amend-
ments to
articles of
incorporation.

Section 8. The articles of incorporation may be altered or amended at any regular meeting or at any special meeting called for that purpose. An amendment must first be approved by a majority of the directors and then adopted by a vote of two-thirds of the members voting upon such amendment after notice of the proposed amendment shall have been given to all members entitled to vote thereon, in the manner provided by the by-laws: *Provided*, That if the total vote upon the proposed amendment shall be less than twenty-five per cent (25%) of the total membership of the association, such amendment shall fail of adoption. Amendments to the articles of incorporation when so adopted shall be filed in accordance with the provisions of the general corporation law of this state.

Amends
§ 9, ch. 115,
Laws of
1921; § 2886
Rem. Comp.
Stat.

SEC. 4. That section 9 of chapter 115 of the Laws of 1921, (section 2886 of Remington's Compiled Statutes) be amended to read as follows:

By-laws.

Section 9. Each association incorporated under this act must, within thirty (30) days after its incor-

poration, adopt, for its government and management a code of by-laws not inconsistent with the powers granted by this act, and may provide for voting by mail on any matter which may or shall be submitted to a vote of the membership of such association. The vote of two-thirds of the members voting thereon after notice of the proposed adoption, alteration or amendment shall have been given to all members entitled to vote thereon, in the manner provided by the by-laws, is necessary to adopt, alter or amend such by-laws: *Provided*, That if the total vote upon the proposed adoption, alteration or amendment shall be less than twenty-five per cent (25%) of the total membership of the association, such adoption, alteration or amendment shall not be approved.

SEC. 5. That section 11 of chapter 115 of the Laws of 1921, as amended by section 1 of chapter 69 of the Laws of 1929, (section 2888 of Remington's Compiled Statutes) be amended to read as follows:

Section 11. The affairs of the association shall be managed by a board of not less than five directors, a majority of whom shall be residents of the State of Washington and who shall be elected by the members or stockholders from their own number. The by-laws may provide that the territory in which the association has members shall be divided into districts and that the directors shall be elected according to such districts. In such a case the by-laws shall specify the numbers of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association. The by-laws shall provide that primary elections shall be held in each district to select the directors apportioned to such districts and the result of all such primary elections must be ratified by the next regular meet-

Amends
§ 11, ch. 115,
Laws of
1921; § 1, ch.
69, Laws of
1929; § 2888
Rem. Comp.
Stat.

Board of
directors,
number.

Election.

Districts.

ing of the association. The by-laws of all associations hereafter organized or hereafter brought under the provisions of this act shall, if the director of agriculture so require, provide that one director shall be appointed by the director of agriculture, and no association whose by-laws now provide for the appointment of one or more directors by the director of agriculture, shall amend such by-laws so as to eliminate such appointed director without having first obtained the consent of the director of agriculture. The director so appointed need not be a member or stockholder of the association, but shall have the same powers and rights as other directors, and shall be regarded as representing the interests of the public. An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. No director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of common stock of the association, or to any other kind of contract differing from terms generally current in that district. When a vacancy on the board of directors occurs, other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, unless the by-laws provide for an election of directors by district. In such a case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

Fees for services.

Vacancy.

Amends § 13, ch. 115, Laws of 1921; § 2890 Rem. Comp. Stat.

Certificate of membership.

SEC. 6. That section 13 of chapter 115 of the Laws of 1921, (section 2890 of Remington's Compiled Statutes) be amended to read as follows:

Section 13. When a member of an association established without capital stock has paid his membership fee in full, he shall receive a certificate of membership. No association shall issue stock to a

member until it has been fully paid for. Except for debts lawfully contracted between him and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory notes given in payment thereof. No stockholder of a cooperative association shall own more than 1/10 of the issued common stock of the association; and an association in its by-laws may limit the amount of common stock which any one member may own to any amount less than one-tenth of the issued common stock. Any association organized with stock under this act may issue preferred stock, with or without the right to vote. No member or stockholder shall be entitled to more than one vote. Such stock may be redeemable or retirable by the association on such terms and conditions as may be provided for by the articles of incorporation and printed on the face of the certificate. The by-laws shall prohibit the transfer of the common stock of the association to persons not engaged in the production of the agricultural products handled by the association, and such restrictions must be printed upon every certificate of stock subject thereto. The by-laws and the marketing agreement, of the association, may provide for the retiring of the common or preferred stock of the association. Any shares of common or preferred stock redeemed, but not retired, may, from time to time, by order of the board of directors, without the vote of the members of the association, be reissued.

Debts, members liability.

Stock ownership limited.

Common and preferred stock.

Redemption.

Transfer.

SEC. 7. That section 15 of chapter 115 of the Laws of 1921, as amended by section 1 of chapter 138 of the Laws of 1927, (section 2892 of Remington's Compiled Statutes) be amended to read as follows:

Amends
 § 15, ch. 115,
 Laws of
 1921; § 1, ch.
 138, Laws of
 1927; § 2892
 Rem. Comp.
 Stat.

Marketing
contracts.

Provisions.

Form,
approval.

Annual
crop.

Section 15. The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time not over ten years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association. The contract may provide that the association may sell or re-sell the products of its members, with or without taking title thereto; and pay over on a proportional basis or otherwise to its members the resale price, after deducting all necessary selling, overhead and other costs and expenses, including interest on preferred stock, not exceeding eight per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight per cent per annum on common stock: *Provided*, That the form of such contract shall be approved by the director of agriculture, who may require that such contract set the maximum amount of any such reserves to be deducted from the sale price of the products of the members of such association: *Provided, further*, That in contracts involving the marketing of an annual crop, the director of agriculture may require that said contract shall contain a date upon which settlement will be made between the association and each of its members for the crop or product marketed by said association. The by-laws and the marketing contract may fix as liquidated damages specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees in case any action is legally maintained under the contract by the association; and any such provisions shall be valid and enforceable in the courts of this state. In the event of any such

breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract, and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and after notice and hearing, to a temporary injunction against the member.

Breach,
injunctions.

SEC. 8. That section 21 of chapter 115 of the Laws of 1921, (section 2898 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 21, ch. 115,
Laws of
1921; § 2898
Rem. Comp.
Stat.

Section 21. Any corporation or association organized under previously existing statutes, may by a two-thirds majority vote of its stockholders or members voting upon the question after notice of the proposed question shall have been given to all members entitled to vote thereon, in the manner provided by the by-laws of such corporation or association, be brought under the provisions of this act by limiting its membership and adopting the other restrictions as provided herein: *Provided*, That if the total vote upon the proposed question shall be less than twenty-five per cent (25%) of the total membership of the association, such question shall fail of adoption. It shall make out in duplicate a statement signed and sworn to by a majority of its directors, to the effect that the corporation or association has, by a two-thirds majority vote of its stockholders or members voting on the question, decided to accept the benefits and be bound by the provisions of this act. Amendments to articles of incorporation shall be filed as required in sections 4 and 7, except that they shall be signed by a majority of the members of the board of directors. The filing fee shall be the same as for filing an amendment to

Existing
corporations
or associa-
tions, benefits
of act.

Amendments
to articles of
incorpora-
tion.

articles of incorporation: *Provided*, That any such corporation or association organized prior to the approval of this act shall be admitted to the benefits hereof, subject to all of the requirements of this act except that the marketing contract between such association and its members need not be approved by the director of agriculture.

Passed the Senate January 27, 1931.

Passed the House February 19, 1931.

Approved by the Governor March 3, 1931.

CHAPTER 17.

[H. B. 81.]

SITE FOR BRANCH OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

AN ACT imposing upon a county as an arm and agency of the state an indebtedness not exceeding one hundred thousand dollars (\$100,000) exclusive of interest, requiring such county to issue its negotiable bonds therefor and to levy taxes to pay the same and to acquire by condemnation or otherwise such site as may be selected and to donate and convey the same to the United States for the establishment of a branch home of the national home for disabled volunteer soldiers; conferring on such county the power of eminent domain for the purposes of this act, granting the consent of the state to such conveyance and ceding exclusive legislative jurisdiction to the United States over the lands so conveyed and declaring an emergency.

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

SECTION 1. WHEREAS, Under the authority of an act of Congress being chapter 832 of the acts of the 71st Congress United States statutes at large adopted July 3, 1930, a branch of the national home for disabled volunteer soldiers is directed to be established in one of the northwest Pacific states and the site thereof is directed to be obtained by donation, and

Reasons and
necessity for
act.

WHEREAS, Such site is about to be selected by the authorities of the United States duly authorized thereto and may be selected within a county of this state, and

WHEREAS, It is the duty of the state and its governmental agencies to aid the national government to the full extent of their means and ability and section 3 of article X of the state constitution enjoins upon the legislature the duty of providing for the maintenance of a soldiers' home and the state will by the establishment of the national home be relieved of considerable financial burden, and

WHEREAS, The establishment of such branch in this state will be of great benefit to the people of the state and particularly to the county in which the same may be located.

SEC. 2. There is hereby imposed upon the county within which the site so to be selected may be located an indebtedness not exceeding, exclusive of interest, one hundred thousand dollars (\$100,000) and the county commissioners of such county acting as an arm and agency of the state are hereby directed to incur an indebtedness not exceeding, exclusive of interest, one hundred thousand dollars (\$100,000) with which such county as an arm and agency of the state is hereby required to acquire by purchase or condemnation as may be necessary the site so selected by the proper authorities of the United States and to convey all of such lands to the United States to be used by the United States for the establishment and maintenance of a branch of the national home for disabled volunteer soldiers under the laws now authorizing the same and to maintain and continue the same under such amendments thereof as may hereafter be adopted, such indebtedness to be evidenced by negotiable general obligation bonds of such county.

Indebted-
ness imposed
upon county.

Election to
approve
bonds and
indebted-
ness.

SEC. 3. The obligations and duties imposed by the preceding section shall be conditioned upon the prior approval of such indebtedness and issue of bonds to be obtained at an election by the qualified voters of such county, and such election and the form and denominations of the bonds to be issued thereunder shall be governed by and shall conform in all respects to the laws of the State of Washington relating to the issuance of general obligation bonds by counties in cases in which an indebtedness in an amount exceeding one and one-half percentum of the taxable property in such county is sought to be incurred, and all laws of the State of Washington relating to the issuance of general obligation bonds of the county shall apply hereto in all respects not inconsistent with the provisions of this act.

Right of
eminent do-
main granted
county.

SEC. 4. The right of eminent domain is hereby extended to such county as the agent of the state for every purpose of condemnation, appropriation or disposition intended by this act, and such county is hereby authorized and empowered, as such state agent, to condemn and appropriate all lands and rights whatsoever, and all provisions of law relating to the acquirement by eminent domain of lands for general county purposes shall apply to the condemnation, appropriation or disposition of lands to be acquired hereunder.

Public
necessity
established.

SEC. 5. The determination of the board of county commissioners of such county that the site for such soldiers' home has been selected by the proper authorities of the United States shall be a conclusive determination of that question and a conclusive determination that public necessity requires the condemnation and appropriation of such site.

Legislative
consent to
donation of
lands to
United
States.

SEC. 6. Pursuant to the constitution and laws of the United States, the consent of the legislature of the State of Washington is hereby given to the United States to acquire by donation from such

county title to all lands hereinabove referred to to be evidenced by the deed or deeds of such county signed by the chairman of its board of county commissioners and attested by the clerk of such board under the seal of such board; and the consent of the State of Washington is hereby given to the exercise by the Congress of the United States of exclusive legislation in all cases whatsoever over such tracts or parcels of land so conveyed to it; *Provided*, That upon the making of such conveyance the same, or a duplicate thereof, shall be filed in the office of the auditor of such county and: *Provided further*, That all civil process issued from the courts of this state and such criminal process as may issue under the authority of this state against any person charged with crime in cases arising outside of said reservation, may be served and executed thereon in the same mode and manner and by the same officers as if the consent herein given had not been given.

SEC. 7. Owing to the lack of proper and adequate facilities to provide homes for disabled soldiers and to the necessity for immediate action in order to secure the location of such home within this state, an emergency exists requiring this enactment for the support of the federal and state governments and this act is declared to be and is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Emergency
declared—
act effective
immediately.

Passed the House February 9, 1931.

Passed the Senate February 20, 1931.

Approved by the Governor March 5, 1931.

CHAPTER 18.

[H. B. 99.]

CITIES OF THE THIRD CLASS.

AN ACT relating to the government of cities of the third class and repealing Section 4 of Chapter 184 of the Laws of 1915 (Section 9117 of Remington's Compiled Statutes).

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

SECTION 1. That section 4 of chapter 184 of the Laws of 1915 (section 9117 of Remington's Compiled Statutes) be and the same is hereby repealed.

Passed the House February 4, 1931.

Passed the Senate February 25, 1931.

Approved by the Governor March 5, 1931.

Repeals
§ 4, ch. 184,
Laws of 1915
§ 9117, Rem.
Comp. Stat.

CHAPTER 19.

[H. B. 168.]

CIVIL RIGHTS OF PERSONS CONVICTED OF CRIMES.

AN ACT relating to the restoration of civil rights to persons convicted of infamous crimes, and repealing Chapter 26 of the Laws of 1929, and declaring that this act shall take effect immediately.

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

SECTION 1. Whenever the governor shall grant a pardon to a person convicted of an infamous crime, or shall grant an absolute release to any such person as provided by law, or whenever the maximum term of imprisonment for which any such person was committed, is about to expire or has expired, the governor shall have the power, in his discretion, to restore to such person his civil rights in the manner as in this act provided.

Pardon and
release by
governor.

Civil rights
restored.

SEC. 2. Whenever the governor shall determine Certificate.
to restore his civil rights to any person convicted of
an infamous crime in any superior court of this
state, he shall execute and file in the office of the
secretary of state an instrument in writing in sub-
stantially the following form:

“To the People of the State of Washington
Greeting:

I, the undersigned Governor of the State of Form.
Washington, by virtue of the power vested in my
office by the constitution and laws of the State of
Washington, do by these presents restore to.....
.....his civil rights forfeited by him (or
her) by reason of his (or her) conviction of the
crime of.....(naming it) in the Superior
Court for the County of....., on to-wit:
The.....day of....., 19.....

Dated the.....day of....., 19.....

(Signed).....
Governor of Washington.”

SEC. 3. Upon the filing of an instrument restor- Filing.
ing civil rights in his office, it shall be the duty of the
secretary of state to transmit a duly certified copy
thereof to the clerk of the superior court named
therein, who shall record the same in the journal of
the court and index the same in the execution docket
of the cause in which the conviction was had.

SEC. 4. The secretary of state and the clerk of Certified
copies.
the superior court, shall, upon demand and the pay-
ment of the fee required by law, issue a certified
copy of any such instrument restoring civil rights
filed in their respective offices, and every such certi-
fied copy shall be received in evidence as proof of the
fact therein stated, in any court and by all election
officers.

SEC. 5. That chapter 26 of the Laws of 1929 is Repeals
ch. 26, Laws
of 1929.
hereby repealed.

Effective
immediately.

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

Passed the House February 7, 1931.

Passed the Senate February 25, 1931.

Approved by the Governor March 6, 1931.

CHAPTER 20.

[H. B. 234.]

CONVEYANCE OF ESTATE IN FEE SIMPLE.

AN ACT relating to conveyances in fee simple and validating certain conveyances heretofore executed.

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

Word
"heirs" and
other words
unnecessary.

SECTION 1. The term "heirs", or other technical words of inheritance, shall not be necessary to create and convey an estate in fee simple. All conveyances heretofore made omitting the word "heirs", or other technical words of inheritance, but not limiting the estate conveyed, are hereby validated as and are declared to be conveyances of an estate in fee simple.

Passed the House February 16, 1931.

Passed the Senate February 25, 1931.

Approved by the Governor March 6, 1931.

CHAPTER 21.

[H. B. 240.]

APPROPRIATION FOR RELIEF OF D. C. COON AND
EMILY COON.

AN ACT for the relief of D. C. Coon and Emily Coon, his wife,
and making an appropriation therefor.

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

SECTION 1. There is hereby appropriated from \$500.
the motor vehicle fund the sum of five hundred dol-
lars (\$500.00) for the relief of D. C. Coon and Emily
Coon, his wife, and the community of D. C. Coon and
Emily Coon, his wife, in full settlement of all claim
for damages done to the land of said D. C. Coon and
Emily Coon, his wife, being part of lot 5, section 34,
township 24 north, range 2 east W. M., caused by
the construction of State Road No. 14 over and
across part of said lot 5, whereby the water sup-
ply for the reservoir maintained on said premises
by D. C. Coon and Emily Coon, his wife, was de-
stroyed and rendered valueless.

Passed the House February 19, 1931.

Passed the Senate February 25, 1931.

Approved by the Governor March 6, 1931.

CHAPTER 22.

[H. B. 352.]

APPROPRIATION FOR CONSTRUCTION OF
FEDERAL AID ROADS.

AN ACT making an appropriation from the motor vehicle fund to be expended for the federal proportion of highway construction and/or engineering under the Federal Aid Road Act, and declaring that this act shall take effect immediately.

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

\$4,000,000.

SECTION 1. There is hereby appropriated out of the motor vehicle fund of the state treasury the sum of four million dollars (\$4,000,000), or so much thereof as may be necessary, for the biennium ending March 31, 1931, to be expended by the director of highways to pay for that portion of the costs of construction and/or engineering upon highway projects actually incurred, which the United States government has agreed to repay to the state under the provisions of the Federal Aid Road Act, approved July 11, 1916, and acts amendatory thereof.

Effective immediately.

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 House February 27, 1931.

Passed the Senate March 2, 1931.

Approved by the Governor March 6, 1931.

CHAPTER 23.

[S. B. 79.]

EXCISE TAX ON SALE OF BUTTER SUBSTITUTES.

AN ACT relating to revenue and taxation, requiring distributors as therein defined to pay an excise tax on the sale of all butter substitutes, providing for licensing dealers therein, fixing a penalty for a violation of the provisions of the act, and declaring that this act shall take effect immediately.

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

SECTION 1. (a) The term "butter substitute" whenever used in this act shall be held and construed to mean and include any compound or compounds of animal or vegetable fats, such as tallow, beef fat, suet, lard, lard oil, suine, lardine, intestinal fat, offal fat, coconut oil, olive oil, cottonseed oil, peanut oil, in combination with milk, butter or any product of milk or butter, either colored or uncolored, that does not contain eighty per cent (80%) of milk or butter fat, and is sold or used as a substitute for butter.

Terms defined,

"butter substitute."

(b) The term "distributor" whenever used in this act shall be held and construed to mean and include any person, firm or corporation which produces, refines, manufactures or compounds and thereafter sells such butter substitute in the State of Washington for use and sale in this state, or who imports and sells such butter substitute into this state, except as hereinafter provided.

"Distributor."

SEC. 2. That in addition to the taxes now provided for by law each and every distributor, as defined in this act, who is now engaged or who may hereafter engage in his own name, or in the name of others, or in the name of representatives or agents in this state, in the sale of butter substitutes as herein defined, shall not later than the fifteenth day of each calendar month render a sworn statement to the director of agriculture of the State of Washing-

Additional tax 15c lb.

ton of all such butter substitute sold by him or them in the State of Washington during the preceding calendar month, and pay an excise tax of fifteen cents per pound on all butter substitutes so sold as shown by such statement in the manner and within the time hereinafter provided.

Distributors
to file
certificate.

SEC. 3. All distributors of such butter substitutes in the State of Washington shall file a duly acknowledged certificate with the director of agriculture on forms prescribed, prepared and furnished by him, which shall contain the name under which such distributor is transacting business within the State of Washington; such certificate shall state the place or places of business and location of distributing stations of the distributor in the State of Washington, the name and address of the manufacturing agent, the names and addresses of the several persons constituting the firm or partnership, and if a corporation the corporate name under which it is authorized to transact business, and the names and addresses of its principal officers, resident general manager and attorney-in-fact. If such distributor is an association of persons, firm, partnership or corporation organized under the laws of another state, territory or nation, if it has not already done so, it must first comply with the laws of the State of Washington relating to the transaction of its appropriate business therein. No distributor, as herein defined, shall, after the law goes into effect, sell any butter substitute until such certificate is furnished, as required by this act.

Statement
of sales.

SEC. 4. Every distributor of such butter substitute shall render to the director of agriculture of the State of Washington, on or before the fifteenth day of each month, on form prescribed, prepared and furnished by said director, a sworn statement of the number of pounds of butter substitute sold by it, him or them during the preceding calendar

month, which statement shall be sworn to by one of the principal officers in case of a domestic corporation, or by the resident general manager or attorney-in-fact in case of a foreign corporation, or by the managing agent or owner in case of a firm or association, and shall contain a statement of the quantities in pounds of butter substitute sold. Bills shall be rendered to dealers in butter substitutes as herein defined. Said bills shall contain a statement printed thereon in a conspicuous place that the distributor of such butter substitute has assumed the liability to the state for the license tax therein imposed and that he, it, or they will pay said license tax on or before the fifteenth day of the following month.

SEC. 5. Said excise tax shall be paid on or before the fifteenth day of each month to the director of agriculture of the State of Washington, who shall receipt the distributor therefor and place the same in the state treasury to the credit of the general fund of the State of Washington.

Payment
of tax.

SEC. 6. Every distributor of such butter substitute shall keep a record of such forms as may be prescribed by the director of agriculture of all purchases, receipts, sales and distributions of such butter substitutes, and such record shall at all times during the business hours of the day be subject to inspection and examination by the director of agriculture, or his deputies, or such other officers as may be provided by law.

Distributor
records
required.

SEC. 7. All butter substitutes sold in containers, packages, or cases shall bear a sticker tag showing the date of invoice upon which the same was delivered, the name of the distributor of such butter substitutes, and shall contain in a statement that the liability for the license tax thereon has been assumed by such distributor.

Sticker tag
on container.

SEC. 8. It shall be unlawful for any person, firm or corporation dealing in butter substitute to receive

Unlawful
to accept
delivery.

or accept any delivery or shipment of butter substitute from any distributor or to pay for the same, or to sell or offer the same for sale, unless the statement provided for in section seven (7) appears upon the container and upon all invoices for such butter substitute. If any shipment of butter substitute is received by any person, firm or corporation from any distributor, or is sold or offered for sale by him or them, upon which the requirements of sections 4 and 7 of this act are not complied with, such person, firm or corporation shall be deemed guilty of a misdemeanor: *Provided*, That the provisions of this section shall not apply to the receipt or sale of butter substitutes which are exempt from state tax under the constitution and laws of the United States.

Misde-
meanor.

SEC. 9. The director of agriculture shall have the power and it shall be his duty from time to time, to adopt, publish and enforce rules and regulations not inconsistent herewith for the purpose of carrying out the provisions of this act.

Rules and
regulations
by director
of agricul-
ture.

SEC. 10. Said excise tax shall not be imposed on butter substitutes when sold for exportation from the State of Washington to any other state, territory or nation: *Provided, however*, The distributor or exporting agent shall make a statement each month to the director of agriculture showing the amount of butter substitute exported.

Exports
not taxed.

SEC. 11. If any person shall receive such butter substitutes in such form and under such circumstances as shall preclude the collection of this tax from the distributor by reason of the provisions of the constitution and laws of the United States, and shall thereafter sell such butter substitute in such manner and under such circumstances as may subject such sale to the taxing power of the state, such person shall be considered a distributor and shall make the same reports, pay the same taxes and be

If not al-
ready taxed,
sale requires
tax.

subject to all the other provisions of this act relating to distributors of butter substitutes.

SEC. 12. Any distributor, association of persons, firm or corporation violating any of the provisions of this act shall be guilty of a gross misdemeanor. Penalties.

SEC. 13. Nothing in this act contained shall be construed to require the payment of the excise tax herein provided for, or the doing of any acts which would constitute an unlawful burden upon the sale or distribution of butter substitutes as herein defined, in violation of the constitution or laws of the United States. Tax not required in violation of U. S. constitution and laws.

SEC. 14. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of the act. Invalidity of part not to affect balance.

SEC. 15. Whereas the revenues of the state are insufficient to support the state government and its existing public institutions as at present organized and this act will furnish additional and necessary revenues now required by this state, and will aid in the immediate preservation of the public peace, health and safety, therefore 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. Emergency declared and act effective immediately.

Passed the Senate February 27, 1931.

Passed the House February 26, 1931.

Approved by the Governor March 9, 1931.

CHAPTER 24.

[S. B. 142.]

ELECTRICAL CONSTRUCTION WORK.

AN ACT relating to electric construction and amending Section 5437 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 5437 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 5437 of
Rem. Comp.
Stat.

Installation
to conform to
requirements
of law.

Section 5437. All wires, cables, poles, electric fixtures and appliances of every kind being used or operated at the time of the passage of this act, shall be changed, and made to conform to the provisions of section 5435 of Remington's Compiled Statutes, on or before the first day of July, 1937.

Director of
labor and
industries
may require
protective
devices.

Provided, however, That the director of labor and industries of Washington shall have power, upon notice and hearing, to order and require the erection of all guards, protective devices, and methods of protection which in the judgment of the director are necessary and should be constructed previous to the expiration of the time fixed in this section: *Provided, however,* That it shall be lawful to place additions, wires, cables, electrical fixtures or appliances upon existing poles or cross-arms so long as the new construction shall be made to conform to the provisions of this act.

Application
to manholes.

Provided, further, That nothing in this act shall apply to manholes already constructed, except the provisions for guards, sanitary conditions, drainage and safety appliances specified in rules 20, 24, 26, 29, 30, 31 and 32.

Passed the Senate February 27, 1931.

Passed the House February 25, 1931.

Approved by the Governor March 9, 1931.

CHAPTER 25.

[S. B. 18.]

EXCHANGES OF STATE LANDS AND TIMBER.

AN ACT authorizing the exchange of certain state lands or timber for other lands or timber of equal value.

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

SECTION 1. For the purpose of securing and preserving certain stands of timber bordering the Willapa-Grays Harbor Highway or State Road Number 13 in Pacific and Grays Harbor counties, and bordering the Ocean Beach Highway or State Road Number 12 in Pacific county, for state park purposes, the commissioner of public lands with the advice and approval of the board of state land commissioners, is hereby authorized to exchange any state lands or state timber of equal value, for such quantity of timber lands or timber in, the northeast quarter (NE $\frac{1}{4}$) of section 12, township 14 north, range 9 west; section 13, township 15 north, range 9 west, in Pacific county; and section 1, township 15 north, range 9 west; sections 17, 19 and 31 in township 16 north, range 8 west, in Grays Harbor county; also section 11, township 11 north, range 10 west, on the Ocean Beach Highway in Pacific county; also such portion of section 26, township 35, north range 9 in Skagit county; also section 7, township 13, north range 4 west W. M. on the Ocean Beach Highway in Lewis county; as may be selected by the state parks committee for state park purposes, and with the advice and approval of the attorney general, is hereby authorized to execute such agreements, writings, or relinquishments and deeds as are necessary or proper for the purpose of carrying such exchanges into effect, and when such exchanges shall have been effected, the lands and timber so acquired

Timber lands on state highways.

Exchanged for state lands.

State parks committee.

in exchange shall be under the supervision and control of the state parks committee as state parks.

Passed the Senate February 27, 1931.

Passed the House February 26, 1931.

Approved by the Governor March 9, 1931.

CHAPTER 26.

[H. B. 172.]

CHRISTMAS TREES AND HUCKLEBERRY BRANCHES.

AN ACT relating to certain evergreens, including huckleberry branches, and evergreen trees, commonly known as Christmas trees; requiring licenses for the shipment and/or transportation and sale of the same outside of the state; and amending Sections 1, 2 and 3 of Chapter 141 of the Laws of 1929.

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

SECTION 1. That section 1 of chapter 141 of the Laws of 1929 be amended to read as follows:

Section 1. It shall be unlawful for any person, firm or corporation to ship and/or transport to a point outside of the State of Washington and sell any evergreen, huckleberry branches (*vaccinium ovatum* and *vaccinium parvifolium*), or evergreen tree, commonly known as a Christmas tree, including fir, hemlock, spruce and pine trees without first obtaining a license so to do, as provided in this act, and no person, firm or corporation, railroad, automobile transportation company, steamship company, or other common carrier shall accept for shipment or transportation, or transport or carry any such evergreen huckleberry branches or trees to any point outside the State of Washington unless the shipper thereof shall exhibit a license issued to the shipper under the provisions of this act.

Amends
§ 1, ch. 141,
Laws of 1929.

Unlawful
to ship or
transport
and sell out-
side state.

License
required.

SEC. 2. Application for such license shall be made to the director of licenses and shall be accompanied by a fee of \$10.00 which shall within twenty-four hours after its receipt be paid to the state treasurer, who shall deposit the same in the forest development fund. Upon receipt of the fee herein provided the director of licenses shall issue to the applicant a license, a copy of which shall be filed with the state supervisor of forestry, which license shall authorize the licensee to ship and/or transport and sell such huckleberry branches or trees outside of the State of Washington until the first day of January following the day of its issue.

Applications,
fee.

SEC. 3. Within thirty days after the first day of January of each year every licensee under the provisions of this act shall file with the state supervisor of forestry a written report subscribed and sworn to before any officer authorized to take acknowledgment of deeds, showing the number of pounds of such huckleberry branches and/or the number of Christmas trees shipped and/or transported and sold outside the State of Washington during the period the license was in effect, the name of the person, firm or corporation from which said trees were acquired and the legal description of the property from which such trees were cut, and the place to which such huckleberry branches and/or trees were shipped.

Annual
report
required.

Passed the House February 26, 1931.

Passed the Senate February 25, 1931.

Approved by the Governor March 9, 1931.

CHAPTER 27.

[H. B. 62.]

HORTICULTURE.

AN ACT relating to horticulture and amending Sections 3, 11, 16 and 17 of Chapter 166 of the Laws of 1915, and amending Section 13 of Chapter 141 of the Laws of 1921.

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

SECTION 1. That section 3 of chapter 166 of the Laws of 1915, as amended by section 1 of chapter 37 of the Laws of 1923, (section 2841 of Remington's Compiled Statutes) be amended to read as follows:

Section 3. Inspectors-at-large may be assigned to duty in one or more counties and transferred from one county to another in the discretion of the director, and their salaries, compensation and actual and necessary traveling expenses shall be paid by warrants drawn upon the state treasurer by the state auditor, upon vouchers signed and verified under oath by such inspectors and counter-signed by the director or the assistant director and/or upon warrants drawn upon a trust fund derived from the certification of fruits and vegetables in the district in which said certification is performed in an amount not to exceed thirty per cent of the salary as paid by warrants drawn upon the state treasurer by the auditor upon vouchers signed and verified under oath by such inspectors and counter-signed by the director or assistant director: *Provided, however,* That such inspectors-at-large shall pass an examination by the director of agriculture as will prove to his satisfaction that their knowledge and experience qualify them to successfully carry on the work in the district to which they are assigned. In addition to inspectors-at-large whenever a petition is presented to the board of county commissioners of any county signed by twenty-five or more persons, each of whom is a resident free-holder and owner of an

Amends § 3,
ch. 166, Laws
of 1915; § 1,
ch. 37, Laws
of 1923;
§ 2841,
Rem. Comp.
Stat.

Inspectors-
at-large.

Salaries,
expenses.

Method of
payment.

Examina-
tion.

orchard, berry farm, cultivated cranberry marsh or nursery, within said county stating that certain or all orchards, berry farms, fruit farms, cultivated cranberry marshes, or nurseries or trees or plants of any variety or kind, within the county are infected, and that they desire the help of a local horticultural inspector in combating the infection, said board of county commissioners shall by resolution request the appointment and assignment to duty in such county by the director of agriculture of such number of local inspectors and for such length of time as such petition shall specify; *Provided, however,* That such local inspectors shall pass such an examination by the director of agriculture as will prove to his satisfaction that their knowledge and experience qualifies them to successfully perform horticultural inspection work. The salaries as fixed by the county commissioners and actual and necessary traveling expenses, within the county, of all local inspectors shall be paid out of the current expense fund of their respective counties upon vouchers signed and verified under oath by such inspectors and approved by the director or the assistant director and ordered paid by the county commissioners and the county auditor shall issue warrants therefor upon the said county fund. All local inspectors shall be under the direction and control of the director of agriculture and the assistant director. In case any inspector is dismissed from the service or transferred to another place, or to other duties, any qualified inspector or officer of the agricultural department may continue or complete any work or perform any duty initiated by such dismissed or transferred officer.

Local
inspector.Examina-
tion.Salaries,
expenses.Dismissed or
transferred.

SEC. 2. That section 11 of chapter 166 of the Laws of 1915, as amended by section 4 of chapter 311 of the Laws of 1927, (section 2849, Remington's Compiled Statutes) be amended to read as follows:

Amends § 11,
ch. 166, Laws
of 1915; § 4,
ch. 311, Laws
of 1927;
§ 2849 Rem.
Comp. Stat.

Failure to
disinfect
or destroy.

Section 11. In case the owner or person in charge of any premises or property required to be disinfected or destroyed as in the previous section provided, shall fail or neglect to comply with the notice within the time specified therein, the officer giving the notice shall have the right and it shall be his duty to enter upon the premises to be disinfected or where the personal property required to be disinfected or destroyed is situated and perform the acts required in such notice, or cause the same to be performed at the cost and expense of the owner of such premises or property as the case may be. The officer shall keep an accurate account of such cost and expense and the same shall be a lien upon the premises or personal property so disinfected, which lien may be enforced by the methods hereinafter provided. The liens in this section provided for shall in the case of personal property have precedence over all other liens: *Provided*, That where infected property has not been properly and adequately sprayed by the owner or lessee for two years, such property may be declared a public nuisance as provided by law and treated as such.

Cost and
expense.

Liens.

Infected
property
public
nuisance.

Amends § 16,
ch. 166, Laws
of 1915; § 1,
ch. 175, Laws
of 1929;
§ 2854 Rem.
Comp. Stat.

SEC. 3. That section 16 of chapter 166 of the Laws of 1915, as amended by section 1 of chapter 175 of the Laws of 1929, (section 2854, Remington's Compiled Statutes) be amended to read as follows:

Sale unlaw-
ful unless
properly
marked.

Section 16. It shall be unlawful for any person growing or packing and selling, offering for sale or shipping in boxes or packages, any fruit, vegetables or horticultural products grown in this state, or expose for sale, sell or offer for sale in the State of Washington, any fruit, vegetables or horticultural products without plainly marking on the outside of the box, package or parcel, with such standards, rules and regulations as have been or may be adopted and required by the director of agriculture after public hearings as provided by law, and it

shall be unlawful for any person having in his possession for sale or offering for sale or selling any fruit or horticultural products grown in this state and shipped in boxes or packages; to repack the same in the boxes or packages of any other grower or shipper or from any other place or to sell or offer for sale in closed packages, or to pack in or offer for sale in marked box or package any fruit or horticultural products other than that originally contained or shipped therein unless the markings are changed to conform to the contents of the package as heretofore provided.

Unlawful to re-pack.

In addition to the marks required to be placed upon any closed box or package of fruit, vegetable or horticultural products grown in this state, as hereinabove provided, the grower thereof or association or organization of growers packing the same shall mark upon the outside of such package the grade of the fruit, vegetable or horticultural products contained therein, specifying the grades and markings according to the obligatory grading rules and regulations, issued, published, and adopted by the director of agriculture, or a special or private grade or brand duly registered and approved by the director of agriculture as provided by law, and it shall be unlawful for any person to remark any such closed package to a higher or superior grade than that originally marked by the grower thereof or association or organization packing the same, or for any person other than the grower or association or organization packing such fruit grown in this state to place upon any such closed package not marked with the grade of the contents thereof any mark or brand indicating the grade of such contents; *Provided*, That nothing in this section shall be construed to apply to canned or dried fruit; *Provided, further*, That containers of fruits, vegetables and other horticultural products produced in other states

Grade marked.

Rules and regulations

Canned fruit.

Products of other states.

and shipped into the State of Washington, shall be marked to conform with the obligatory standards, rules and regulations duly promulgated by the proper authority of the state wherein such fruits, vegetables and horticultural products were produced, or the standards, rules and regulations adopted by the United States department of agriculture.

SEC. 4. That section 17 of chapter 166 of the Laws of 1915, as amended by section 7 of chapter 311 of the Laws of 1927, (section 2855, Remington's Compiled Statutes) be amended to read as follows:

Section 17. It shall be unlawful for any grower thereof or association or organization of growers packing apples, or other fruits, vegetables or nursery stock, to mark the package with the grade of the contents, or for any person to ship, sell, barter, or otherwise dispose of or offer for sale, or have in his possession for the purpose of sale, any package of apples, or other fruits, vegetables, or nursery stock, grown and packed within the State of Washington unless such contents shall comply with the general obligatory rules and regulations made, adopted and published from time to time by the director of agriculture, which general obligatory rules and regulations shall define and establish the standard for the grades.

In case an inspector making an inspection finds that apples, or other fruits, vegetables or nursery stock do not meet the standards as established by the obligatory rules and regulations, he shall condemn and serve notice upon such owner or person having possession of such apples, or other fruits, vegetables or nursery stock and the owner or person having possession of apples, or other fruits, vegetables or nursery stock shall not sell or dispose of the condemned apples, or other fruits, vegetables or nursery stock without written permission from the

Amends § 17, ch. 166, Laws of 1915; § 7, ch. 311, Laws of 1927; § 2855 Rem. Comp. Stat.

Sale unlawful if grade marks not according to rules.

Condemned.

inspector so to do. It will be *prima facie* evidence that the owner or person who has possession of such apples, or other fruits, vegetables or nursery stock has violated the provisions of this act unless he show the fruit, vegetables or nursery stock in possession or a release in writing signed by an inspector that he has complied with the provisions of the condemnation.

It shall be unlawful (1) to mark or place upon any package of fruit, vegetables or nursery stock the name of any other place or locality than the place where the same were grown, except the place to which shipped; or to falsely mark any such package as to variety, name of grower, or place where grown, or to represent for purposes of sale that said fruit, vegetables or nursery stock were grown in any locality other than that in which they were actually grown, or by any other person than the person by which they were actually grown; (2) to mark, brand, advertise, offer for sale, or sell, any fruit, vegetables or nursery stock as graded according to, or by the name of any of the grades promulgated by the director of agriculture, unless they conform to such grades; (3) to mark, brand, advertise, offer for sale or sell any fruit, vegetables or nursery stock by the name of any grade that imitates or approaches the name of any of the grades promulgated by the director of agriculture; or (4) to have in his possession any packages of fruit, vegetables or nursery stock thus misbranded.

But it shall not be unlawful to sell vegetables, fruit or nursery stock as ungraded, or as graded according to other standards than those adopted by the director of agriculture: *Provided*, The name of such other grades or standards does not closely resemble or imitate the name of any of the official grades unless obligatory grades, rules and regulations have been adopted as in this section provided.

Place of
growth
marked.

Wrong grade
marks
unlawful.

Imitation of
grades.

Other
standards.

Products of
other states.

Apples or other fruit, vegetables and nursery stock produced in other states and shipped into the State of Washington shall comply with the obligatory standards, rules and regulations duly promulgated by the proper authority of the state of origin of such products or the standards, rules and regulations adopted by the United States department of agriculture.

Rules and
regulations,
hearing.

The general obligatory rules and regulations shall be based on the official hearing held as in this section provided, and thereafter the director of agriculture is authorized and directed to hold a public hearing in the principal districts affected, to consider proposed changes in these obligatory rules and regulations for any kind of fruit, vegetables or nursery stock only when a petition is submitted to him signed by resident freeholders of the state who are owners of twenty-five per cent or more of the total commercial acreage based on the census of the state department of agriculture for the kind of fruit, vegetables or nursery stock for which changes in the rules and regulations are suggested or the director of agriculture may call a public hearing upon a reasonable showing of such a necessity by the industry requesting such hearing to consider desired changes in said rules and regulations and make, adopt, issue and publish general obligatory rules and regulations governing the packing of apples, other fruit, vegetables or nursery stock and establishing and defining the grades thereof, and in adopting the same the director is authorized to consult and advise with fruit, vegetables or nursery growers, the officers of associations or organizations of apple, other fruit, vegetable or nursery growers or distributors or dealers in apples, other fruit, vegetables or nursery stock. For the conducting of such hearing the director of agriculture may prescribe all necessary reasonable rules, but said rules

Changes.

must be such as to insure a fair, full and impartial opportunity for all interested districts to be heard. In establishing the grading obligatory rules herein mentioned the director of agriculture shall base them on the necessities and properties as shown in said hearing, taking into consideration the tonnage of commercial fruit, vegetables or nursery stock in each district of the state affected by the grading obligatory rules to be established; said rules and regulations so established to become obligatory rules and regulations and be given the same force and effect as though enacted by the legislature of the State of Washington, said obligatory rules and regulations to become effective upon being adopted and promulgated by the director of agriculture.

SEC. 5. That section 13 of chapter 141 of the Laws of 1921, as amended by section 1 of chapter 67 of the Laws of the Extraordinary Session of 1925 (section 2872 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 13, ch. 141, Laws of 1921; § 1, ch. 67, Ex. Laws of 1925; § 2872 Rem. Comp. Stat.

Section 13. The director of agriculture, assistant director, and inspector-at-large are authorized and empowered to appoint horticultural inspectors upon application of a financially interested party for certificate inspection service or other inspection on certain specified fruits, vegetables, nursery stock or other horticultural products, and such horticultural inspectors are authorized and empowered, to inspect, or inspect, investigate and certify to shippers and other interested parties, the quality, grade and condition of the fruit, vegetables, nursery stock or other horticultural products specified in the application and the cars in which they are loaded. Such inspection and investigation to be made under such rules and regulations as the director of agriculture may from time to time prescribe, upon the payment of such reasonable fees to be fixed by the director as will as near as may be cover the cost for

Certificate inspection service.

Rules and regulations.

Fees.

Collection
of fees.

Bond of
inspectors.

Report of
inspectors.

Funds for
service.

the services rendered. Such fees are to be collected by the inspectors-at-large who have charge of such inspection and expended by them to assist in defraying the expense of the horticultural inspection. Such inspectors-at-large shall be bonded in a sum of three thousand dollars each running to the State of Washington with a surety approved by the director conditioned for the faithful handling of these funds for the purpose specified in this act. Said inspectors-at-large shall render on or before the tenth day of each month a detailed account to the director of agriculture showing the receipts and disbursements for the preceding month. On the thirtieth of June of each year the inspectors-at-large shall render a complete account of the past year's business to the board of county commissioners of each county in which such inspection has been made or certificates have been issued in their district, and should there be in excess of fifteen hundred dollars remaining on hand in any horticultural inspection district after all expenses of such inspection or certificate of inspection service have been met, to date, in that district, such amount shall be returned to the contributors to the fund in proportion to the amount of payment made into the fund by each contributor, except that in districts designated as No. 4 and No. 5, the return to be made to the contributor in that amount in excess of six thousand five hundred (\$6,500.00) dollars and in District No. 11, the returns to the contributor to be made on that amount in excess of three thousand five hundred (\$3,500.00) dollars. In case the applicant for such inspection or certificate service shall fail, neglect or refuse, to pay such fee within thirty (30) days after the inspection has been made, it shall be the duty of the prosecuting attorney of the county in which the inspection was made to bring action for debt in the name of the inspector-at-large in charge

of the inspection on his request. Such certificate so issued shall be received in all the courts of the State of Washington as *prima facie* evidence of the truth of the statement therein contained.

Passed the House February 26, 1931.

Passed the Senate February 25, 1931.

Approved by the Governor March 9, 1931.

CHAPTER 28.

[H. B. 149.]

CONGRESSIONAL REAPPORTIONMENT.

AN ACT to redistrict and reapportion the State of Washington into six congressional districts and repealing Chapter 94 of the Laws of 1913.

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

SECTION 1. That the city of Seattle and Kitsap county, shall constitute the first congressional district and shall be entitled to one representative in the Congress of the United States. First district.

SEC. 2. That the counties of Snohomish, Skagit, Whatcom, San Juan, Island, Clallam, Jefferson and the precincts of Avondale, Bothell No. 1, Bothell No. 2, Broadview, Foy, Greenwood, Haller Lake, Hollywood, Juanita, Kenmore, Lake City, Lake Forest, Maple Leaf, Meadow Point, Morningside, North Park, North Trunk, Oak Lake, Ravenna, Richmond, Woodinville and Woodland in the county of King shall constitute the second congressional district and shall be entitled to one representative in the Congress of the United States. Second district

SEC. 3. That the counties of Grays Harbor, Mason, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania shall constitute the third congressional district and shall be entitled to one representative in the Congress of the United States. Third district.

Fourth
district.

SEC. 4. That the counties of Klickitat, Yakima, Benton, Kittitas, Whitman, Grant, Adams, Franklin, Walla Walla, Columbia, Garfield and Asotin, shall constitute the fourth congressional district, and shall be entitled to one representative in the Congress of the United States.

Fifth
district.

SEC. 5. That the counties of Ferry, Stevens, Lincoln, Spokane, Chelan, Okanogan, Douglas and Pend Oreille, shall constitute the fifth congressional district and shall be entitled to one representative in the Congress of the United States.

Sixth
district.

SEC. 6. That the county of Pierce, and that portion of King county outside of the corporate limits of the city of Seattle, excepting the precincts included above in the second congressional district, shall constitute the sixth congressional district and shall be entitled to one representative in the Congress of the United States.

Elections,
returns.

SEC. 7. That at the next general election to be held on the first Tuesday after the first Monday in November, 1932, one representative in the Congress of the United States shall be elected in each of the congressional districts by the qualified electors therein and the votes for said representatives shall be given, received, returned and canvassed as the same are now given, received, returned, and canvassed for electors for president and vice-president of the United States.

Repeals
§§ 3792 to
3797 inc.,
Rem. Comp.
Stat.

SEC. 8. That chapter 94, Laws of 1913 (Remington's Compiled Statutes 3792 to 3797 inclusive) be and the same is hereby repealed.

Passed the House February 26, 1931.

Passed the Senate February 26, 1931.

Approved by the Governor March 9, 1931.

CHAPTER 29.

[H. B. 199.]

NATIONAL PARK HIGHWAY ESTABLISHED.

AN ACT relating to State Highway No. 5, of the National Park Highway, and amending Section 4 of Chapter 185 of the Laws of 1923.

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

SECTION 1. That section 4 of chapter 185 of the Laws of 1923 be amended to read as follows:

Amends § 4,
ch. 185, Laws
of 1923.

Section 4. A primary state highway, to be known as State Road No. 5 or the National Park highway system, is established as follows: Beginning at the city of Tacoma; thence by the most feasible route in a southeasterly direction through Elbe and Ashford to the Rainier National Park gate; also from a junction in the city of Elbe; thence in a southerly direction through Morton, Kosmos, thence in a westerly direction through Nesika, Riffe and Ethel to a junction with State Road No. 1 or the Pacific highway at or in the vicinity of Jackson Prairie; also, from a junction at or near Kosmos in Lewis county in a northeasterly direction through Lewis in Lewis county through Sheepskull Gap; thence in a northwesterly direction through Enumclaw, Auburn, Kent to a connection with State Road No. 2 in the vicinity of Renton; also from a junction at Sheepskull Gap in a southeasterly direction to Yakima; also from a junction at Auburn by the most feasible route in a general southerly and westerly direction through Derringer, Sumner and Puyallup to a junction with State Road No. 1 at Tacoma; also from a junction at Enumclaw thence through Buckley and Wilkeson to a point near Fairfax and by the most feasible route to the boundary of Rainier National Park at the northwest entrance to said park; also from a junction at Auburn westerly by the most feasible

State Road
No. 5; Na-
tional Park
Highway
established.

Route.

route to a junction with State Road No. 1; also from a junction in the vicinity of Naches, thence westerly by the most feasible route along the Tieton river through White Pass to a connection with State Road No. 5 in the vicinity of Clear Fork.

Passed the House February 26, 1931.

Passed the Senate March 2, 1931.

Approved by the Governor March 10, 1931.

CHAPTER 30.

[H. B. 304.]

WILLAPA-GRAYS HARBOR HIGHWAY ESTABLISHED.

AN ACT relating to, classifying, naming and fixing the routes of certain state highways and amending Section 12 of Chapter 185 of the Laws of 1923.

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

Amends § 12,
ch. 185, Laws
of 1923;
§ 6791-12
Rem. Comp.
Stat., 1927
Sup.

SECTION 1. That section 12 of chapter 185 of the Laws of 1923, (section 6791-12 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

State Road
No. 13; Will-
apa-Grays
Harbor
Highway
established.

Section 12. A primary state highway, to be known as State Road No. 13, or the Willapa-Grays Harbor highway, is established as follows: Beginning at Raymond in Pacific county; thence by the most feasible route in a northerly direction by way of Cosmopolis to a junction with State Road No. 9 at the most feasible point in Aberdeen in Grays Harbor county.

Route.

Passed the House February 26, 1931.

Passed the Senate March 2, 1931.

Approved by the Governor March 10, 1931.

CHAPTER 31.

[H. B. 327.]

CHELAN-OKANOGAN STATE HIGHWAY ESTABLISHED.

AN ACT relating to, classifying, naming and fixing the route of a certain state highway, and amending Section 9 of Chapter 185 of the Laws of 1923.

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

SECTION 1. That section 9 of chapter 185 of the Laws of 1923 (section 6791-9 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends § 9,
ch. 185, Laws
of 1923;
§ 6791-9
Rem. Comp.
Stat., 1927
Sup.

Section 9. A primary state highway, to be known as State Road No. 10 or the Chelan-Okanogan state highway, is established as follows: Beginning at Quincy in Grant county; thence in a north-westerly direction to a connection with the Sunset highway at the bridge over the Columbia river at Wenatchee; thence over the route of the Sunset highway to Orondo; thence northeasterly through Chelan Falls, Okanogan and Oroville to the international boundary line; also from a junction in the vicinity of Brewster in Okanogan county; thence in a southeasterly direction by the most feasible route to a junction with the Sunset highway at the most feasible point between Coulee City in Grant county and Baird in Douglas county.

State Road
No. 10:
Chelan-
Okanogan
State High-
way estab-
lished.

Route.

Passed the House February 26, 1931.

Passed the Senate March 2, 1931.

Approved by the Governor March 10, 1931.

CHAPTER 32.

[H. B. 183.]

SALE OF CERTIFICATES FOR FUNERAL SERVICES.

AN ACT relating to and regulating the selling, offering for sale, or otherwise disposing of any share, certificate, right, or interest, granting or purporting to grant any right to funeral or burial services; and providing penalties for violation thereof.

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

Definitions.

SECTION 1. "Person" shall include natural persons of either sex, associations, firms, co-partnerships and corporations, whether acting by themselves, or by servant, agent or employee. Words in the present tense shall include the future tense, and the masculine shall include the feminine and neuter genders, and the singular shall include the plural, and the plural shall include the singular. "Insurance Commissioner" shall mean the insurance commissioner of the State of Washington.

Sale of certificates prohibited without filing bond.

SEC. 2. No person shall sell, or offer for sale, or otherwise dispose of for value, any 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 right to funeral or burial services contingent upon the death of such purchaser, holder, children, dependents, or members of his family, at a price or cost less than the price or cost open to any person not having such share, certificate, right or interest, unless such person so selling, offering for sale, or otherwise disposing of any such share, certificate, right, or interest, shall first file, and keep in full force and effect, a bond running to the State of Washington, in the penal sum of one hundred thousand (\$100,000.00) dollars, with a surety com-

Amount,
\$100,000.

pany licensed to do business in this state as surety, such bond to be approved by and filed with the insurance commissioner, conditioned to indemnify, protect, and save harmless the purchaser or holder of any such share, certificate, right or interest, from any damage or loss sustained, or occasioned by any misrepresentation or fraud on the part of, or the insolvency of, or the cessation of the doing of business by, such person so selling or offering for sale any such share, certificate, right, or interest, or by the failure, neglect or refusal of any such person to comply with the terms and conditions of any such share, certificate, right, or interest, or any representation, whether oral or in writing, made at the time of, or as an inducement for, the purchase or acquisition thereof.

Approval.

Conditions.

SEC. 3. In case the purchaser or holder of any such share, certificate, right, or interest, shall sustain damage or loss from any cause herein specified, such purchaser or holder, or his executors, or administrators, shall have cause of action against the principal and surety upon the bond herein provided for, for all damages or loss sustained, together with the costs as provided by law, and in addition thereto, a reasonable sum as attorney's fees to be fixed by the court in such action, but the recovery against the surety shall not exceed the amount of the bond.

Action on bond.

SEC. 4. In addition to the filing of the bond as hereinbefore provided, every such person shall file with the insurance commissioner on or before the 10th day of each month, a sworn statement showing the total amount of money by him received on account of the sale of outstanding and unredeemed shares, certificates, rights or interests theretofore issued by him and which were in force on the last day of the preceding month, which sworn statement shall also set forth the name and address of every

Monthly statement of sales.

person who during such preceding month has become a purchaser of any such share, certificate, right or interest, together with the amount of money collected thereon, and/or to be paid therefor, and at the same time of filing such sworn statement, such person shall also deposit with the state treasurer cash or securities specified as authorized investments for domestic insurance companies under the insurance laws of this state, in such a sum as shall at least equal in value when added to securities previously deposited by any such person with the state treasurer, fifty per cent (50%) of the total amount theretofore received by such person on account of such shares, certificates, rights, or interests. If at any time the securities so deposited by any such person shall be in excess of fifty per cent (50%) of the amount received on account of the then outstanding and unredeemed shares, certificates, rights, or interests, such person may withdraw such excess, and the said state treasurer is hereby authorized, empowered, and directed to return the said excess to the person so depositing the same. The securities so deposited shall be for the protection of all purchasers, or holders, of any such shares, certificates, rights, or interests from the respective persons so making said deposits, but a deposit by any such person hereunder shall be security only for the performance of his own contract as evidenced by the share, certificate, right, or interest sold and disposed of by him. Said cash or securities, together with all interest or dividends accruing thereon, shall be held and disposed of in the manner as is now, or may hereafter be, provided by law in respect to cash or securities deposited with the said state treasurer under the laws of the State of Washington with respect to title insurance and he shall be entitled to collect such fees as are authorized, pursuant to state law pertaining to and regulating title insurance.

Deposit of
securities
required.

SEC. 5. The insurance commissioner is hereby authorized to examine the books and accounts of any person doing business within the purview of this act whenever in his judgment it is necessary to insure a proper enforcement thereof, but not more often than once in any six month period, and the reasonable and necessary cost of making such examination shall be borne and paid to the state treasurer on demand by the persons whose books and accounts are to be so examined, to be disposed of as is or may be provided by law in like and similar cases.

Insurance commissioner to examine accounts.

SEC. 6. This act shall not apply to any funeral or burial right or benefit issued or granted as an incident to membership in any fraternal or benevolent association or society, not organized for profit, or incident to any insurance policy or provision issued by any person duly authorized to do business in this state.

Fraternal societies exempted.

SEC. 7. Any person who shall violate or fail to comply with, or aid or abet any person in the violation of, or failure to comply with any of the provisions of this act, shall be guilty of a gross misdemeanor.

Penalties.

SEC. 8. The provisions of this act are cumulative and shall be construed as additional requirements, except as herein provided.

Provisions cumulative.

SEC. 9. If any section, subdivision, sentence or clause in this act shall be held invalid or unconstitutional, such fact shall not effect the validity of the remaining portions of this act.

Invalidity of part not to affect remainder.

Passed the House February 11, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 10, 1931.

CHAPTER 33.

[H. B. 222.]

TIDE LANDS GRANTED CITY OF SEATTLE.

AN ACT authorizing the conveyance of certain lands for certain purposes, and amending Section 3 of Chapter 177 of the Laws of 1929.

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

Amends § 3,
ch. 177, Laws
of 1929.

SECTION 1. That section 3 of chapter 177 of the Laws of 1929 be amended to read as follows:

Granted for
public park.

Section 3. All of the tide lands described in section 1 of this act are hereby granted to said city of Seattle to be used for public park, boulevard, ferry landings and temporary waiting basin for shipping entering the government canal, and for no other purposes; and in case the said city of Seattle shall attempt to use or permit the use of said tide lands or any portion thereof for any other purposes, the same shall forthwith revert to the State of Washington without suit, action or other proceeding whatsoever, or the judgment of any court forfeiting the same; *Provided*, That the city of Seattle shall be and is hereby authorized to convey any portion of the above described tide lands to the Port of Seattle, for port purposes.

Conveyance
authorized to
Port of Se-
attle.

Passed the House February 16, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 10, 1931.

CHAPTER 34.

[S. B. 211.]

PAYMENT OF PERSONAL PROPERTY TAXES.

AN ACT relating to and extending the time of payment of personal property taxes falling due in the years 1931 and 1932, respectively, and declaring that this act shall take effect immediately.

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

SECTION 1. Whenever the total amount of personal property taxes falling due in the year 1931 or the year 1932, payable by one person, is ten dollars (\$10.00) or more, then if one-half of such taxes be paid on or before the fifteenth day of March in such year, then the time of payment of the remainder thereof shall be extended, and said remainder shall be due and payable on or before the thirtieth day of November following; but if the remaining one-half of such taxes be not paid on or before the said thirtieth day of November, then such remaining one-half shall be delinquent, and interest at the rate of twelve per cent (12%) per annum shall be charged thereon from the fifteenth day of March preceding, until paid.

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

Passed the Senate February 26, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 12, 1931.

CHAPTER 35.

[S. B. 63.]

STEVENS AND WASHINGTON LOOP HIGHWAYS.

AN ACT establishing, classifying, naming and fixing the route of the Stevens Highway and naming and fixing the route of the Washington Loop Highway.

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

State Road No. 15; Stevens Highway established.

Route.

SECTION 1. A primary state highway to be known as State Road No. 15, or the Stevens Highway, is established as follows:

Beginning at a junction with State Road No. 2 in the vicinity of Peshastin, in Chelan county, thence by the most feasible route in a westerly direction by way of Leavenworth, Stevens Pass, Skykomish, Gold Bar, Monroe to a junction with State Road No. 1 at Everett, in Snohomish county.

Washington Loop Highway established.

Route.

SEC. 2. The Washington Loop Highway comprised of the following state primary highways, or portions thereof, is hereby established as follows:

Beginning at the city of Seattle; thence over and along the route of the Sunset Highway through Renton, Fall City, North Bend and Cle Elum to a junction with the Inland Empire Highway at or near Teanaway, in Kittitas county; thence in an easterly direction over and along the Inland Empire Highway through Ellensburg, Yakima, Sunnyside, Prosser, Kennewick, Pasco, Walla Walla, Dayton, and Pomeroy, to Clarkston, in Asotin county; and beginning at a point on the Washington-Idaho state line where the same is intersected by the eastern route of the Inland Empire Highway; thence in a northerly direction over and along such eastern route of the Inland Empire Highway through Uniontown, to a junction with the Inland Empire Highway at Pullman; thence in a northerly direction

over and along the Inland Empire Highway through Colfax to a junction with Sunset Highway at Spokane; thence westerly over and along the Sunset Highway through Davenport, Wilbur, Waterville, Wenatchee, and Cashmere to a junction with the Stevens Highway near Peshastin; thence westerly over the Stevens Highway through Leavenworth, Stevens Pass, Skykomish, Gold Bar and Monroe to a junction with the Pacific Highway at Everett in Snohomish county.

SEC. 3. The Washington Loop Highway shall be permanently constructed and paved as rapidly as funds are available therefor. Construction and pavement.

Passed the Senate February 25, 1931.

Passed the House March 5, 1931.

Approved by the Governor March 12, 1931.

CHAPTER 36.

[S. B. 65.]

PACIFIC HIGHWAY.

AN ACT relating to primary state highways, and amending Section 1 of Chapter 185 of the Laws of 1923.

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

SECTION 1. That section 1 of chapter 185 of the Laws of 1923, as amended by section 8 of chapter 26 of the Laws of 1925 (section 6791-1 of Remington's Compiled Statutes, 1927 Supplement), be amended to read as follows: Amends § 1, ch. 185, Laws of 1923; § 8, ch. 26, Laws of 1925; § 6791-1 Rem. Comp. Stat., 1927 Sup.

Section 1. A primary state highway, to be known as State Road No. 1, or the Pacific Highway, is established as follows: Beginning at the international boundary line at Blaine in the county of Whatcom; thence by the most feasible route in a southerly direction through the cities of Belling- State Road No. 1; Pacific Highway established.

Route.

ham, Mt. Vernon, Everett, Seattle, Tacoma, Olympia, Chehalis, Kelso and Vancouver to the interstate bridge over the Columbia River between Vancouver and Portland; also from a junction in the city of Bellingham; thence by the most feasible route in an easterly direction to Austin Pass in Whatcom county; also beginning at a point where the Samish road intersects existing State Road No. 1, or the Pacific Highway, at the crossing of the electric interurban railway about one-half mile north of Burlington in Skagit county; thence by the most feasible route in a general northerly and northwesterly direction through Alger and around the northerly and easterly side of Lake Samish to a junction with the existing State Road No. 1 or the Pacific Highway, at or near Bellingham.

Passed the Senate February 25, 1931.

Passed the House March 5, 1931.

Approved by the Governor March 12, 1931.

CHAPTER 37.

[S. B. 85.]

STATE ROAD NO. 22.

AN ACT relating to, establishing, naming and fixing the routes of certain state highways, and amending Section 12 of Chapter 164 of the Laws of 1915.

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

SECTION 1. That section 12 of chapter 164 of the Laws of 1915, as amended by section 3 of chapter 26 of the Laws of 1925 (section 6810 of Remington's Compiled Statutes) be amended to read as follows:

Section 12. A primary state highway to be known as State Road No. 22 is established as follows: Beginning at a junction with State Road No. 2 or the Sunset Highway at Davenport in Lincoln

Amends § 12, ch. 164, Laws of 1915; § 3, ch. 26, Laws of 1925; § 6810 Rem. Comp. Stat.

State Road No. 22 established.

Route.

county; thence in a northerly direction by way of the Detillion Bridge and Kettle Falls to Marcus in Stevens county; thence in a northeasterly direction, by the most feasible route, by way of Northport in Stevens county to the international boundary, at the most feasible point, in the vicinity of the village of Boundary.

Passed the Senate February 25, 1931.

Passed the House March 5, 1931.

Approved by the Governor March 12, 1931.

CHAPTER 38.

[S. B. 189.]

BRANCH OF PACIFIC HIGHWAY.

AN ACT relating to and establishing a branch of State Road No. 1, or the Pacific Highway.

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

SECTION 1. A primary state highway as a branch of State Road No. 1 or the Pacific Highway is established as follows: Beginning at a junction at the most feasible point in the vicinity of Duwamish; thence in a northeasterly direction by the most feasible route to a junction with State Road No. 2, at the most feasible point at or near the southerly limits of the city of Seattle, in King county.

Branch of
State Road
No. 1, Pacific
Highway,
established.

Route.

Passed the Senate February 25, 1931.

Passed the House March 5, 1931.

Approved by the Governor March 12, 1931.

CHAPTER 39.

[S. B. 105.]

SEWERAGE AND GARBAGE DISPOSAL SYSTEMS.

AN ACT providing for the construction and maintenance of systems of sewerage, and systems and plants for collection and disposal, by fourth class cities or towns; providing for the payment therefor by bonds; and providing for the collection of special service charges, and declaring that this act shall take effect immediately.

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

Fourth
class cities.

Acquisition.

SECTION 1. The town council or other governing body of each fourth class city or town within the state shall be, and hereby is, authorized to construct, condemn and purchase, acquire, add to, maintain, conduct and operate systems of sewerage, and systems and plants for collection and disposal of refuse, within or without its limits, with full power to regulate and control the use thereof, and with full power to fix rates and collect charges for the use thereof, and to enforce the payment of such charges, and to make such charges a specific lien against the property on which the service connection is made.

Ordinance
specifying
plan.

SEC. 2. Whenever the town council or other governing body of any fourth class city or town within the state shall deem it advisable that such town shall construct, acquire, purchase, or otherwise obtain, and operate, any system of sewerage, and systems for collection and disposal of refuse, or make any additions and betterments thereto or extensions thereof, the town council or other governing body of said town shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said town

at a special election, excepting in the following cases where no submission shall be necessary:

Special election.

1. When the adoption of a system of sewerage, and for collection and disposal of refuse, and the construction and operation of same, has been required and ordered by the state board of health.

Not necessary when.

2. When no general indebtedness is to be incurred by such fourth class city or town in the acquiring, construction, or operation of such public utility, or in the building of any extensions thereto or betterments thereof, or any part thereof.

If a general indebtedness is to be incurred, the amount of such indebtedness, and the terms thereof shall be included in such ordinance, and if the proposition is submitted to the qualified voters of said town, it shall be included in such proposition, and such proposition shall be assented to by a majority vote of the qualified voters of the said town voting at such election. Ten days notice of such election shall be given in the newspaper doing the town printing, by publication in each issue of said newspaper during said time. Whenever a proposition has been adopted as aforesaid or in the cases mentioned in subdivision first and second of this section where no submission shall be necessary, the town council or other governing body of said town shall have power to proceed forthwith to purchase, acquire, construct and operate such sewer system, and systems for refuse, collection and disposal, or any parts thereof, and the necessary equipment, property, rights, easements and things necessary for the purposes thereof, and to make additions, alterations and extensions thereto, and to make payment therefor. Where a general indebtedness is to be incurred, the total indebtedness incurred under the authority of this act, added to other indebtedness of such town at any time outstanding, shall not exceed ten per centum of the value of the taxable property therein,

General indebtedness.

Notice of election.

Indebtedness not to exceed 10% of value of taxable property.

to be ascertained by the last assessment for state and county purposes.

SEC. 3. Whenever the qualified voters of any such fourth class city or town shall have heretofore adopted or shall hereafter adopt a proposition for such public utility as aforesaid and shall have authorized a general indebtedness, or the state board of health has ordered the adoption of and construction and operation of such sewerage, collection and disposal system, general town bonds may be issued as hereinafter provided. Said bonds shall be registered or coupon bonds, shall be issued in denominations of not less than one hundred, or more than one thousand dollars; shall be numbered from one up consecutively; shall bear the date of their issue; shall be payable not more than twenty years from their date, with payments to be made annually, or after a certain period of years, or as such town council may deem for the best interests of said town; and shall bear interest not exceeding seven (7) per cent per annum, payable semi-annually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the mayor and attested by the clerk under the seal of the said town. There shall be levied each year a tax upon the taxable property of such town sufficient to pay the interest on said bonds as the same accrue, and an annual sinking fund sufficient for the payment of said bonds at their maturity, which taxes are due and collectible as other taxes. In addition thereto the said town council or other governing body shall set aside to such fund any other sums or amounts which may accrue from the collection of service charges for the private use of said sewerage and disposal system, and the same shall be applied to the payment of such interest and bonds, and where the said charges suffice to main-

Bonds may
be issued,
kind.

Interest.

Tax levy.

tain said systems, and to pay such interest and sinking fund amounts, no general tax need be levied. The said bonds shall be printed and engraved or lithographed on good bond paper, and a copy of this act, together with the ordinance of the town directing the construction of such system or systems, shall be printed on each bond. In the event that an election was had, a printed copy of a signed statement by the mayor and clerk showing the result of said election shall be printed on each bond; in the event that no election was had, but such system or systems were ordered constructed by the state board of health, a printed copy of such order of the state board of health shall be printed on each bond. Such bonds shall be sold in such manner as the said town council or other governing body of said town shall deem for the best interests of the said town. A register shall be kept of all bonds, which register shall show the number, date, amount, interest, to whom delivered—if coupon bonds, and the name of the payee—if registered bonds; when and where payable, and each and every bond executed, issued or sold under the provisions hereof.

Form and contents of bonds.

Bond register.

SEC. 4. Whenever the town council or other governing body of any such fourth class city or town shall have adopted or shall hereafter adopt a proposition for the purchase, construction, operation, maintenance and keeping of a system of sewerage, and collection and disposal of refuse, and no general town indebtedness shall have been authorized, or desired, the said council shall have, and is hereby given, the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility and system, or addition, betterment or extension thereto, into which special fund or funds the council or other governing authorities of such town may obligate and bind the said town to set aside and pay a fixed proportion of the gross reve-

Special funds.

Gross revenue set aside.

Sale of
bonds and
warrants.

nues of such sewerage and disposal system, 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 to issue and sell bonds or warrants bearing interest not exceeding seven (7) per centum per annum, payable semi-annually, executed in such manner and payable at such time as the council or other governing authorities of such town shall determine, but such bonds or warrants and the interest thereon shall be payable only out of such special fund or funds. In creating such special fund or funds the council or other governing body of such town shall have due regard to the cost of operation and maintenance of the system and plant as constructed or added to, and the amounts necessary for the payment of interest and sinking fund charges, and shall base the rates charged for service on such needs and charges. Any such bonds or warrants or other evidence of indebtedness issued against any such funds as herein provided shall be a valid claim of the holder thereof only as against the said special fund, and shall not constitute a general indebtedness of such town. Each such bond or warrant shall state on its face that it is payable from a special fund, naming the fund and the ordinance creating it. Such bonds and warrants shall be sold in such manner as the town council or governing authorities shall deem for the best interests of the said town, and the said town council or governing authorities may provide in any contract for the construction and acquirement of the proposed improvement that payment thereof shall be made only in such bonds and warrants at par value thereof.

Rates and
charges for
service.

Revenues
set aside.

When any such special fund shall have been heretofore or hereafter created and any such obligations shall have been heretofore or shall hereafter be issued against the same, a fixed proportion, or a fixed amount out of and not exceeding such fixed propor-

tion, or a fixed amount without regard to any fixed proportion of revenue shall be set aside and paid into such special fund as provided in the ordinance creating it, and the additions to the original system, and betterments thereof, and in case any town shall fail to thus set aside and pay such amount as aforesaid, the holder of any bond or warrant against such special fund may bring suit or action against the said town and compel such setting aside and payment.

SEC. 5. The council or other governing body of such fourth class city or town, in the event that general obligation bonds are issued in payment of all or any part of any system of sewerage, or for collection and disposal of waste, shall have the right and authority to provide for revenues by fixing rates and charges for the furnishing of such sewerage and disposal service to those receiving such service, such rates and charges to be fixed, as deemed necessary by such council or other governing body, so that uniform charges will be made for the same class of service, such rates or charges to be made on an annual or monthly basis, as may be deemed proper by the council, and as fixed by ordinance; and all property owners within the area served by such sewerage and disposal system may be compelled to connect their private drain and sewer systems with such town system, under such penalty as such council or governing body may direct by ordinance.

Rates and charges.

Annual or monthly.

Connection compelled.

SEC. 6. The council or other governing body of such fourth class city or town, in the event that such special indebtedness bonds or warrants are issued against the revenues of such sewerage and disposal system, shall provide for revenues by fixing rates and charges for the furnishing of such sewerage and disposal service to those receiving such service, such rates and charges to be fixed, as deemed necessary

Charges to meet requirements.

by such council or governing body, so that uniform charges will be made for the same class of service, such rates to be made on an annual or monthly basis, as may be deemed proper by such council or governing body, and as fixed by ordinance, the total revenues to be so estimated and based to be sufficient to take care of costs of maintenance, operation, extensions, interest and sinking fund requirements, and other charges incidental thereto; and such council or governing body shall compel all property owners within the area served by such sewerage and disposal system to connect their private drains and sewer systems with such town system, under such penalty as the said council or governing body may direct by ordinance.

Compel
connection
with system.

SEC. 7. The town council or other governing body of such fourth class city or town shall enforce collection of such sewerage and disposal service charges against property owners served thereby, such charges being deemed a charge against the property served, by addition of penalties of not more than ten per cent to the regular service charges; and it may provide by ordinance that where service charges are delinquent for any specified period of time, the town treasurer shall certify such delinquency to the county treasurer in the county in which such town is situated, and such charges, and any penalties added thereto, and interest thereon at the rate of not more than eight (8) per cent per annum, shall be a lien against the property on which the service is given, subject only to the lien for general taxes. And such town shall have the right, at any time after such charges, and penalties are delinquent for a period of sixty (60) days or more, to bring suit in foreclosure by civil action in the superior court of the State of Washington in the county in which such town is situated, and in such suit the court may allow, in addition to the costs, and

Collection of
charges.

Delinquency.

Foreclosure.

disbursements provided by statute, such an attorney's fee as the court may adjudge reasonable. Such suit or action shall be deemed to be a proceeding in rem, and the action may be brought in the name of such town against an individual, or against all of those who are delinquent in one action, as the council or other governing body thereof may deem best, and the statutes and rules of the court shall control as in other civil actions.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. Effective immediately.

Passed the Senate February 9, 1931.

Passed the House March 4, 1931.

Approved by the Governor March 12, 1931.

CHAPTER 40.

[S. S. B. 23.]

TAXATION OF REFORESTATION LANDS.

AN ACT relating to lands suitable for forestation and reforestation; providing for the assessment and taxation of such lands and the products thereof; providing penalties; and repealing all acts and parts of acts in conflict therewith.

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

SECTION 1. Public welfare demands that steps be taken to encourage reforestation and to protect and promote the growth of new forests on lands chiefly valuable for that purpose in order that they may be restored to the economic and industrial life of the state. To accomplish that end it is necessary that a system of taxation and assessment be devised for such lands, which will encourage the growth of new and immature forests on lands chiefly valuable for that purpose, and which will enable the owners

Declaration of reasons and necessity for act.

thereof to bear the burden of taxation on such lands over the period of years necessary to produce forests of commercial value. Therefore the State of Washington, through its legislature, hereby exercising its police and sovereign power, declares and enacts that all logged-off lands and all unforested lands chiefly valuable for the production and growth of forests and all lands growing immature forests and forests of no commercial value shall not be assessed or taxed at a rate which will discourage or hamper the growth of forests on such lands, but shall be assessed and taxed at such rate and in such manner that owners of such lands may be encouraged to reforest, protect and grow forests of commercial value on such lands.

Unforested
and suitable
forest lands
to be classi-
fied.

SEC. 2. All unforested lands in the State of Washington and those upon which the forest crop is not mature in merchantable quantities and which by reason of location, topography and geological formation are chiefly valuable for the purpose of developing and growing forests may be classified as reforestation lands as hereinafter provided, and shall thereupon be taxed and assessed as in this act provided, and not otherwise. No land shall be classified as reforestation land hereunder which was valued and assessed for its forest growth on the 1930 tax rolls, without approval of the board of county commissioners of the county in which said land is located, or until after said forest growth so valued and assessed has been cut and removed. Nothing herein contained, however, shall be construed as prohibiting the state forest board (hereinafter referred to as the board) from classifying land as reforestation lands when after harvesting mature timber, an immature stand is left for a future forest crop.

State forest
board to
determine.

SEC. 3. It shall be the duty of the board as soon as practicable after the taking effect of this act to determine what lands within the State of Washing-

ton shall be classified as reforestation lands, and upon such determination to prepare a list of such lands, by counties, giving the legal description thereof by government legal subdivisions (in tracts not smaller than a forty acre tract or government lot). Hearing, preparation and filing of one list in any county shall not prevent the board from holding other hearings, and preparing other lists relating to other lands in the same county. Upon the preparation of the list, the board shall forward to the county assessor of each county wherein such lands are situated, one copy of the list. Following the preparation and filing of the list with the assessor, a hearing on the proposed classification shall be held before the board or one or more of its members designated by it at the court house in the county seat in each county of the state wherein any lands proposed for classification are situated. Notice of the hearing shall be given by the board by publication of a notice in at least two issues of a newspaper published and having general circulation in the county wherein such hearing is to be held. The notice shall specify the time, place and general purpose of the hearing and shall advise that a list of the lands proposed for classification as reforestation lands, with the legal description and the names of the respective owners, has been filed with the county assessor. The last publication of such notice shall be at least fifteen days prior to the date fixed for the hearing. The board shall on or before the date of the last publication of the notice mail a copy of the notice to each owner of land proposed for classification, to the address of such owner as shown on the records of the county treasurer of the county, and shall also notify the owner of the particular description of lands owned by him which it has proposed for classification as reforestation lands. The board shall also, on or before the date of the last publication mail to

Preparation
of list.

Hearing.

Notice.

Contents of
notice.Notice
mailed.

Hearing,
objections.

the county commissioners and county assessor of such county a copy of the notice of hearing. At the hearing, the board or member or members holding such hearing shall hear objections to, and arguments for and against the proposed classification as to all, or any particular lands described on the list. Following the hearing the board shall reconsider the proposed list and classification and shall strike from the list any lands it determines are not suitable as reforestation lands. After having reconsidered the proposed list and classification the board shall file with the state tax commission a list of the lands as previously proposed by it, or as modified after reconsideration, showing the lands in the respective counties proposed by it for classification as reforestation lands, with description by government legal subdivisions, and names and addresses of respective owners. The state tax commission shall hold said list for a period of two weeks, during which time any taxpayer or the county assessor, of the county in which the lands are located shall be entitled to file written objections with said commission to the classification as reforestation lands of any particular lands on such list. If any such objection is filed said commission shall fix a date for hearing on the objection, and shall in writing notify the objector, the board and the owner of the lands of the date fixed for the hearing. At the hearing said commission shall hear and consider evidence offered by the board, owner or objector as to the nature and character of such lands, and from such evidence shall determine whether such lands shall be classified as reforestation lands; and if said commission determines that said lands are not suitable for reforestation and should not be classified as reforestation lands under this act, it shall cause such lands to be stricken from such list. If no objections are filed to the classification of any lands on such list or

List filed
with state
tax commis-
sion.

Objections
filed with
tax commis-
sion.

Hearing.

Lands
stricken
from list.

if objections are filed and after the hearing herein provided for are overruled, said commission shall enter an order approving the list as filed; and if, following a hearing on objections to classification as to any particular lands on the list said commission shall determine that the particular lands are not properly classified as reforestation lands under this act, it shall enter an order to that effect and shall strike such lands from the list, and enter an order approving the list with such lands stricken therefrom. Upon entry of the order the state tax commission shall forward one certified copy of such order, together with the approved list to the assessor of the county wherein the lands are situated, one copy to the board, and one copy to the owner, with a list only so far as it contains lands of such owners; and thereupon the lands described on such list shall be, and become classified as reforestation lands within the meaning of this act.

List approved.

Forward to assessor.

SEC. 4. Whenever the board shall believe that any lands classified as reforestation lands under this act are not being protected as provided by law, or are not being used primarily for forest crop production, it may petition the state tax commission to remove such lands from classification as reforestation lands. The petition shall describe the lands by government legal subdivisions and shall set forth the name of the owner thereof, and the grounds and reasons for which such removal is sought. The commission shall thereupon fix a time and place for hearing on the petition and shall mail a notice thereof, together with a copy of the petition to the owner at his address as shown by the records of the county treasurer's office. At the time and place fixed for the hearing the commission shall hold a hearing on the petition and shall receive evidence offered by the owner or the board for and against the petition. Upon the conclusion of the hearing the commission

Failure to protect lands.

Petition for removal.

Hearing, notice.

Hearing held.

Order of
tax commis-
sion.

Assessor to
determine
valuation as
unclassified.

shall determine whether such lands shall be removed from the classification as reforestation lands, and shall enter an order accordingly. One certified copy of such order shall be furnished by the commission to the county assessor of the county in which the lands are situated, one to the owner and one to the board. Whenever any land is removed from classification as reforestation land it shall thereafter be assessed and taxed without regard to the provisions of the act, and there shall thereupon become due and owing to the county in which such land is situated a sum of money equivalent to the difference, if any, between the tax theretofore paid thereon under the provisions of this act and the tax paid by similar unclassified lands during the same period. The county assessor shall determine the assessed valuation of such lands as unclassified lands for the period involved, and shall prepare an assessment roll of such lands and submit the same to the county treasurer, who shall extend upon his rolls a tax against such lands equivalent to the difference, if any, in the tax theretofore paid, and the tax on similar unclassified lands for said period; and said tax shall thereupon become a lien against said lands and shall become payable, delinquent and collectible at the same time and the same manner as taxes for the current year.

More
valuable
for other
purposes.

Petition.

Hearing.

Notice.

SEC. 5. Whenever any lands previously classified as reforestation lands shall be or become more valuable for some other purpose and twenty-five taxpayers of a county in which such lands are situated shall file a petition with the state tax commission, alleging such to be the case, the said commission shall fix a date for hearing on the petition and shall in writing notify the taxpayers by mailing notice thereof directed to the taxpayers at the address shown on the petition; and shall likewise notify the board, and the owners of the lands involved, by mail-

ing a notice of the hearing to them directed to their respective addresses. At the hearing the petitioners, the board and the owners shall be entitled to offer evidence bearing upon the question of the value of such lands for reforestation and other purposes; the said commission shall from such evidence determine whether said lands are more valuable for some other purpose than for reforestation; and if it shall so determine it shall enter an order to that effect and thereupon said lands shall be removed from classification as reforestation lands; and shall thereafter be assessed and taxed the same as lands not assessed or taxed under the provisions of this act.

Hearing held.

Order.

SEC. 6. Whenever the state tax commission shall enter an order with respect to classification or reclassification of forest lands under this act, the owner of such lands, the board, the county assessor of the county in which such lands are located, or the taxpayers in a case arising under section 5 of this act, may, within thirty days following the entry of such order, appeal to the superior court of the county within which lands are situated for a review of the decision of the state tax commission. The appeal shall be perfected in the same manner as is provided by law for appeals from decisions of the state tax commission. Upon such appeal, the superior court shall sit without a jury, shall receive evidence de novo and shall determine the correct classification of the lands involved in accordance with the requirements of this act. The decision of the superior court shall be subject to appeal and review in the supreme court in the same manner and by the same procedure as appeals are taken and perfected to that court in civil actions at law. Upon appeal from any decisions of the board and pending the dismissal or final determination of such appeal, the lands involved shall be assessed and taxed in the

Appeals to courts.

same manner as they were assessed and taxed prior to such decision.

Assessment \$1.00 per acre west of Cascades and 50c east of Cascades.

SEC. 7. All lands classified as reforestation lands as provided in this act and lying west of the summit of the Cascade range of mountains in the State of Washington shall, after the date of such classification, be assessed for purposes of taxation at one dollar (\$1.00) per acre, which is hereby declared to be the assessed value thereof; and all lands so classified lying east of the summit of the Cascade range of mountains shall be assessed for purposes of taxation at fifty cents (50c) per acre, which is hereby declared to be the assessed value thereof. The above values shall apply as the actual basis for taxation of such lands, without regard to any percentages of value which may apply for taxation of other classes of property; and the taxation of such lands on the basis herein provided shall be separate and distinct from and in addition to the cost of protecting such lands from fire as provided under the laws of Washington.

Taxation value.

Not classified taxed as other lands.

SEC. 8. Any lands not classified as reforestation lands, shall be assessed and taxed under the general taxation laws and not under the provisions of this act.

Harvest of crop.

Board notified.

SEC. 9. The owner or owners of lands classified and taxed as reforestation lands under this act, desiring to harvest any forest crop, or to remove or cause to be removed any forest growth therefrom shall in writing notify the board of such desire, and the board shall thereupon issue a permit authorizing the cutting and removal of such forest crop. The permit shall describe by legal subdivisions, or fractions thereof, areas on which cutting will be permitted. Before any forest growth is cut or removed from such lands the permittee shall file with the county treasurer of the county in which such lands are situated a good and sufficient surety company

Bond required.

bond payable to the county in form prescribed by the board, and which before filing shall be approved by the judge of the superior court of such county, or make a cash deposit with such treasurer, in lieu of such bond, in such amount as the board shall fix, the bond to be conditioned to pay to the county in question the yield tax to which the county will be entitled upon the cutting of the forest growth from such lands. In case a cash deposit is made in lieu of the bond the same shall be applied in payment of the yield tax provided in section 10 of this act, but such deposit shall not relieve an owner from payment of any additional amounts due for said yield tax nor of right of refund of any sum deposited in excess of the amount due on said tax. In event collection is made on the bond, either with or without suit, the amount collected shall be applied in payment of the yield tax due.

Cash deposit.

Disposal.

SEC. 10. Whenever the whole or any part of the forest crop shall be cut upon any lands classified and assessed as reforestation lands under the provisions of this act, the owner of such lands shall, on or before the first day of March of each year, report under oath to the state forest board and the assessor of the county in which such lands are located, the amount of such timber or other forest crop cut during the preceding twelve months, in units of measure in conformity with the usage for which the cutting was made, together with a description, by government legal subdivisions, of the lands upon which the same are cut. If no such report of cutting is made, or if the assessor or the board shall believe the report to be inaccurate, incorrect or mistaken, either the assessor or the board may by such methods as shall be deemed advisable, determine the amount of timber or other forest product cut during such period. If both the assessor and the board make separate determinations of the amount of

Report of cutting.

Assessor and board to determine amount.

such cutting, the determination of the board shall be accepted and used as a basis for computation of the yield tax. As soon as the report is filed, if the assessor and the board are satisfied with the accuracy of the report, or if dissatisfied, as soon as the assessor or the board shall have determined the amount of timber or forest crop cut, as herein provided, the board shall determine the full current stumpage rates for the timber or forest crop cut, and shall notify the assessor of the county in which the lands are situated of the rates so fixed by it, and the assessor shall thereupon compute, and there shall become due and payable from the owner, a yield tax equal to twelve and one-half (12½) per cent of the market value of the timber or forest crop so cut, based upon the full current stumpage rates so fixed by the board: *Provided*, Whenever within a period of twelve years following the classification of any lands as reforestation lands, any forest material shall be cut on such lands, the owner thereof shall be required to pay a yield tax of one (1) per cent for each year that has expired from the date of such classification until such cutting: *Provided, further*, That no yield tax need be paid on any forest material cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop.

Board to determine stumpage rate.

Yield tax.

Owner dissatisfied.

Payment under protest.

Court action.

Whenever the owner is dissatisfied with either the determination of the amount cut as made by the assessor or the board, or with the full current stumpage rates as fixed by the board, and shall pay the tax based thereon under protest, such owner may maintain an action in the superior court of the county in which the lands are located for recovery of the amount of the tax paid in excess of what the owner alleges the tax would be if based upon a cutting or stumpage rate which the owner alleges to be correct. In any such action the county involved, the

county assessor of the county, and the board, shall be joined as parties defendant, but in cases a recovery is allowed, judgment shall be entered against the county only. In such action the court shall determine, in accordance with the issues, the true and correct amount of timber and forest crop which has been cut, and if an issue in the case, the true and correct full current stumpage rates, and shall enter judgment accordingly, either dismissing the action, or allowing recovery based upon its determination of the amount of timber or forest crop cut and if in issue, the full current stumpage rate.

Judgment
of court.

SEC. 11. Owners of land previously classified as reforestation lands under the provisions of this act may prepare a list of such lands, describing the same by government legal subdivision, and file such list with the state forest board with the request that the board enter into an agreement providing for the assessment and taxation of such lands as provided in this section. If the board shall deem it advisable, it may enter into a written agreement with such owner, providing that such lands shall be assessed for taxation purposes as in this act provided, which assessed valuations shall continue for a definite number of years, to be stated in such agreement, which shall not exceed the number of years estimated by said board as necessary to mature the forest crops growing or to be grown on such lands, and shall provide that if the timber or forest material thereon have not been removed at the expiration of such period the yield tax required by the agreement shall be paid whenever such removal takes place. The agreement shall provide that when any part of the forest crop is cut, such cutting shall be done, and the area cut reforested and protected from fire in accordance with such rules and regulations as the board may prescribe. Such an agreement shall set forth the requirements of the owner

Classified
lands, con-
tract with
board.

Contents of
agreement.

with respect to reforestation, cultivation, care and protection of forests grown and to be grown on such lands; shall require the owner to comply with all the laws of the State of Washington with respect to forest fire protection; shall require the owner to report to the state forest board and to the county assessor of the county in which the lands are situated the amount of timber or forest material cut during the twelve months prior to the first day of March of each year, and that the assessor or board may, in case of dissatisfaction with the report or failure to make the same, determine the amount so cut; and shall require the owner to secure a permit and furnish and file a bond, or make cash deposit in lieu thereof, as required by this act for other lands under this act but not covered by a written agreement; and shall require the owner to pay to the county treasurer of the county in which any lands are located from which any forest materials are cut a yield tax of twelve and one-half ($12\frac{1}{2}$) per cent of the value of such forest materials, based upon full current stumpage rates at the time such forest materials are cut, in accordance with schedules of stumpage rates to be furnished by the state forest board at the time of such cutting; and shall contain a proviso that if, within twelve years following the date of entering into such agreement, any forest material shall be cut on such lands, the owner of such lands shall be required to pay a yield tax of one per cent for each year that expires from the date of such agreement until such cutting; and may provide that no yield tax need be paid on any forest materials cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop. The agreement shall provide that if the owner shall fail to comply with all the conditions and requirements of the agreement and the various provisions of this act, the state, acting through the

board, may at its option, cancel said agreement, and that after the date of such cancellation, the lands covered by the agreement shall be assessed and taxed without regard to provisions of the agreement, and shall pay the yield tax and any other tax that similar lands are required to pay, at the same time and in the same manner as if such lands had never been covered by the agreement. Upon any such cancellation, the lands in question shall be taxed an amount to be determined by the board, equivalent to the difference, if any, between the tax paid thereon under the agreement, and the tax paid during the period said lands have been under said agreement by similar lands. The amount of such difference in taxes, if any, shall be reported by the board to the county treasurer of the county in which such lands are located, and the county treasurer shall enter the amount thereof upon his tax rolls against said lands, and thereupon the amount thereof shall become a lien against such lands and shall become payable at the same time, and collected in the same manner as gneral [general] taxes for the current year. Upon entering into such agreement, the board shall furnish the state tax commission with two copies of such agreement and the state tax commission shall furnish a copy of such agreement to the county assessor of the county in which such lands are located, and thereafter such lands shall only be assessed and taxed in accordance with the terms of such agreement and as in this act provided. Whenever the owner, or owners, of any lands shall make written application to the board for an agreement with the state under this act, the board shall, within one year after receiving such written application act upon same and determine whether the state will enter into such agreement.

Copies of
agreement,
tax commis-
sion, asses-
sor.

SEC. 12. Upon receipt of a report of cutting or upon determination of the amount cut as provided

Amount of tax determined.	in this act or as required in an agreement entered into under the provisions of this act, the county assessor shall assess and tax against the owner of such lands the amount of yield tax due on account of such cutting; and shall forthwith transmit to the county treasurer a record of such tax; and the county treasurer shall thereupon enter the amount of such yield tax on his records against such lands and their
Assessed.	owner; and such yield tax shall thereupon become a lien against such lands and also against the forest material cut thereon and against any other real or
Entered upon records.	personal property owned by such owner, which shall become delinquent unless paid on or before the fifteenth day of March following the date when such report is made, or should have been made. The
Delinquency.	lien of such tax shall be superior and paramount to all other liens, taxes, assessments and encumbrances, and if not paid before the same becomes delinquent, may be collected by seizure and sale of such forest material, or any other personal property of such
Lien.	owner, in the same manner as personal property is seized and sold for delinquent taxes under the general tax laws; and the lien of said tax against the lands from which such forest materials are cut, or
Enforced.	any other real property of such owner, may be foreclosed and said lands sold, in the same manner as
Foreclosed.	liens for taxes are foreclosed and land sold for delinquent taxes under the general tax laws of the state. Said tax, if not otherwise collected, may be collected by means of an action instituted in the superior court of the county in which are situated the
Court action to collect tax.	lands from which such forest materials are cut, against such owner by the prosecuting attorney in behalf of the county, in which the lands are situated from which such forest materials are cut. Any person, firm, or corporation buying any forest material on which the yield tax herein provided has not been paid shall be liable for the payment of said tax and
Purchaser liable.	

the amount thereof may be collected from such person, firm or corporation by seizure and sale of any real or personal property belonging to such person, firm or corporation in the same manner in which real or personal property, respectively is seized and sold for delinquent taxes under the general tax laws of the state; and said tax, if not otherwise collected, may be collected by means of an action instituted in the superior court of the county in which are situated the lands from which such forest materials are cut, against such person, firm or corporation, by the prosecuting attorney in behalf of the county in which the lands are situated from which such forest materials are cut. All taxes collected under the provisions of this act or any agreement made in pursuance thereof, shall be paid to the county treasurer of the county in which the lands are situated from which such forest materials are cut, and shall be paid into the same fund and distributed by the county treasurer in the same proportions as the general taxes on other property in the same taxing district, are paid and distributed in the year in which such payment or collection is made.

Distribution
of tax.

SEC. 13. Any lands or forest materials assessed and taxed under the provisions of this act shall not be otherwise assessed and taxed under the laws of this state, but nothing contained in this act shall prevent the assessment and taxation under general tax laws of all buildings, improvements, agricultural, mineral or values other than forest values, upon any lands assessed and taxed under the provisions of this act, or the assessment and taxation of such lands for any benefits authorized by any local improvement laws of the State of Washington.

Not other-
wise taxed.

Improve-
ments taxed
under gen-
eral laws.

SEC. 14. The state forest board and the state tax commission, respectively, shall have power to make such rules and regulations as they shall deem necessary or advisable in the exercise of the powers and

Rules and
regulations.

performance of the duties imposed upon them by this act.

Penalties.

SEC. 15. Violation of any of the provisions of this act shall constitute a gross misdemeanor.

Invalid in part not to affect remainder.

SEC. 16. If any section, clause or part of this act shall be adjudged to be invalid or unconstitutional for any reason, such adjudication shall not affect the remaining portions of this act.

Repeals conflicting acts.

SEC. 17. All acts or parts of acts in conflict herewith are hereby repealed.

Passed the Senate February 9, 1931.

Passed the House March 4, 1931.

Approved by the Governor March 12, 1931.

CHAPTER 41.

[H. B. 44.]

IRRIGATION DISTRICTS.

AN ACT relating to directors and secretaries of irrigation districts, to the powers of districts failing to provide district officers, validating the functions performed by officers later provided for such districts, amending Section 4 of an act entitled "An act providing for the organization and government of irrigation districts and the sale of bonds arising therefrom, and declaring an emergency," pages 671 to 706 of the Laws of 1889-90, approved March 20, 1890, and providing that this act shall take effect immediately.

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

Amends § 4, p. 673, Laws of 1889-90; § 4, ch. 129, Laws of 1921; § 7421, Rem. Comp. Stat.

SECTION 1. That section 4 on page 673 of the Laws of 1889-90, as amended by section 4 of chapter 129 of the Laws of 1921 (section 7421 of Remington's Compiled Statutes) be amended to read as follows:

Board of directors, annual election.

Section 4. There shall be elected in each organized irrigation district of this state, a board of directors who are electors of the district. An annual election to the office of director shall be held on the

second Tuesday of December of each and every year, and the term of each director shall be three years from and after the first Tuesday of January next succeeding his election: *Provided*, That the directors elected at any organization election called by the board of county commissioners shall serve until their successors have been elected and have qualified; and at the first annual election occurring thirty days or more after the date of the order of the county board canvassing the results of the organization election and establishing the district there shall be elected to succeed the directors chosen at the organization election three directors, if the board consists of three directors, and the candidate receiving the highest number of votes shall serve a term of three years next succeeding such election, the candidate receiving the next highest number of votes shall serve a term of two years next succeeding such election, and the candidate receiving the next highest number of votes shall serve a term of one year next succeeding such election, and when a board of five directors exists, the two candidates receiving the highest number of votes shall each serve a term of three years next succeeding such election, the two candidates receiving the next highest number of votes shall each serve a term of two years next succeeding such election, and the candidate receiving the next highest number of votes shall serve for a term of one year next succeeding such election, or until a successor is elected and qualified. Whenever a district now organized desires to increase the number of its board of directors, such question shall be submitted to the electors at a regular election, and at the same time two directors shall be elected to serve as such in the event the electors by majority of votes cast at such election increase the number of said board. The person receiving the highest number of votes for the office of

Time for holding.

Term.

Increase number of directors.

Term.

director at said election shall serve for the three-year term next succeeding and the person receiving the next highest number of votes shall serve for a term of two years.

Decrease
number of
directors.

The number of directors may be decreased to three substantially in the same manner as that provided for the increase of directors, and at subsequent annual elections beginning with the next annual election thereafter, only a sufficient number of directors shall be elected to fulfill the requirements of the reduced size of the membership of the district board: *Provided*, That the intent of the law that in case of a board of directors of three members, the term of one director only shall expire annually, shall at all times be preserved.

Vacancy in
board,
appointment

In case of any vacancy occurring in the office of director, such vacancy shall be filled by appointment by the board of county commissioners of the county in which the proceedings for the organization of the district were had, and the person so appointed shall serve until his successor has been elected and has qualified. At the next annual election of directors occurring thirty days or more after the date of said appointment, a successor shall be elected who shall take office on the first Tuesday in January following his election and shall serve for the remainder of the unexpired term.

Successor
elected.

Vacancy
after expira-
tion of term.

In instances where a director is appointed by the board of county commissioners to fill a vacancy occurring after the expiration of the term of office of any director, such appointee shall serve until his successor has been elected and has qualified. At the next annual election of directors occurring thirty days or more after said appointment a successor shall be elected, who shall take office on the first Tuesday in January following his election and shall serve for the term for which he was elected. The term of such successor shall be one, two or three

years, as the case may be, in order to preserve the intent of the law that one or more of the terms of directors shall expire each year in the order in which the same were established at the first annual election, or as established by any subsequent election increasing or decreasing the number of directors of the district.

Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office, and shall execute an official bond to the district in the sum of one thousand dollars (\$1,000), conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the judge of the superior court of the county where the organization of the district was effected, and said oath and bond shall be recorded in the office of the county clerk of said county and filed with the secretary of the board of directors. The secretary of the district shall take and subscribe a written oath of office and execute an official bond in the sum of not less than one thousand dollars (\$1,000), to be fixed by the board of directors, and which said bond shall be approved and filed as in the case of the bond of a director: *Provided*, That in case any irrigation district is appointed fiscal agent of the United States, or is authorized by the United States in connection with any irrigation project in which the United States is interested, to make collections of money for or on behalf of the United States, such secretary and each such director and the county treasurer shall each execute a further additional official bond in such sum, respectively, as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his respective office, and the faithful discharge by the district of its duties as fiscal or other agent of the United States in such appointment or authorization; such additional bonds to be approved, recorded and filed as herein pro-

Director's
oath.

Bond.

Secretary,
oath, bond.Fiscal agent
for U. S.Additional
bonds.

vided for other official bonds, and any such additional bonds may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties; the bonds executed by the said officers shall be secured at the cost of the district.

Failure to
hold election.

The failure on the part of any irrigation district in this state heretofore or hereafter to hold one or more annual elections for selection of officers, or otherwise to provide officers, for the district shall not for that reason dissolve the district or impair its powers, where later officers for said district shall be appointed or elected and shall qualify as such and shall exercise the duties of their respective offices in the manner provided by law and all proceedings had and functions performed by such officers in behalf of the district for any and all district purposes in accordance with the law.

Act
effective
immediately.

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

Passed the House March 2, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 42.

[H. B. 69.]

IRRIGATION DISTRICTS; REFUNDING BONDS.

AN ACT relating to irrigation districts, authorizing districts and their creditors to make different plans of settlement of indebtedness; authorizing owners of lands within irrigation districts to pay assessments in advance and prescribing forms of receipt therefor, and amending Chapter 120 of the Laws of 1929.

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

SECTION 1. That section 4 of chapter 120 of the Laws of 1929 be amended to read as follows: Amends
§ 4, ch. 120,
Laws 1929.

Section 4. There shall accompany said petition as an exhibit thereto a schedule of maximum benefits and of irrigable acreage for all the respective lands in the district. Such schedule shall contain in appropriate columns the name of the person to whom such tract of real property was assessed and the description of said property according to the district assessment roll last equalized, in a third column with appropriate heading shall be specified after each said description of land the maximum benefit to be received from the proposed refunding bond issue with the maximum benefits segregated into its three component parts—(a) the amount required to pay the lands' proportional part of the principal of the bonds; (b) the amount required to pay the lands' proportional part of the interest over the term of the bonds; (c) the amount of benefits in excess of the lands' proportional part of the principal of the bonds and the interest over the term of the bonds; and in another appropriately specified column shall be stated after each tract the irrigable acreage thereof which will be assessed for payment of the proposed refunding bonds. Said schedule shall be signed by the secretary of the district. Refunding
bonds,
petition,
schedule.

Benefits.

Segregation.

Amends § 9,
ch. 120,
Laws 1929.

SEC. 2. That section 9 of chapter 120 of the Session Laws of 1929 be amended to read as follows:

Maximum
benefits,
how de-
termined.

Section 9. The maximum benefits accruing to the several tracts of land in the district from the proposed refunding bond issue shall be considered as new and independent of that accruing from the bonds to be refunded and in determining the maximum benefits as prayed for in said petition, the court shall not be limited to a consideration of the enhancement of market value of the lands involved arising immediately from the issuance and disposal of the proposed refunding bonds but shall have authority to consider such benefits as shall accrue to said lands from the plan of financing provided by the proposed bonds and from the continued operation of the irrigation system under the administration of the district during the life of said refunding bonds and any other benefits that may accrue. If the court finds that the aggregate amount of said maximum benefits shall not equal at least double the amount of the principal of the proposed refunding bonds, to which shall be added the interest computed at the rate specified in the refunding bonds, it shall enter a decree dismissing the proceedings and the district shall have no authority to issue the proposed refunding bonds until a satisfactory decree has been obtained under the provisions of this act: *Provided*, That nothing herein contained shall be construed to prevent the district from continuing the hearing for the purpose of modifying the proposed refunding bond plan or for the purpose of otherwise meeting the objection of the court, nor shall the dismissal of the proceeding be in anywise prejudicial to the institution of a subsequent action for the same purpose; *And provided further*, That nothing herein contained shall be construed to prevent the court from entering a decree upon stipulation of the holders of the bonds to be refunded to

Court
finding.

Hearing
continued.

Decree by
stipulation.

waive their right to part of the indebtedness represented by the bonds to be refunded, so that the proposed refunding bond issue comes within the statutory requirements as to maximum benefits, or to accept refunding bonds based on a lesser aggregate maximum benefit than that required by the statute. *

SEC. 3. That section 20 of chapter 120 of the Session Laws of 1929 be amended to read as follows: Amends § 20, ch. 120, Laws 1929.

Section 20. Said refunding bonds shall be issued in such denominations as the board shall determine, but in the same denominations so far as practicable as the bonds to be refunded and shall mature at the date specified in the notice of election but not in any event later than thirty years from the date thereof, and shall be payable in minimum annual installments specified on a percentage basis and amortized to provide for full payment of the bonds with interest at maturity: *Provided*, That in lieu of the annual payments of principal and semi-annual payments of interest as provided in this act, the court may prescribe the form, manner of payment, and interest rate (not exceeding six percent per annum) of the refunding bonds, in the decree determining maximum benefits and irrigable acreage; and said decree may grant the district the right to pay at the date of any annual or semi-annual payment, one or more next accruing annual or semi-annual installments less the interest on that part of the principal thus paid in advance; *And provided*, In all cases in which the court determines the form, manner of payment, and interest rate of the refunding bonds in the decree determining maximum benefits, all notices provided in this act and any other provision thereof, shall be given and construed in conformity with the terms and conditions of said bond prescribed in said decree. Refunding bonds, denominations. Maturity. Payments. Determination by court.

Amends
§ 31, ch. 120,
Laws 1929.

SEC. 4. That section 31 of chapter 120 of the Session Laws of 1929 be amended to read as follows:

Assess-
ments.

Section 31. No tract of land shall be assessed by the district during the life of the proposed bonds when issued for the purpose of paying the principal of or interest on said bonds in an aggregate amount in excess of double the amount determined in the decree fixing maximum benefits under subdivision (a) of section 4 of this act, together with the interest on the principal computed at the rates specified in the bond, and any assessment in excess thereof shall be void. In addition to its regular normal assessment for the principal or interest of said bonds, no tract of land shall be assessed in any one year to make up past or anticipated delinquencies of assessments or both levied or to be levied against the lands in the district for said purposes, in excess of 50% of its regular normal assessment for said bonds.

Limits.

Amends
§ 32, ch. 20,
Laws 1929.

SEC. 5. That section 32 of chapter 20 [120] of the Session Laws of 1929 be amended to read as follows:

Refunding
bonds, in-
stallment
payments.

Section 32. The owner of any land within said irrigation district which shall be liable for payment of said refunding bonds shall have the right to pay the same in said annual or semi-annual installments or to make payment at any time when installments are due as in this section provided: (1) To pay an amount equal to the amount fixed in said decree determining the maximum benefits under subdivisions (a) and (b) of section 4 of this act or the amount of the unpaid balance of said sums if such payment is not made until one or more installments have been paid, together with the amount fixed by said decree under subdivision (a) of section 4 of this act, and thereafter no further assessment shall be levied against such tract of land; (2) To pay the amount of benefits fixed in the decree determining the maximum benefits under subdivision (a) of section 4 of

this act or the unpaid balance thereof if such payment is made after one or more installments shall have been paid, with interest on the amount paid to the time of making payment, and thereafter such lands shall not be subject to assessments except to meet delinquencies of principal and/or interest on said bonds, for which purpose additional assessments shall be levied against said tract of land to an amount not exceeding the amount found in the decree fixing the maximum benefits under subdivision (a) of section 4 of this act; or (3) To pay any additional installments of the principal with interest accrued on the amount so paid at the time of the payment, and thereafter, in levying assessments against said tracts of land, said owner shall be given credit for such advance payment. The treasurer of the proper county shall have authority to receive for the benefit of the refunding bond fund of the district the payments herein authorized to be made.

SEC. 6. That section 33 of chapter 120 of the Session Laws of 1929 be amended to read as follows:

Amends
§ 33, ch. 120,
Laws 1929.

Section 33. In case the owner of any land within an irrigation district shall make payment in accordance with the second provision in said section 32, the county treasurer shall issue to such land-owner a receipt stating that such payments have been made and that such lands shall thereafter be subject only to the assessments provided for in accordance with such provisions; and, in case any land-owner within such irrigation district shall make any payments in accordance with the third provision of said section 32, the county treasurer shall issue to such land-owner a receipt showing the payment of such installment or installments and stating that credit therefor is thereby given to such land-owner as to apply to future installments.

Receipt for
payments.

Amends
§ 37, ch. 120,
Laws 1929.

Holder of
bonds,
rights.

Exclusion
of lands.

SEC. 7. That section 37 of chapter 120 of the Session Laws of 1929 be amended to read as follows:

Section 37. Except as herein otherwise specifically provided, refunding bonds, authorized, issued and disposed of under the provisions of this act shall entitle the holders and owners thereof to the same rights and privileges, shall constitute a lien on the same property and shall be paid in the same manner as the original bonds refunded by said bond issue, and said refunding bonds shall be retired by the exaction of annual assessments levied against all the lands in the district: *Provided, however,* That any lands in the district against which no benefits are determined by the decree determining maximum benefits may be excluded from the district in the same manner in which lands may now be excluded from the districts against which there are no bond issues, and said lands so excluded shall be forever free of the liens of said refunding bonds; *And provided further,* That no assessments against any tract of land shall exceed the amount specified under section 31 of this act.

Passed the House February 27, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 43.

[H. B. 70.]

IRRIGATION DISTRICTS; BONDS.

AN ACT relating to irrigation districts, authorizing compromise settlements of indebtedness thereof, and amending Section 3 of Chapter 121 of the Laws of 1929.

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

SECTION 1. That section 3 of chapter 121 of the Laws of 1929 be amended to read as follows: Amends
§ 3, ch. 121,
Laws 1929.

Section 3. Whenever the department of conservation and development shall have heretofore purchased and the state shall own a portion of the bonds of any irrigation or drainage district, and in the judgment of the director of conservation and development such district is, or will be, unable to meet its obligations as they mature, and in the judgment of the director of conservation and development the investment of the state can be made more secure by exchanging the bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, or by the cancellation of a portion of the bonds held by the state and/or interest accrued thereon, and the exchange of the remaining bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, the director of conservation and development shall be and is hereby authorized and empowered to so exchange the bonds held by the state for such refunding bonds or to cancel a portion of the bonds held by the state and/or interest accrued thereon, and exchange the remaining bonds held by the state for such refunding bonds as in his judgment will be for the best interest of the State
ownership.

Exchange.

Cancellation.

Second
issue
bonds.

Other bond
owners re-
lease of
obligations.

Settlement
authorized.

Refunding
bonds.

state: *Provided*, That the holders of at least ninety percent of all the other bonds of said district shall make and execute the same arrangement with the district, *And provided further*, That when, in addition to owning a portion of the first issue of bonds of any such irrigation or drainage district, the state also owns all the outstanding second issue of bonds of such district, the director of conservation and development shall be and he is hereby authorized and empowered to surrender and cancel said second issue of bonds held by the state upon whatsoever terms and conditions he shall deem to the best interest of the state, *And provided further*, That whenever those holding at least ninety percent of all other bonds of such district and/or other evidences of indebtedness are willing to release their existing obligations against said district and to substitute therefor a contract to pay such existing indebtedness in whole or in part from the proceeds of the sale of lands owned by the district at the time of such settlement, or acquired by the district through levies then existing, the director of conservation and development shall be and he is hereby authorized and empowered to cancel the bonds held by the state upon whatsoever terms that he shall deem most beneficial for the state, or if deemed beneficial to the state, he may release the state's bonds and join with the other holders in the above mentioned contract for the sale of the district land as hereinbefore stated, *And provided further*, That the director of conservation and development be and he is hereby authorized to accept in any settlement made under this act, refunding bonds of any irrigation district that may be issued in accordance with chapter 120 of the Session Laws of 1929 of the State of Washington or any amendment thereto, and he is hereby authorized, when in his judgment it is to the interest of the state, to participate in the refunding of bonds

of an irrigation district held under said chapter 120, or any amendment thereto.

Passed the House February 27, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 44.

[H. B. 139.]

COMMISSION MERCHANTS.

AN ACT relating to commission merchants and amending Section 2 of Chapter 194 of the Laws of the Extraordinary Session of 1925, approved January 18, 1926.

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

SECTION 1. That section 2 of chapter 194 of the Laws of the Extraordinary Session of 1925, approved January 18, 1926, be amended to read as follows:

Amends
§ 2, ch. 194,
Ex. Laws
1925.

Section 2. It shall be unlawful for any person, firm or corporation to act as a commission merchant without first obtaining a license as in this act provided. Applications for licenses under this act shall be in writing, signed and sworn to by the applicant and shall state the name of the city or town where the business of commission merchant is to be conducted, giving the street and number of building if practicable, and the character of products which will be handled by the applicant; and if made by an individual, his full name; and if made by a copartnership, the full names of each of the partners composing the copartnership, together with the firm or trade name under which the business is to be conducted; and if made by a corporation, shall state whether a domestic or foreign corporation, the amount of its capital stock as provided in its articles of incorporation, and the amount of its capital stock fully paid in. All applications for licenses

License.

Applications.

Contents.

Filed. hereunder shall be filed with the director of agriculture and shall be accompanied by a good and sufficient bond in the penal sum of five thousand dollars (\$5,000.00) and upon a form to be approved by the attorney general, and shall be executed by the applicant as principal and by a surety company authorized to do business in the State of Washington as surety. Said bond shall be for the benefit of all consignors having any cause of action against the commission merchant, and shall be conditioned for the faithful performance by the applicant of all duties as such commission merchant: *Provided*, That the liability of the surety upon the bond required to be given by such commission merchant as provided in this section shall be limited to the amount specified in the bond, and in case of recoveries had by two or more persons for violation of the conditions of such bond in excess of the amount of the bond, such recovery shall be prorated and the total recovery as against the surety shall not exceed the amount of the bond: *Provided*, That any live stock marketing agencies, operating on a commission basis under the act of the congress of the United States of August 15, 1921, known as the "Packers and Stockyards Act," and any amendments thereof, and rules, regulations and orders made by the secretary of agriculture of the United States thereunder shall not be required to furnish the bond provided for in this act.

Recovery on bond.

Bond waived.

License issued.

Upon receipt by the department of agriculture of such application the director of agriculture shall cause to be prepared and issued to the applicant a license as commission merchant under this act, which license shall be signed by the director of agriculture and attested by the secretary under the seal of the department of agriculture.

Passed the House March 5, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 45.

[H. B. 314.]

GEODUCKS.

AN ACT relating to fisheries, regulating the taking of geoducks, and providing penalties.

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

SECTION 1. It shall be unlawful at any and all times for any person to take or dig any geoduck (*glycimeris generosa*) in the State of Washington, from any of the tide lands bordering Puget Sound, or from any waters of Puget Sound, or to have in his possession any geoduck if the same has been taken for the purpose of canning or selling: *Provided*, That nothing in this act shall prevent the taking of not to exceed three geoducks in any one day with fork, pick or shovel operated by hand by one person for the personal use of such person: *Provided*, That no person shall at any time maim or injure any geoduck or thrust any stick or other instrument through the neck or body of such geoduck before digging.

Unlawful to
can or sell.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

Penalties

Passed the House March 5, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 46.

[H. B. 92.]

PUBLIC WAREHOUSES.

AN ACT relating to public warehouses and warehousemen handling, storing, and shipping grain, hay and other commodities; providing for and fixing the liability of surety bonds; fixing fees; creating a special fund and providing for revenues therefor and disbursements therefrom; regulating the printing and issuance of negotiable warehouse receipts; defining the powers and duties of the director of agriculture; requiring certain reports from warehousemen; and amending Sections 5, 13, 18, 22 and 24 of, and adding Sections 22a and 22b to, Chapter 189 of the Laws of 1919, and making an appropriation.

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

SECTION 1. That section 5 of chapter 189 of the Laws of 1919 (section 6982 of Remington's Compiled Statutes) be amended to read as follows:

Section 5. All bonds provided for by this act shall be filed in the office of the secretary of state of Washington, and any person injured by official act or the neglect of duty of any such bonded employee or by reason of neglect or failure of such bonded employee or warehouseman to comply with the provisions of this act or of the rules and regulations of the director of agriculture shall have a right of action upon such bond for the recovery of all damages suffered thereby: *Provided*, That the liability of the surety upon the bond required to be given by warehousemen as provided in section 18 of this act shall be limited to the amount specified in the bond, and in case of recoveries had by two or more persons for violation of the conditions of such bond in excess of the amount of the bond, such recovery shall be prorated and the total recovery as against the surety shall not exceed the amount of the bond.

SEC. 2. That section 13 of chapter 189 of the Laws of 1919, as amended by section 1 of chapter

Amends
§ 5, ch. 189,
Laws 1919;
§ 6982 Rem.
Comp. Stat.

Bond, filing.

Action upon.

Liability
of surety.

Prorated.

Amends
§ 13, ch. 189,
Laws 1919;
§ 1, ch. 74,
Laws 1921;
§ 6991, Rem.
Comp. Stat.

74 of the Laws of 1921 (section 6991 of Remington's Compiled Statutes) be amended to read as follows:

Section 13. The director of agriculture shall fix the fees for inspection, grading and weighing of the commodities included in the provision of this act, which fees shall not exceed eight cents a ton for sack grain and six cents a ton for bulk grain. The fees for inspection, grading and weighing of such commodities shall be a lien upon such commodity so weighed, graded and/or inspected to be paid by the carrier transporting the same and treated by it as an advanced charge, except when the bill of lading contains the notation "Not for terminal weight and grade" and the commodity is not unloaded at a terminal warehouse. The director of agriculture shall so adjust the fees to be collected under this act as to meet the expenses necessary to carry out the provisions hereof, and may prescribe a different scale of fees for different localities. The director of agriculture may also prescribe a reasonable charge for service performed at places other than public terminal warehouses in addition to the regular fees when necessary to avoid rendering the service at a loss to the state. All moneys collected under the provisions of this act and all fines and penalties for violation thereof, shall be paid into the general fund in the state treasury to the credit of hay and grain inspection. The state auditor may anticipate the receipts and issue warrants to cover the same to any amount not exceeding fifteen thousand dollars (\$15,000.00).

Inspection fees.

Lien.

Adjustment.

Additional charge.

Collections paid into general fund.

Warrants to amount of anticipated receipts.

SEC. 3. That section 18 of chapter 189 of the Laws of 1919, as amended by section 1 of chapter 123 of the Laws of 1923, (section 6996 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 18, ch. 189, Laws 1919; § 1, ch. 123, Laws 1923; § 6996 Rem. Comp. Stat.

Section 18. Each person, firm, corporation or association of persons operating any public ware-

house subject to the provisions of this act shall, on or before the first day of July of each year, give a bond to the State of Washington, with surety to be approved by the director of agriculture in a sum equal to five cents per bushel of the grain capacity of any such warehouse, as may be determined by the director of agriculture, but in no case less than the sum of five thousand dollars (\$5,000), to be approved by the director of agriculture and the attorney general, conditioned upon the faithful performance of the duty to keep in such warehouse for the holder of any warehouse receipt the commodity described in such receipt, and to deliver such commodity to, or ship such commodity for, such holder only upon the surrender of such receipt, in case such person, firm, corporation or association of persons has applied for licenses to conduct two or more warehouses in the State of Washington, the assets applicable to all of which shall be subject to the liabilities of each and shall desire to give a single bond meeting the requirements of this act, such warehouses shall be deemed to be one warehouse for the purpose of the bond required under this act and the amount of said bond shall be fixed at the rate of ten cents per bushel of the maximum number of bushels that all of said warehouses will accommodate when stored in the manner customary to each of such warehouses for which such bond is required as determined by the director of agriculture of the State of Washington, but not less than five thousand dollars (\$5,000), nor more than fifty thousand dollars (\$50,000): *Provided, however,* That if a bond has been filed with and approved by the department of agriculture of the United States, as required by section 6 of the United States warehouse act, then such bond filed with and approved by the department of agriculture of the United States shall be considered as in lieu of the bond required by this section: *Pro-*

Annual bond.

Amount.

Conditions.

Operation of two or more warehouses.

Amount of bond.

U. S. warehouse bond in lieu.

vided, That satisfactory proof of said filing and approval of such bond be filed with the director of agriculture. Every such person, firm, corporation, or association of persons shall, on or before July 1st of each year, procure from the director of agriculture a license for each such warehouse so owned or operated for the ensuing year before transacting business at such public warehouse or warehouses: *Provided*, That no such licenses shall be issued before the bond hereinbefore required shall have been given and approved or said proof of the filing and approval of a bond as required by section 6 of the United States warehouse act shall be filed with the director of agriculture. Such license shall be posted in a conspicuous place in the office of each warehouse. The fee for such license shall be twelve and one half dollars (\$12.50) per warehouse per annum for all warehouses, except terminal warehouses; and fifty dollars (\$50.00) per warehouse per annum for all terminal warehouses; and the director of agriculture may revoke any such license for cause, upon notice and hearing. Any person, corporation or association operating any public or terminal warehouse in this state without a license shall forfeit to the state for each day's operation fifty dollars (\$50.00), the same to be recovered on action brought in the superior court of the county in which the warehouse is situated, by the prosecuting attorney of such county, upon complaint of the director of agriculture, and further such operation may be enjoined upon complaint of the director of agriculture.

Annual
license.

Fee.

Revocation.

Penalty for
operation
without.

SEC. 4. That section 22 of chapter 189 of the Laws of 1919, as amended by section 4 of chapter 145 of the Laws of 1921, (section 7000 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 22, ch. 189,
Laws 1919;
§ 4, ch. 145,
Laws 1921;
§ 7000 Rem.
Comp. Stat.

Section 22. Every public warehouseman shall receive for storage and shipment, so far as the ca-

Capacity storage required.

Warehouse receipts.

Negotiable warehouse receipt.

capacity of his warehouse will permit, all grain, hay and any commodity included in the provisions of this act, in a warehouse for this purpose, in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. A warehouse receipt in form prescribed by law, consecutively numbered, shall be issued and delivered to the owner or his representative immediately upon receipt of each load or parcel of grain, hay or other commodity, as he may demand, giving the true and correct grade and weight thereof: *Provided*, That upon the request of the owner, grain, hay or other commodity shall be put in a special pile without grading, and if grain, hay or other commodity have been wet or damaged it shall be received and piled in a special pile with a distinguishing mark, which shall be shown on the receipt for the same and given for the number of sacks only, or bales. The failure to issue receipts as above and/or hereinafter required, shall be subject to a penalty, as hereinafter provided. Each negotiable warehouse receipt shall be in the following form, and substantially the following style:

Form.

ORIGINAL NEGOTIABLE WAREHOUSE RECEIPT NO.

(Name of individual, co-partnership, association or corporation operating the warehouse)

State No. _____ License No. _____
 _____, Wash. _____ 19_____
 (Location of the Warehouse) (Date of Issue)

THIS IS TO CERTIFY that we have received and hold in storage the following described commodity in ^{general} pile or _{special} bin for the account of _____ or order.
 (Name of Depositor)

Loss or damage by fire, the elements, or any other causes unavoidable and beyond our control at owner's risk.

If stored in general pile or bin we hold the right to co-mingle this commodity with other commodities of the same sub-class,

and the right to a monetary adjustment on the difference between the grade delivered and the grade shown on this receipt.

Sacks Bales Bulk	Variety Said To Be	Test	Gross Wt.	Advances
			Sack Tare	\$
Foul	Percent of Dockage	Smut	Net Weight	Int. from at % per annum
Condition of grain			Busbels	Condition of Sacks

Said specially piled or binned commodity, or said quantity of co-mingled commodity, to be delivered or shipped only upon payment of all charges against same and return of this receipt properly endorsed to the office of this company at....., Washington.

Commodity covered by this receipt subject to the following charges: Handling at the rate of \$..... per ton. Storage at the rate of.....cents per ton per month or fractional part thereof. Bulking sacked grain from warehouse to car.....cents per ton. Storage charges to begin within.....days following the date of this receipt. Storage and handling charges to be due and payable on the first day of July following date of this receipt. Sacks, twine and labor used for resacking specially piled commodity must be furnished by, or at the expense of, the owner. Ten cents per ton in addition to handling and storage charges will be charged for weighing commodities from special piles or bins. Partial deliveries of specially stored commodities will be made by weight without regard to number of sacks or bales. Outturn weights and grades to govern deliveries of specially stored commodities. Grades herein for specially stored wet or damaged commodities for memorandum purposes only.

The rate of storage herein mentioned is a special rate based upon release of all claims for loss, damage or injury not due to warehouseman's negligence. Warehouseman will for an additional charge accept responsibility for loss or damage by fire, but no such responsibility attaches to this contract unless endorsed hereon by warehouseman. The warehouse where this grain is stored is located upon lands leased from the railway company. The lease contains a provision that the railway company shall in no event be liable for loss or damage to the contents of said warehouse by fire or otherwise, even though caused by negligence or misconduct of railway employees or by defective appliances. Such provision is by the acceptance of this receipt expressly ratified and assented to by the depositor, and all claims against the railway company upon whose land the warehouse is situated, or by which company side track facilities

are furnished, for loss or damage are by the acceptance of this receipt specifically waived by the depositor.

(Name of individual, co-partnership, association or corporation operating the warehouse)

By.....

Provided, That it shall be lawful for any warehouseman operating under the federal warehouse act to use warehouse receipts authorized to be used by such act, and in the use of such receipts shall be bound by the provisions of said act and receipts issued thereunder.

Federal warehouse receipts, use authorized.

It shall be the duty of the director of agriculture, on or before the first day of June in each year, and at such other times as may be necessary, to cause to be printed, bound and delivered to each person, firm, association of persons, or corporation operating a public warehouse for the handling, storage and shipment of grain, hay and other commodities in this state, a sufficient number of blank forms of negotiable warehouse receipts in the form above prescribed, required to carry on the business of such warehouse for the ensuing license year, beginning July 1st of such year. All such receipts required by all such warehouses in the state shall bear a serial number in one series, beginning with number "one" for each license year.

Blank forms for negotiable warehouse receipts, furnished.

Numbered.

Every person, firm, association of persons, or corporation intending to operate a public warehouse, or warehouses, for the handling, storage and shipment of grain, hay and other commodities during the ensuing license year, beginning the first day of July shall, on or before the first day of May of such year, file with the director of agriculture upon a form to be furnished by the director for that purpose, a requisition for such number of blank forms of negotiable warehouse receipts as may be required for the operation of such warehouse or warehouses during the ensuing license year, specifying: (a) the name of the person, firm, association of persons, or

Requisition for.

Contents.

corporation intending to operate such warehouse or warehouses; (b) the state number of the warehouse, or the respective state numbers of the warehouses, intended to be operated; (c) the respective quantities of blank forms of receipts required for each warehouse; (d) the place where each warehouse, respectively, is located; (e) the location of the principal place of business of the person, firm, association of persons, or corporation operating such warehouse or warehouses; (f) the rate of handling and storage charges at such warehouse, or each of such warehouses respectively; (g) whether such blank form of receipts shall be printed and bound in duplicate, triplicate, or quadruplicate; (h) whether it is desired to have printed with and attached to, with or without perforations, load checks and the form thereof; and (i) the number of such blank forms of receipts which the applicant desires to have bound in each book; and such other information as may be required by the director of agriculture, specified in the blank form of requisition; and shall accompany such requisition with a United States post office money order, or certified bank check, payable to the state treasurer of Washington, for the amount of charges required for the filing of such requisition at the rates specified in the blank form of requisition. And every such warehouseman may file requisitions for additional blank warehouse receipts from time to time as he may require.

Charges for.

SEC. 5. That chapter 189 of the Laws of 1919 be amended by adding thereto a new section to be known as section 22b, to read as follows:

Adds § 22b to ch. 189, Laws 1919.

Section 22b. Whenever it shall appear to the satisfaction of the director of agriculture that any public warehouseman operating a warehouse for the handling, storage and shipment of grain, hay or other commodities, has not in his possession sufficient grain, hay or other commodity, to cover the out-

Negotiable warehouse receipts, exceed commodities.

standing negotiable warehouse receipts issued by him, and/or that such warehouseman refuses to submit his books, papers, or concerns to lawful inspection, the director of agriculture may give notice to the warehouseman so offending or delinquent, to cover such shortage or give such additional bond as provided in section 18 of this Act as the director may require, and/or submit to such inspection, as the case may be, and if such warehouseman fails to comply with the terms of such notice within twenty-four hours from the date of its issuance, or within such further time as the director may allow, then the director shall take possession of all special piles or bins of grain, hay or other commodities in which there is an apparent shortage, and/or of all grades of co-mingled grain, hay or other commodities in which there is apparent shortage, and of all books, papers or concerns of such warehouseman subject to lawful inspection, and upon taking possession shall forthwith give notice in writing by mail, and by telegraph or telephone, to the surety on the bond required in section 18 of this Act conditioned upon the faithful performance of the duty of such warehouseman to deliver to, or ship for, the holder of any negotiable warehouse receipt issued in respect to any commodity deposited in such warehouse only upon the delivery of such receipt, and shall give notice to the holders of all warehouse receipts issued against such specially piled or binned or co-mingled commodities in respect to which there is an apparent shortage, to present their warehouse receipts for inspection or account for the same, and the director shall thereupon cause an audit to be made of the affairs of such warehouse with respect to the commodities in which there is an apparent shortage, determine the amount of such shortage and compute the shortage with respect to each warehouse receipt holder affected thereby, and notify the warehouse-

Shortages.

Inspection.

Surety on
bond
notified.

Holders of
warehouse
receipts
notified.

man and the surety on the bond of the amount of such shortage and notify each warehouse receipt-holder affected thereby of his respective interest in such shortage. The director of agriculture shall retain possession of such commodities in which there is a shortage found, and of the books, papers and concerns of the warehouseman, until such time as the warehouseman, or the surety on the bond shall have satisfied the claims of all holders of warehouse receipts on account of such shortage, or in case the shortage exceeds the amount of the bond, the surety on the bond shall have satisfied such claims prorata, or until such time as he is ordered to surrender possession by order of the court, as in this act provided.

Possession
by director
of agricul-
ture.

Shortage
exceeds
bond.

At any time within ten days after the director shall have taken possession of any commodity in, and/or the books, papers and concerns of, any public warehouse, the warehouseman may, serve a notice upon the director to appear in the superior court of the county in which such warehouse is located, at a time to be fixed by said court, which shall not be less than five nor more than fifteen days, from the date of the service of such notice, and show cause why such commodities, books, papers and concerns should not be restored to his possession. Upon the return day of such notice, or at such time as the court may fix, the court shall summarily hear said cause and shall dismiss the same if it shall find that the possession was taken by the director in good faith and for sufficient cause; but if it shall find that no cause existed for taking such possession, it shall require the director to restore such possession and enjoin him from further interference therewith, without cause.

Director
cited in
court action.

Return day.

Possession
restored.

All expenses incurred by the director of agriculture in taking possession of any commodities in, and/or of books, papers and concerns of, any public warehouse, and issuing notices, determining shortages, and computing respective shortages as affect-

Expenses.

ing holders of outstanding warehouse receipts, and approving the settlement of claims for shortages, including the expenses of deputies, or other assistants, who may be employed by him in connection therewith, and the reasonable compensation to any special deputies placed in charge thereof, shall be a first charge upon the assets of such warehouseman, and may be recovered in a civil action brought in the superior court of the county in which such warehouse is situated, by the prosecuting attorney of such county, upon the complaint of the director of agriculture.

Collection.

SEC. 6. That section 24 of chapter 189 of the Laws of 1919, as amended by section 1 of chapter 70 of the Laws of the Extraordinary Session of 1925 (Section 7002 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 24, ch. 189,
Laws 1919;
§ 1, ch. 70,
Ex. Laws
1925;
§ 7002 Rem.
Comp. Stat.

Annual
report of
licensee.

Section 24. On or before the fifteenth day of July of each year every warehouseman licensed under this act shall make a report, under oath, to the director of agriculture, on blanks or forms prepared by him, showing the total number of sacks and weight of each kind of grain and other commodities, and bales and weight of hay, received and shipped from each warehouse licensed under this act during the preceding license year; and also the amount of outstanding negotiable warehouse receipts on the thirtieth day of June preceding, and a statement of the amount of grain, hay and other commodities on hand on said date to cover the same. On or before the first day of August of each year every such warehouseman shall make a report, under oath, to the director of agriculture, on blanks or forms prepared by him, showing in detail the capital assets, capital liabilities, the operating revenues, and the operating expenses of his warehouse business for the preceding license year, and such other financial information as the director may require. The director of agriculture may also require special reports from

each such warehouseman at such times as the director may deem expedient. The director of agriculture shall cause every such warehouse and the business thereof and the mode of conducting the same to be inspected at least once in each six months' period of each license year, and as often as he may deem necessary, and the property, books, records, accounts, papers and proceedings of every such warehouseman shall at all times during business hours be subject to such inspection. The director of agriculture shall, upon the request of any holder of a negotiable warehouse receipt, issued by any such warehouseman, and the payment of the fee of one dollar (\$1.00) report to such holder whether the warehouse issuing such receipt had sufficient commodities of the kind mentioned in said receipt, on hand to cover all outstanding receipts as shown by the last previous inspection, and the director of agriculture shall, upon like request, and the payment of a fee of twenty-five dollars (\$25.00), cause a special inspection of such warehouse to be made within ten days after the receipt of such request and fee, and make a like report of the condition of such warehouse at the date of such special inspection. The director of agriculture shall have power and it shall be his duty, to exercise all the powers and perform all the duties, now vested in or required to be performed by the director of public works with respect to all public and terminal grain warehouses.

Report to holder of warehouse receipt.

Special inspection.

Powers and duties of director of public works transferred.

SEC. 7. For the purpose of carrying out the provisions of this act there is hereby appropriated from the general fund in the state treasury the sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary, not however to exceed receipts under the provisions of this act.

Appropriation.

Passed the House February 19, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 47.

[S. H. B. 33.]

PREFERENCES OF INSOLVENT CORPORATIONS.

AN ACT relating to insolvent corporations, defining preferences, providing for offsets, and limiting the time in which actions for preferences may be commenced.

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

SECTION 1. Actions in the courts of this state by a trustee, receiver or other liquidating officer of an insolvent corporation, to recover a preference as herein defined may be commenced at any time within six months from the time of the filing of the application for the appointment of such trustee, receiver or other liquidating officer.

Court actions, commencement.

SEC. 2. a. A corporation shall be deemed to have given a preference if, being insolvent, it has, within four months before the filing of an application for the appointment of a trustee, receiver, or other liquidating officer of such corporation, procured or suffered a judgment to be entered against itself in favor of any person, or made a transfer of any of its property, and the effect of the enforcement of such judgment or transfer will be to enable any one of the creditors of said insolvent corporation to obtain a greater percentage of his debt than any other of such creditors of the same class.

Preferences, defined.

b. If a corporation shall have procured or suffered a judgment to be entered against it in favor of any person or has made a transfer of any of its property, and if, at the time of the transfer, or of the entry of the judgment, the corporation be insolvent and the judgment and transfer then operate as a preference, and the person receiving it or to be benefited thereby, or his agent acting therein, shall then have reasonable cause to believe that the en-

forcement of such judgment or transfer would effect a preference, it shall be voidable by the trustee, receiver, or other liquidating officer of said insolvent corporation, and he may recover the property or its value from such person.

c. If a creditor has been preferred, and afterwards in good faith gives the insolvent corporation further credit without security of any kind for property which becomes a part of the assets of the insolvent corporation, the amount of such new credit remaining unpaid at the time of the application for the appointment of a trustee, receiver or other liquidating officer for such corporation, may be set off against the amount which would otherwise be recoverable from him.

d. If an insolvent corporation shall, directly or indirectly, in contemplation of the filing of an application by or against it, for the appointment of a trustee, receiver or other liquidating officer, pay money or transfer property to an attorney and counselor-at-law, solicitor in equity, or proctor in admiralty for services to be rendered, the transaction shall be re-examined by the court on petition of the trustee, receiver or other liquidating officer of such corporation, or any creditor, and shall only be held valid to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the trustee, receiver or other liquidating officer for the benefit of the creditors of the insolvent corporation.

SEC. 3. a. In all cases of mutual debts or mutual credits between the insolvent corporation and a creditor the amount shall be stated and one debt shall be set off against the other, and the balance only shall be allowed or paid.

Mutual debts
and credits.

b. A set-off or counterclaim shall not be allowed in favor of any debtor of the insolvent corporation which (1) is not provable against the insolvent cor-

Set-off or
counter-
claim.

poration, or (2) was purchased by or transferred to him after the filing of the application for the appointment of a trustee, receiver, or other liquidating officer for such corporation, or within four months before the filing of such application, with a view to such use and with knowledge or notice that such corporation was insolvent.

Passed the House February 23, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 48.

[H. B. 64.]

UNIVERSITY OF WASHINGTON TUITION.

AN ACT relating to tuition at the University of Washington and amending Section 4546 of Remington's Compiled Statutes.

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

SECTION 1. That section 4546 of Remington's Compiled Statutes be amended to read as follows:

Section 4546. The University of Washington shall charge to and collect from each of the students registering therein the following fees: (a) A general tuition fee of fifteen dollars (\$15.00) per quarter from each person domiciled in this state or the territory of Alaska, for the period of one year prior to registration; *Provided*, That the children of persons engaged in the military, naval, lighthouse or national park service of the United States within the State of Washington, shall be considered as domiciled within the meaning of this section, and not subject to the time limit of such domicile, and fifty dollars (\$50.00) each per quarter from all others. (b) Special tuition fees to include fees for summer session, short courses, marine station work, correspondence or extension courses, individual instruction fees, and such

Amends
§ 4546 Rem.
Comp. Stat.

Registration
fees.

Special.

other special tuition fees as may be established by the board of regents of the university from time to time. (c) A library fee of ten dollars (\$10.00) per quarter for law, for each student registered in law, for the law library. (d) Student deposit, disciplinary, laboratory, library, gymnasium, hospital or health fees, and such other fees as may be established by the board of regents from time to time, the fees mentioned in this subdivision to be deposited or paid by each student required to deposit or pay same under rules to be prescribed by said board.

Library fee.

Student fees.

Passed the House March 10, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 49.

[H. B. 65.]

STATE COLLEGE TUITION.

AN ACT relating to tuition at the State College of Washington and amending Section 4569 of Remington's Compiled Statutes.

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

SECTION 1. That section 4569 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 4569 Rem.
Comp. Stat.

Section 4569. The board of regents of the State College of Washington shall charge to and collect from each of the students registering at said institution, who have not resided in this state or territory of Alaska, one year prior to date of registration, a tuition fee of seventy-five (\$75.00) dollars per semester: *Provided*, That the children of persons engaged in the military, naval, lighthouse or national park service of the United States within the State of Washington, shall be considered as domiciled within the state within the meaning of this section, and not

Registration
fee.

subject to the time limit of such domicile. All other students except those in summer schools, short courses, correspondence or extension courses, shall be charged a tuition fee of not less than ten (\$10) dollars per semester.

Passed the House March 10, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 50.

[H. B. 249.]

DEED TO OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY.

AN ACT authorizing and directing a conveyance by quit-claim deed in behalf of the State of Washington to the Oregon-Washington Railroad & Navigation Company of certain real estate and also to relinquish and abandon a certain easement for highway purposes granted to the State of Washington by said Oregon-Washington Railroad & Navigation Company.

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

SECTION 1. That the governor is hereby authorized and directed, in the name of the State of Washington, to execute a good and sufficient quit-claim deed to the Oregon-Washington Railroad & Navigation Company, which deed shall be attested by the secretary of state, covering the following described real estate situate in Whitman county, which was conveyed to the State of Washington by easement for use as a portion of a state highway, but which has not been or ever will be used for the purposes intended:

A tract of land in the NE $\frac{1}{4}$ of section 28 and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 21, all in township 19 north, range 43 east, Willamette Meridian, being more particularly described as follows:

A piece or parcel of land, containing 1.68 acres, more or less, situated in the northeast quarter

Governor
to execute.

Description.

(NE $\frac{1}{4}$) of section 28, and the southwest quarter of the southeast quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of section 21, all in township 19 north, range 43 east, Willamette Meridian, being all that part of the station grounds of Oregon-Washington Railroad & Navigation Company that lies south-easterly of a line parallel with and 60 feet south-westerly measured at right angles, from the center line of the main track of the railroad of Oregon-Washington Railroad & Navigation Company as now constructed and operated. The instrument conveying real estate as above shown, and which instrument also recites conditions incident to the occupation that is granted, is of record in the office of the auditor of Whitman county, Washington, and will be found in Book 218, Record of Deeds, at page 197 thereof. Said reference is hereby referred to as constituting a full description of the property affected.

Record.

Said easement was accepted by the State of Washington, and it is a fact that the real estate as conveyed in the above referred to instrument has never been used for the purposes of a state road, and the construction never done, and the several provisions as contained therein never complied with, and the total location as covered by this easement revised and changed, therefore with all the provisions contained therein, are hereby relinquished and abandoned and in whole revert to, and become the possession of the said Oregon-Washington Railroad & Navigation Company.

Conditions of easement.

Passed the House March 3, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 51.

[H. B. 251.]

DEED TO ESTATE OF LOUIS DENO.

AN ACT authorizing and directing a conveyance by quit-claim deed in behalf of the State of Washington to the estate of Louis Deno, deceased, of certain real estate.

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

SECTION 1. That the governor is hereby authorized and directed, in the name of the State of Washington, upon the return and delivery to the state auditor of warrant number 242784, to execute and deliver a good and sufficient quit-claim deed to the estate of Louis Deno, deceased, which deed shall be attested by the secretary of state, covering the following described real estate, situate in King county, which was conveyed to the State of Washington by one Louis Deno, a bachelor, now deceased, for use as a portion of a state highway, but which was never used and now abandoned:

Governor
to execute.

Description.

A strip of land 100 feet wide, being 50 feet wide on each side of the center line of State Road No. 2 (Sunset Highway) as surveyed over and across lots 7 and 8, block "C", Fall City Acreage Tracts in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 15, township 24 north, range 7 east, W. M.

Passed the House February 21, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 52.

[H. B. 261.]

TAXES AND FUNDS OF MUNICIPAL CORPORATIONS.

AN ACT relating to taxes and funds of municipal corporations having less than 20,000 inhabitants, and amending Section 3 of Chapter LXXXIV (84) of the Laws of 1897.

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

SECTION 1. That section 3 of chapter LXXXIV (84) of the Laws of 1897, as amended by section 1 of chapter 145 of the Laws of the Extraordinary Session of 1925 (section 5637 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends § 3, ch. 84, Laws of 1897; § 1, ch. 145, Ex. Laws of 1925; § 5637 Rem. Comp. Stat., 1927 Sup.

Section 3. Such municipal corporations shall levy and collect annually a property tax for the payment of current expenses, not exceeding fifteen mills on the dollar; a tax for the payment of indebtedness (if any indebtedness exists) not exceeding six mills on the dollar, and all moneys collected from the taxes levied for payment of current expenses shall be credited and applied by the treasurer to "Current Expense Fund"; and all moneys collected from the taxes levied for the payment of indebtedness shall be credited and applied to a fund to be designated as the "Indebtedness Fund": *Provided*, That if the qualified electors of any such municipality shall, at a special election to be held for that purpose, vote in favor of a larger levy for the payment of current expenses than fifteen mills on the dollar of assessed valuation, such larger levy for such purpose may be made accordingly: *And provided further*, That in incorporated cities having a population of five thousand or less the city council by unanimous vote of all its members at a regular meeting may levy a property tax for the payment of current expenses

Current expenses 15 mills.

Indebtedness 6 mills.

Special election.

5,000 and less population.

not exceeding eighteen mills on the dollar of the assessed valuation.

Passed the House February 19, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 53.

[H. B. 294.]

PUBLIC UTILITIES OF MUNICIPAL CORPORATIONS.

AN ACT relating to the construction, acquisition and maintenance of sewer systems and sewage disposal plants by incorporated cities and towns, and amending Sections 1, 2 and 4 of Chapter 150 of the Laws of 1909.

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

SECTION 1. That section 1 of chapter 150 of the Laws of 1909, as amended by section 1 of chapter 173 of the Laws of 1923 (section 9488 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Section 1. Any incorporated city or town within the state be, and hereby is, authorized to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate waterworks, within or without its limits, for the purpose of furnishing such city or town and the inhabitants thereof, and any other persons, with an ample supply of water for all uses and purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution and price thereof; to construct and maintain systems of sewage disposal plants, and systems and plants for refuse collection and disposal, with full jurisdiction and authority to manage, regulate and control the same within and without the limits of the corporation; to construct, condemn and

Amends § 1, ch. 150, Laws of 1909; § 1, ch. 173, Laws of 1923; § 9488, Rem. Comp. Stat., 1927 Sup.

Acquisition, construction, condemnation.

Water.

Sewage disposal plants.

purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the preparation and manufacture of all such stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together with the right to use the same, and also to fix the price of and to sell the same for use in the construction of municipal improvements of such city or town; to construct, acquire and operate public markets and one or more cold storage plants for the sale and preservation of butter, eggs, meats, fish, fruits, vegetables, and other perishable provisions; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the purpose of furnishing such city or town and the inhabitants thereof, and any other persons, with gas, electricity and other means of power and facilities for lighting, heating, fuel and power purposes, public and private, with full authority to regulate and control the use, distribution and price thereof, together with the right to handle and sell, or lease, any meters, lamps, motors, transformers and equipment or accessories of any and every kind, necessary and convenient for the use, distribution and sale thereof; to authorize the construction of such plant or plants by others for the same purpose, and to purchase such gas, electricity or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within such city or town, and to regulate and control the use and price thereof; to construct, condemn and purchase, purchase, acquire, add to, maintain, operate or lease cable, electric and other railways within the limits of such city or town for the transportation of freight and passengers above, upon or underneath the ground, with full authority to regulate and control the use and operation there-

Stone and
asphalt.

Cold stor-
age plants.

Electricity,
gas.

Street
railways.

of, and to fix, alter, regulate and control the fares and rates to be charged thereon; and whenever such city or town shall own and operate a street railway with not less than one hundred (100) miles of main track, to purchase, acquire, add to, maintain, operate and lease automobiles, motor cars, motor busses, auto trucks, and any and all other forms or methods of transportation of freight or passengers, and, within the corporate limits of such city and in connection with its street railway system only, without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the secretary of state, to engage in, carry on, and operate the business of transporting and carrying passengers and freight for hire by any method or combination of methods that the legislative authority of any such city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business, and to fix, alter, regulate and control the fares and rates to be charged therefor; and for the purposes aforesaid, it shall be lawful for any city or town in this state to take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake or water-course percolating or subterranean, or any underflowing water within the state, and, by means of aqueducts or pipelines, to conduct the same to said city or town; and such city or town is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake or water-course in this state for the purpose of storing and retaining water therein up to and above high-water mark; and for all the purposes of erecting such aqueducts, pipe-lines, dams, or waterworks or other necessary structures in storing and retaining water, as above provided, or for any of the purposes provided for by this act, such city or town shall

Automobiles.

Transportation agencies, fares.

Dams.

Pipe-lines.

have the right to occupy and use the beds and shores up to the high water mark of any such watercourse or lakes, and to acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this act, or necessary for any of said purposes, and any such city or town shall have the right to acquire by purchase or by condemnation and purchase any lands, properties or privileges necessary to be had to protect the water supply of such city or town from pollution: *Provided*, That should private property be necessary for any such purposes or for storing water above highwater mark, such city or town may condemn and purchase, or purchase and acquire such private property: *And provided further*, That no such dam or other structure shall impede, obstruct or in any way interfere with public navigation of such lake or water-course.

Beds and shores of water-courses.

Private property.

Public navigation.

SEC. 2. That section 2 of chapter 150 of the Laws of 1909 (section 9489 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 2, ch. 150, Laws of 1909; § 9489, Rem. Comp. Stat.

Section 2. Whenever the city council or other corporate authorities of any such city or town shall deem it advisable that the city or town of which they are officers shall purchase, acquire or construct any public utility mentioned in section 1 hereof or make any additions and betterments thereto or extensions thereof, the common council or other corporate authorities shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said city at the general or special election, except in the following cases where no submission shall be necessary:

Ordinance.

System adopted.

Special election.

(1) When the work proposed is an addition to, or betterment of, or extension of, or an increased

Not necessary, when.

No general indebtedness.

water supply for, existing water works, or an addition, betterment or extension of an existing system or plant of any other public utility mentioned in section 1 hereof, for which no general indebtedness is to be incurred by such city or town: *Provided*, Such undertaking shall have been authorized by the common council of such city or town prior to July first, nineteen hundred and ten; or

Authorized by charter.

(2) Where in any charter of any city or town in the State of Washington heretofore or hereafter adopted by a vote of the people, an article or provision has been adopted authorizing the city council or other corporate authorities of such city to provide by ordinance for acquiring, opening or operating any of said public utilities, for which no general indebtedness is to be incurred by such city or town; or

Public health endangered.

(3) When in the judgment of the city council, or other corporate authority of any such city or town, the public health is being endangered by the discharge of raw or untreated sewage into any river or stream in this state, and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant or plants, for which no general indebtedness shall be incurred by such city or town responsible for such contamination. If a 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 shall be adopted and assented to by three-fifths of the qualified voters of the said city or town voting at said election. If no general indebtedness is to be incurred such proposition may be adopted by a majority vote. Ten days' notice of such election shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time. Whenever a

General indebtedness, election.

Notice.

proposition has been adopted as aforesaid or in the cases mentioned in subdivisions first, second and third of this section where no submission shall be necessary the common council or other corporate authorities of such city or town shall have power to proceed forthwith to purchase, construct and acquire the public utility contemplated or to make additions, betterments and extensions thereto and to make payment therefor as hereinafter provided in section 3 and section 4.

SEC. 3. That section 4 of chapter 150 of the Laws of 1909 (section 9491 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 4,
ch. 150, Laws
of 1909;
§ 9491, Rem.
Comp. Stat.

Section 4. Whenever the qualified voters of any such city or town, or the corporate authorities thereof, shall have heretofore adopted or shall hereafter adopt a proposition for any public utility as heretofore provided and either no general indebtedness shall have been authorized or the common council or other corporate authorities shall not desire to incur a general indebtedness, and whenever the common council or other corporate authorities of any such city or town shall be authorized to exercise any of the powers conferred by section 1 hereof without submitting any proposition as provided in subdivisions first, second and third of section 2 hereof, the common council or other corporate authorities shall have power to create a special fund or funds for the sole purpose of defraying the cost of such public utility or addition, betterment or extension thereto, into which special fund or funds the common council or other corporate authorities of such city or town may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of such public 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 to issue and sell bonds

No general
indebtedness.

Special
funds.

Gross reve-
nues set
aside.

Bonds.

Warrants. or warrants bearing interest not exceeding six per centum per annum, payable semi-annually, executed

Interest rate. in such manner and payable at such times and places as the common council or other corporate authorities of such city or town shall determine, but such bonds or warrants and the interest thereon shall be payable only out of such special fund or funds. Whenever the common council or corporate authorities shall

Sewage disposal plants. deem it necessary to construct any sewage disposal plant or plants as provided in subdivision (3) of section 2 of this act, such plant or plants may be considered as a part of and belonging to the water works department of such city or town, and the cost of construction and maintenance thereof may be chargeable to the water fund of such city or town, or to any other special fund which said common council, or other corporate authorities, may by ordinance designate. In creating any such special fund or funds the common council or other corporate authorities of such city or town shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged.

Cost of operation. Any such bonds or warrants and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such city or town within the meaning of the constitutional provisions and limitations. Each such bond or war-

Claim of holder of bonds and warrants.

rant shall state upon its face that it is payable from a special fund, naming the said fund and the ordinance creating it. Said bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interests of the city or town, and the corporate authorities may provide in 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.

Statement on bonds, warrants.

Sale of bonds, warrants.

When any such special fund shall have been heretofore or shall be hereafter created and any such obligation shall have been heretofore or shall hereafter be issued against the same, 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 said special fund as provided in the ordinance creating such fund, and in case any city or town shall fail to thus set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond or warrant against such special fund may bring suit or action against the city or town and compel such setting aside and payment.

Actions to require revenues to be set aside.

Passed the House February 28, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 54.

[H. B. 301.]

TRANSPORTATION OF EXPLOSIVES.

AN ACT relating to the transportation of explosives over the highways and thoroughfares within the State of Washington, providing regulation and fixing penalties for violation.

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

SECTION 1. The term "Motor Truck," as used in this act, shall mean and include all vehicles operated or propelled by any form of engine, motor or mechanical power and designed or used for carrying freight or merchandise.

Terms
defined.

"Motor
truck."

The term "Vehicle," as used in this act, shall mean and include any vehicle drawn by animals and designed or used for carrying freight or merchandise.

"Vehicle."

The term "Explosives," as used in this act, shall mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

"Explo-
sives."

The term "Highways," as used in this act, shall mean and include all public roads, streets, avenues, alleys, boulevards, parks and squares, also bridges and approaches thereto.

"Highways."

The term "Owner," as used in this act, shall mean and include the person or persons having a motor truck in his or their possession as owner or

"Owner."

as lessor under a lease or contract of conditional sale or other like agreement.

The term "Chassis," as used in this act, shall mean and include the entire vehicle exclusive of the body or any load thereon. "Chassis."

The term "Railroad," as used in this act, shall mean and include any steam, electric or other railroad which carries passengers, freight and/or merchandise. "Railroad."

The term "Driver," as used in this act, shall mean and include any person who operates a motor truck, or drives a vehicle. "Driver."

SEC. 2. Motor trucks and/or vehicles when used for transporting explosives over the highways of this state must be strong enough to carry the load and in first-class condition. The battery and wiring of motor truck must be located so that neither will come in contact with packages of explosives, and be completely protected and securely fastened to prevent short-circuiting; worn insulation must be repaired before any explosives are loaded on the motor truck. Condition of motor trucks.

The sides and ends of an open body motor truck, and/or vehicle must be high enough to prevent packages of explosives from falling off. The floor must be tight so that nothing can pass through it and any exposed metal on the inside of the body liable to come in contact with explosives, must be covered or protected with wood or other non-metallic material.

SEC. 3. Motor trucks and/or vehicles when used for transporting explosives, must be marked or placarded on both sides and the rear with the word "Explosives" in letters not less than three inches high, or must conspicuously display a red flag not less than twenty-four inches square marked with the word "Danger" in white letters not less than six inches high: *Provided*, That the requirements of Marks on trucks and vehicles. Red flag

this section shall not apply to trucks or vehicles used occasionally for personal delivery to the owner thereof for private use.

Fire ex-
tinguishers.

SEC. 4. A motor truck, when used for transporting explosives, must be equipped with not less than two fire extinguishers, filled and ready for immediate use, placed at convenient points on the motor truck.

Daily
inspection.

SEC. 5. When a motor truck is to be used for transporting explosives, it shall be the duty of the owner to see that the motor truck is inspected daily to determine that:

Fire ex-
tinguishers.

(a) Fire extinguishers are filled and in working order.

Electric
wiring.

(b) Electric wiring is completely insulated and firmly secured.

Chassis,
engine.

(c) Chassis, engine, pan and bottom of body are clean and free from surplus oil and grease.

Gasoline
tank.

(d) Gasoline tank and feed line have no leaks.

Brakes.

(e) Brakes and steering apparatus are in good condition.

Proper
condition.

(f) The motor truck is in proper condition for handling explosives.

Driver's
qualifica-
tions.

SEC. 6. A motor truck and/or vehicle transporting explosives must be driven by and be in the charge of a driver who is careful, capable, reliable, able to read, write and speak the English language and not addicted to the use or under the influence of intoxicants or narcotics. No person shall smoke or carry matches, or any other flame-producing device, firearms or loaded cartridges while on or near the motor truck and/or vehicle. The driver must be familiar with the road rules, the state laws and local ordinances and regulations governing the transportation of explosives in this state, and with the necessary safety rules for handling and transporting explosives, and must comply with them.

Smoking.

SEC. 7. No metal, metal tools, carbides, oils, matches, fire-arms, electric storage batteries, inflammable substances, acids, oxidizing or corrosive compounds shall be carried in the bed or body of any motor truck and/or vehicle transporting explosives.

Articles prohibited in trucks and vehicles.

SEC. 8. Explosives to be transported by motor truck and/or vehicle must be loaded and transported in the body of such motor truck and/or vehicle.

Loaded in body.

Motor trucks and/or vehicles must not be loaded with explosives beyond their rated capacity. Packages of explosives must not be placed where they are likely to fall off the motor truck and/or vehicle.

Size of load.

Bale hooks or metal tools must not be used for loading, unloading, or handling explosives.

Loading and unloading with hooks.

Motor trucks and/or vehicles equipped with an open body must have the explosives completely covered with a tarpaulin to protect them from the weather and from fire.

Tarpaulin covering.

SEC. 9. Explosives must not be transported in any form of trailer, nor shall any trailer be attached to a motor truck and/or vehicle hauling explosives.

Trailer prohibited.

The driver must always have the motor truck and/or vehicle under complete control.

Control of vehicle.

Motor trucks and/or vehicles when transporting explosives, must come to a full stop before crossing any railroad track and must not cross it until it is known that the way is clear and no train or engine is approaching. Such motor trucks and/or vehicles must also come to a full stop in approaching main highways and then only proceed when the way is clear. Motor trucks must not coast down hill.

Stop at crossings.

Coasting.

Unauthorized persons or passengers must not ride on motor trucks and/or vehicles transporting explosives.

Passengers.

The gasoline tank of a motor truck shall not be filled while explosives are on the motor truck except in emergency, and then only when the engine of the motor truck is stopped.

Filling gasoline tank.

Left standing.

Motor trucks containing explosives must never be left until the motor is stopped and the brakes securely set.

Vehicles transporting explosives must not be left unless team is securely tied and brakes set.

Stops.

All unnecessary stops must be avoided. Stops for meals should only be made at a wayside restaurant and, in such event, the motor truck and/or vehicle should be left well away from traffic, fire risk and parked vehicles.

Repairs, storage.

Motor trucks and/or vehicles containing explosives must never be taken into a garage or repair shop for repairs or storage.

Daylight transportation.

Explosives should, when possible, be transported during daylight. If lights other than the lights of the motor truck are necessary, only an electric flashlight or an electric lantern may be used.

Delivery.

SEC. 10. The driver of a motor truck and/or vehicle transporting explosives must deliver said explosives only to someone authorized to receive them, except in the case where said explosives are placed in a magazine and the magazine is immediately thereafter locked. In unloading, packages of explosives must never be piled immediately back of the exhaust of a motor truck.

Unloading.

Penalties for violation.

SEC. 11. Whoever fails to comply with or violates any of the provisions of this act shall be liable to a penalty of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), or imprisonment not exceeding one year, or both, in the discretion of the court: *Provided* that each and every county within the state that such transportation may have been accomplished contrary to the provisions of this act, shall be a separate and distinct offense.

Invalidity of part not to affect balance.

SEC. 12. In case any provision of this act shall be adjudged unconstitutional or void for any other

reason, such adjudication shall not affect the validity of any other provision of this act.

Passed the House March 10, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 55.

[H. B. 60.]

DELINQUENT ASSESSMENTS OF DIKING DISTRICTS.

AN ACT relating to delinquent assessments of diking districts and amending Chapter CXVII of the Laws of 1895.

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

SECTION 1. That section 36-1 of chapter CXVII of the Laws of 1895 added by section 1 of chapter 111 of the Laws of 1929 be amended to read as follows:

Amends
§ 36-1, ch.
CXVII, Laws
of 1895;
§ 1, ch. 111,
Laws of 1929.

Section 36-1. Whenever any diking district assessments levied under this act shall remain unpaid for a period of four years from the date when such assessment becomes due and payable, the diking district, which levied said assessment or assessments is hereby empowered and authorized, through its board of commissioners, to make application to the county treasurer of the county in which said diking district is located, for a certificate of delinquency to be issued to it for said delinquent assessments and delinquent interest thereon. And the county treasurer shall issue to said diking district a certificate of delinquency in the same manner and form as to an individual: *Provided, however,* That it shall not be necessary or required for said diking district to pay to said county treasurer any part or portion of said delinquent assessments or interest thereon, but payment of general taxes and interest due upon said general taxes, upon said diked lands will be

Certificates
of delin-
quency.

General
taxes.

Foreclosure. sufficient payment by said diking district to entitle it to have said certificate of delinquency issued to it. Said diking district shall be empowered to foreclose said certificate or certificates and take title in said district the same as delinquent tax certificates are foreclosed by individuals. After acquiring title to any such lands through such foreclosure proceedings, the diking district, through its commissioners, may offer for sale and sell all, or any part, of such lands, in the same manner as counties are authorized to offer for sale and sell lands acquired by counties through delinquent tax foreclosure sales; and to issue a deed of conveyance therefor to the purchaser, executed by the commissioners of the diking district in behalf of the district, and attested by the clerk of the district. All revenue derived by the diking district from the sale of any such lands shall be first used for the redemption of any bonds and interest outstanding against said diking district which is due and payable, and the remainder thereof, if any, shall be applied to the payment of maintenance warrants, or other indebtedness, of the district, which is due and owing, in the priority deemed best by the board of diking commissioners.

Lands may be sold.

Revenues from sale.

Passed the House February 9, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 56.

[H. B. 113.]

REGISTRATION OF PHARMACISTS.

AN ACT relating to the registration of pharmacists and assistant pharmacists, and amending Section 3 of Chapter 180 of the Laws of 1923.

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

SECTION 1. That section 3 of chapter 180 of the Laws of 1923, as amended by section 1 of chapter 253 of the Laws of 1927 (section 10126-3 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends § 3,
ch. 180, Laws
of 1923;
§ 1, ch. 253,
Laws of
1927;
§ 10126-3,
Rem. Comp.
Stat., 1927
Sup.

Section 3. To be granted a certificate of registered pharmacist by the director of licenses by examination, a person shall furnish suitable evidence that he or she is a graduate of a college of pharmacy maintaining not less than a two year course, recognized by the director of licenses, or that he or she shall have had, prior to the taking effect of this act, at least twelve years' service in the medical department of the United States Navy, and attained the rating of chief pharmacist's mate, or pharmacist's mate first class and in addition thereto shall have had subsequent to said naval service at least six months' continuous experience in the practice of pharmacy wherein the prescriptions of medical practitioners were compounded or that he or she shall have had prior to the taking effect of this act, and not otherwise, at least fifteen years' continuous experience in the practice of pharmacy wherein the prescriptions of medical practitioners were compounded and was so engaged in this state at the time this act took effect: *Provided, however,* That experience gained before the age of fifteen years shall not be counted or computed, or that he or she is a regularly licensed physician and surgeon in the

Certificate of
registration,
examination,
qualifica-
tions.

State of Washington, and shall pass an examination in the subjects of pharmacy, materia medica, chemistry, toxicology and posology, compounding of prescriptions, identification of drugs, and the laws relating to the practice of pharmacy in the State of Washington, with a general average of not less than seventy-five per cent (75%) and a grade of not less than sixty per cent (60%) in any one subject: *Provided*, That physicians and surgeons as herein defined shall be required to pass an examination only in the subjects of pharmacy, compounding or [of] prescriptions, and the laws relating to the practice of pharmacy in the State of Washington with a grade in each subject and a general average as defined in this section: *Provided*, That before a certificate of registered pharmacist is issued, graduates of two year courses of recognized colleges of pharmacy shall be required to present evidence of having had at least twenty-four (24) months of practical experience in a pharmacy and graduates of three year courses of recognized colleges of pharmacy shall be required to furnish evidence of having had at least twelve (12) months of practical experience in a pharmacy. Graduates of four and five year courses of recognized colleges of pharmacy or of colleges of medicine shall not be required to present evidence of practical experience as defined by this act. Practical experience shall be defined as experience in a pharmacy where drugs and medicines are compounded and dispensed, and where prescriptions of regularly licensed physicians are compounded. Recognized colleges of pharmacy as defined by this act shall be such colleges, schools or departments of pharmacy whose entrance requirements and courses of study are approved by the director of licenses.

Grades.

Physicians
and surgeons.

Graduates
of colleges.

Passed the House February 27, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 57.

[H. B. 115.]

ADDITIONAL LANDS FOR CAMP MURRAY.

AN ACT relating to, and authorizing the acquisition for and in behalf of the State of Washington, by purchase or condemnation, certain lands for the use of and as a part of the state military reservation at Camp Murray, and making an appropriation.

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

SECTION 1. That the adjutant general of the State of Washington be, and he is hereby authorized to acquire, by purchase or condemnation, for and in the name of the State of Washington, lot ten (10), section twenty (20), township nineteen (19) north, range two (2), E. W. M., known as "Barlow Island," in American Lake; that said lands when so acquired, shall be used for, in connection with and shall form a part of the state military reservation at Camp Murray.

Acquisition authorized.

SEC. 2. If the adjutant general of the State of Washington is unable to agree with the owner or owners of said property as to the price to be paid by the state for the purchase thereof, the right of eminent domain may be exercised for the purpose of acquiring the same for the state; and condemnation proceedings for that purpose shall be instituted by the attorney general upon request of the adjutant general in the manner and under the procedure provided in sections 891 to 900, inclusive, Remington's Compiled Statutes and amendments thereto.

Eminent domain power.

SEC. 3. There is hereby appropriated out of the general fund of the state treasury the sum of four hundred (400.00) dollars, or so much thereof as may be necessary, to be expended by the adjutant general of the State of Washington for the purchase of the property described in this act, or in event of the

Appropriation.

acquisition of the same by condemnation proceedings, for the payment of any award and judgment that may be entered in such condemnation proceedings.

Passed the House March 11, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 58.

[H. B. 121.]

STATE PENITENTIARY.

AN ACT relating to the government of the state penitentiary, and repealing certain acts relating thereto.

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

SECTION 1. That sections 8 and 9 of chapter CXLVII of the Laws of 1891, pages 355, 356, as amended by sections 2 and 3 of chapter CXXXI, Laws of 1895, pages 342, 343, and section 25 of said chapter CXLVII, Laws of 1891, page 363, (sections 10214, 10215, 10229, Remington's Compiled Statutes), are hereby repealed.

Acts
repealed.

Passed the House February 28, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 59.

[H. B. 131.]

STATE CONVICTS.

AN ACT relating to state convicts, and providing notice of conviction to be filed with the state auditor, and repealing an act relating thereto.

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

SECTION 1. That certain act entitled, "An act in relation to territorial convicts and providing notice of conviction to be filed with the territorial auditor," approved November 26, 1883 (sections 10243, 10244, 10245, 10246, Remington's Compiled Statutes), is hereby repealed. Acts repealed.

Passed the House February 28, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 60.

[H. B. 142.]

IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts; elections therein; levy and collection of assessments, tolls, and charges thereby; the confirmation of proceedings relating thereto; and the dissolution of such districts; and amending Sections 6, 24, 25, 26, 37, 73, 74, 75, 76, and 77 of an act entitled "An act providing for the organization and government of irrigation districts and the sale of bonds arising therefrom, and declaring an emergency," pages 671 to 706 of the Laws of 1889-90, approved March 20, 1890, and Section 13 of Chapter CII (102) of the Laws of 1899.

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

SECTION 1. That section 6 on page 674 of the Laws of 1889-90 (section 7423 of Remington's Compiled Statutes) be amended to read as follows: Amends § 6,
Laws of
1889-90;
§ 7423, Rem.
Comp. Stat.

Inspector of election board, powers.

Section 6. The inspector is chairman of the election board, and may

First: Administer all oaths required in the progress of an election.

Oaths.

Second: Appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct may, if they deem it necessary, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at 1 o'clock p. m. on the afternoon of the election, and be kept open until 8 o'clock p. m., when the same must be closed. The provisions of the general election law of this state, concerning the form of ballots to be used shall not apply to elections held under this act: *Provided*, That any district elections called before this act shall take effect shall be noticed and conducted in the manner prescribed by law in effect at the time the election is called.

Opening, closing of polls.

Conduct of elections.

Amends § 24, Laws of 1889-90; § 1, ch. 181, Laws of 1929; § 7442, Rem. Comp. Stat.

SEC. 2. That section 24 on page 684 of the laws of 1889-90, as amended by section 1 of chapter 181 of the Laws of 1929, (section 7442 of Remington's Compiled Statutes) be amended to read as follows:

Assessment roll.

Section 24. The assessment roll, before its equalization and adoption, shall be checked and verified as to descriptions and ownerships, with the county treasurer's land rolls. On or before the fifteenth day of January in each year the secretary must deliver the assessment roll or the respective segregation thereof to the county treasurer of each respective county in which the lands therein de-

Delivery to treasurer.

scribed are located, and said assessments shall on that date become due and payable. Within twenty days thereafter the respective county treasurers shall each publish a notice in a newspaper published in their respective counties in which any portion of the district may lie, that said assessments are due and payable at the office of the county treasurer of the county in which said land is located and will become delinquent at five o'clock in the afternoon of the thirty-first day of May next thereafter, and interest at the rate of twelve percent per annum upon such unpaid assessments shall be charged from the date of delinquency until paid: *Provided, however,* That if one-half of such assessment be paid on or before said thirty-first day of May, then the time of the payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirtieth day of November following: but if the remaining one-half of such assessments be not paid on or before said thirtieth day of November, then such remaining one-half shall be delinquent and interest at the rate of twelve per cent per annum shall be charged thereon from the first day of June preceding until paid. The notice shall be published once a week for four successive weeks and shall be posted within said period of twenty days in some public place in said district.

Publication
of notice.

Delinquent
assessments.

Upon receiving the assessment roll the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown," and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

Assessment
book, entries.

Payments,
entries.

Upon payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying, and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed. On all assessments levied prior to the time this amendatory act takes effect the county treasurer shall collect the interest and penalty upon delinquent assessments in accordance with the law in effect at the time such assessments were levied; and on all assessments levied after this amendatory act takes effect it shall be the duty of the treasurer to collect the interest provided by this amendatory act.

Collection.

Statement of
assessments.

It shall be the duty of the county treasurer of the county in which any land in the district is located to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request, and all statements of general taxes covering any land in the district shall be accompanied by a statement showing the condition of irrigation district assessments against such lands: *Provided*, That the failure of the county treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district or proceedings had for the enforcement and collection of irrigation district assessments pursuant to this act.

Remittances.

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

Amends § 25,
p. 684,
Laws of
1889-90; § 2,
ch. 181, Laws
of 1929;
§ 7443, Rem.
Comp. Stat.

SEC. 3. That section 25 on page 684 of the Laws of 1889-90, as amended by section 2 of chapter 181

of the Laws of 1929, (section 7443 of Remington's Compiled Statutes) be amended to read as follows:

Section 25. On or before the fifteenth day of December of each year, the county treasurer of the county in which the land is located shall cause to be posted the delinquency list which must contain the names of persons and a description of the property delinquent and the amount of the assessment and costs due, opposite each name and description.

Delinquency
list, publica-
tion.

He must append to and post with the delinquency list a notice that unless the assessments delinquent, together with costs and accrued interest, are paid, the real property upon which such assessments are a lien will be sold at public auction. The said notice and delinquent list shall be posted at least twenty days prior to the time of sale. One copy thereof shall be posted in the office of the county treasurer making the collection, one copy in the office of the board of directors and three copies in public places in each of the established voting precincts within the portion of said district lying in said county. Concurrent as nearly as possible with the date of the posting aforesaid, the said county treasurer shall publish a list of the places where said notices are posted, and in connection therewith a notice that unless delinquent assessments together with costs and accrued interest are paid, the real property upon which such assessments are a lien will be sold at public auction. Such notices must be published once a week for three successive weeks in a newspaper of general circulation published in the county within which the land is located; but said notice of publication need not comprise the delinquent list where the same is posted as herein provided. Both notices must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the date of posting and from the date of the first

Notice of
sale for
delinquent
assessments.

Posting.

Publication.

Contents.

publication of the notice thereof, and the place must be at some point designated by the treasurer.

Amends § 26,
p. 685,
Laws of
1889-90;
§ 3, ch. 181,
Laws of
1929; § 7444,
Rem. Comp.
Stat.

SEC. 4. That section 26 on page 685 of the Laws of 1889-90, as amended by section 3 of chapter 181 of the Laws of 1929 (section 7444 of Remington's Compiled Statutes) be amended to read as follows:

Sale,
conduct.

Section 26. The treasurer of the county in which the land is situated shall conduct the sale of all lands situated therein and must collect in addition to the assessment due as shown on the delinquent list the costs and expenses of sale and interest at the rate of twelve per cent per annum from the date of delinquency as hereinbefore provided if no part of said assessment as provided in section 3 of this act were paid on or before November thirtieth, or if fifty per cent thereof was paid on or before May thirty-first, interest at the rate of twelve per cent per annum on the fifty per cent of said assessment remaining unpaid from said date of delinquency until paid. On the day fixed for the sale, or some subsequent day to which he may have postponed it and between the hours of ten o'clock a. m. and three o'clock p. m., the county treasurer making the sale must commence the same, beginning at the head of the list, and continuing alphabetically, or in the numerical order of the parcels, lots or blocks, until completed. He may postpone the day of commencing the sale, or the sale from day to day, by giving oral notice thereof at the time of the postponement, but the sale must be completed within three weeks from the first day fixed.

Interest on
delinquent
assessments.

Sale post-
poned.

Amends § 37,
p. 690,
Laws of
1889-90;
§ 4, ch. 185,
Laws of
1929; § 7454,
Rem. Comp.
Stat.

SEC. 5. That section 37 on page 690 of the Laws of 1889-90, as amended by section 4 of chapter 185 of the Laws of 1929 (section 7454 of Remington's Compiled Statutes) be amended to read as follows:

Costs and
expenses.

Section 37. The cost and expense of purchasing and acquiring property, and construction, reconstruction, extension, and betterment of the works

and improvements herein provided for, and the expenses incidental thereto, and indebtedness to the United States for district lands assumed by the district, and for the carrying out of the purposes of this chapter, may be paid by the board of directors out of the funds received from bond sales. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of such portions of said canal and works as are completed and in use, or for the payment of any indebtedness due the United States or the State of Washington, the board may either fix rates or tolls, and charges, and collect the same from all persons using said canal for irrigation and other purposes, or they may provide for the payment of said costs and expenses by a levy of assessment therefor, or by both said tolls and assessment; if by the latter method, such levy shall be made on the completion and equalization of the assessment roll each year, and the board shall have the same powers and functions for the purpose of said levy as possessed by it in case of levy to pay bonds of the district. The procedure of the collection of assessments by such levy shall in all respects conform to the provisions of this chapter, relating to the payment of principal and interest of bonds herein provided for, and shall be made at the same time. If the toll and charge method is adopted in whole or in part the board of directors may fix rates or tolls and charges for irrigation and other public uses, and collect the same from all irrigable land in the district and from all persons using said canal for irrigation and other purposes. Such schedule of tolls for a given year shall be filed with the proper county treasurer within the same time as that provided by law for the filing of the annual assessment roll, and the county treasurer shall collect and receipt for the payment of said tolls and credit them to the proper funds of the district. The board may

Payment.

Charges and
tolls for use.Method of
collection.Schedule of
charges and
tolls.

Advance
payment.

Basis.

designate the time and manner of making such collections and shall require the same to be paid in advance of delivery of water and may accept short term interest bearing notes with or without collateral in their discretion for any portion of such charges. The board may base such charges upon the quantity of water to be delivered and may fix a minimum charge to be paid by each acre of land within the district which shall represent the delivery of a stated quantity of water in acre feet with the graduated charge for each additional acre foot of water delivered. The board may in the same year use the assessment method for part of the lands in the district and the toll and charges method for the remaining lands in the district in such proportion as it may deem advisable for the best interest of the district.

Charges and
tolls become
assessment.

All tolls and charges levied shall also at once become and constitute an assessment upon and against the lands for which they are levied, with the same force and effect, and the same manner of enforcement, in case of non-payment, as other assessments.

Amends § 73,
p. 703, Laws
of 1889-90;
§ 45, ch. 129,
Laws of
1921; § 7499,
Rem. Comp.
Stat.

SEC. 6. That section 73 on page 703 of the Laws of 1889-90, as amended by section 45 of chapter 129 of the Laws of 1921, (section 7499 of Remington's Compiled Statutes) be amended to read as follows:

Court pro-
ceedings to
confirm or-
ganization,
bonds, con-
tracts.

Section 73. The board of directors of an irrigation district, now or hereafter organized under the provisions of this chapter, may commence a special proceeding in and by which the proceedings for organizing such district or the proceedings of said board and of said district, providing for and authorizing the issue and sale of the bonds or refunding bonds of said district whether said bonds or refunding bonds or any of them have or have not then been sold or any contract entered or proposed to be entered into by the district, or any contract made or

entered into, or to be made or entered into, for the payment of moneys to the United States or the State of Washington in connection with which bonds be not deposited with the United States or the State of Washington as provided in section 6, chapter 129, Session Laws of 1921, may be judicially examined, approved and confirmed.

There may be combined with the proceeding for the confirmation of the organization and formation of said district, either of the other confirmation proceedings above mentioned.

Combined proceeding.

SEC. 7. That section 74 on page 703 of the Laws of 1889-90, as amended by section 18 of chapter 162 of the Laws of 1917, (section 7500 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 74, p. 703, Laws of 1889-90; § 18, ch. 162, Laws of 1917; § 7500, Rem. Comp. Stat.

Section 74. The board of directors of the irrigation district shall file in the superior court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying in effect, that the proceedings aforesaid may be examined, approved, and confirmed by the court. The petition shall state the facts, showing the proceedings had for the organization of said district or the proceedings had for the issue and sale of said bonds or for the issue and sale of said refunding bonds, or for the authorization of contract with the United States, or other contract described in said petition; and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected; but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

Petition for court proceedings.

Contents.

SEC. 8. That section 75 on page 704 of the Laws of 1889-90, as amended by section 46 of chapter 129 of the Laws of 1921, (section 7501 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 75, p. 704, Laws of 1889-90; § 46, ch. 129, Laws of 1921; § 7501, Rem. Comp. Stat.

Section 75. The court shall fix the time for the hearing of said petition, and shall order the clerk

Time fixed for hearing.

of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time that a notice of a special election provided for by this chapter to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district or in the proceedings for the issue or sale of said bonds or refunding bonds or for the authorization of contract with the United States, or the State of Washington, or any other contract, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of irrigation district (giving its name) praying that the proceedings for the organization of said district or the proceedings for the issue and sale of the bonds of said district or for the authorization of contract with the United States, or the State of Washington, or other contracts, may be examined, approved, and confirmed by said court.

Amends § 76,
p. 704, Laws
of 1889-90;
§ 30, ch. 179,
Laws of
1915; § 7502,
Rem. Comp.
Stat.

SEC. 9. That section 76 on page 704 of the Laws of 1889-90, as amended by section 30 of chapter 179 of the Laws of 1915, (section 7502 of Remington's Compiled Statutes) be amended to read as follows:

Appearance
in court
proceeding.

Section 76. Any person interested in said district or in the issue or sale of said bonds in the issue or sale of refunding bonds or in the making of a contract with the United States or any contract referred to in said petition may demur to or answer said petition. The statutes of this state respecting the demurrer, and the answer to a verified complaint, shall be applicable to a demurrer and answer to said petition. The person so demurring to or an-

swering said petition shall be the defendant to said special proceeding, and the board of directors shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer must, for the purposes of said special proceeding, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice provided by the statutes of this state, which are not inconsistent with the provisions of this chapter, are applicable to the special proceeding herein provided for. A motion for a new trial must be made upon the minutes of the court. The order granting a new trial must specify the issue to be re-examined on such new trial, and the findings of the court upon the other issues shall not be affected by such order granting a new trial.

Effect of answer.

Rules of pleading and practice.

Motion for new trial.

SEC. 10. That section 77 on page 705 of the Laws of 1889-90, as amended by section 47 of chapter 129 of the Laws of 1921, (section 7503 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 77, p. 705, Laws of 1889-90; § 47, ch. 129, Laws of 1921; § 7503, Rem. Comp. Stat.

Section 77. Upon the hearing of such special proceedings, the court shall have full power and jurisdiction to examine and determine the legality and validity of and approve and confirm each and all of the proceedings for the organization of said district under the provisions of this chapter from and including the petition for the organization of the district, and all other proceedings which may affect the legality of the formation of said district or the legality or validity of said bonds, or refunding bonds, and the order for the sale, and the sale thereof, and all proceedings which may affect the authorization or validity of the contract with the United States, or the State of Washington, or other contract. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties

Power and jurisdiction of court.

Court to disregard certain irregularities.

to said special proceedings, and it may approve and confirm such proceedings, in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of said petition has been duly given and published for the time and in the manner in this chapter prescribed. The costs of the special proceedings may be allowed and apportioned between all of the parties, in the discretion of the court.

Findings
of court.

Amends § 13,
ch. 102, Laws
of 1889;
§ 7543-1,
Rem. Comp.
Stat.

SEC. 11. That section 13 of chapter CII (102) of the Laws of 1889 (section 7543-1 of Remington's Compiled Statutes) be amended to read as follows:

Section 13. In all instances where fifty per cent of the acreage within an irrigation district has been sold to the district on account of delinquent district assessments, and more than one year has elapsed since the sale of said property to the district without redemption by the owners thereof, and the district is unable to raise sufficient revenue to meet its obligations when the same become due and payable, such district shall be deemed insolvent and the district board shall have authority to call an election in the district to determine whether the district shall discontinue operation and dissolve: *Provided*, That in case there are bonds of the district outstanding, written consent of the holders of at least fifty-one per cent (51%) in amount of such outstanding bonds shall be obtained by the district board before calling said election: *Provided, further*, That if any portion of such outstanding bonds are owned by the State of Washington the board of directors of such district shall give written notice to the director of conservation and development of the intention of the board of directors to call such election, and unless the director of conservation and development shall sign written objection to the calling of such election within ten (10) days after the giving of such notice the state shall be deemed as consenting thereto.

Dissolution
of insolvent
districts.

Election.

Consent of
bond holders.

Notice to
state.

Said election shall be called, shall be conducted and the results canvassed in the same manner substantially provided by law for a bond election in the district.

Passed the House March 3, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 61.

[H. B. 156.]

VETERANS' COMPENSATION BONDS.

AN ACT relating to finance, and directing the state treasurer to purchase with certain state funds bonds sold to pay additional compensation to veterans of the war with the Central Allied Powers, providing for the use of moneys in the state treasury for the purpose of paying bonds which are payable from the Veterans Compensation Bond Retirement Fund, and declaring that this act shall take effect immediately.

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

SECTION 1. The state treasurer is hereby directed to purchase, with any surplus money in the state treasury above the anticipated reasonable requirements of the various funds in the state treasury, outstanding bonds issued to pay additional compensation to veterans of the war with the Central Allied Powers as provided by chapter (1) of the Extraordinary Session of 1920, and amendments thereto.

State treasurer to purchase.

SEC. 2. Said state treasurer shall pay no greater price for such bonds than their par value plus accrued interest.

Price.

SEC. 3. Said state treasurer shall credit any and all interest received from such bonds to the various funds of the state treasury in proportion to the average balances maintained by such funds in the same manner as depositary interest is credited.

Interest credit.

Use of state
funds to pay.

SEC. 4. Whenever any bonds payable from the veterans' compensation bond retirement fund are unpaid, but are due and payable or subject to be called for payment, and there are insufficient moneys in the state treasury to the credit of said fund to pay all of such bonds, including accrued interest, the state finance committee may provide for the payment of all or any part of such bonds and interest for the payment of which there are insufficient moneys to the credit of said fund, by the use of any moneys in the state treasury if such moneys will not be otherwise needed before the same can be replaced from moneys that will be paid into the veterans' compensation bond retirement fund as provided by law.

Debit of
payment.

SEC. 5. Whenever any moneys in the state treasury other than those to the credit of the veterans' compensation bond retirement fund are used to pay any of such bonds and interest, the amount of such payment shall be debited to the veterans' compensation bond retirement fund; and a further debit shall be charged to said fund in the amount of interest that the moneys so used would have earned as interest if on deposit in a state depository bank. As moneys are thereafter paid into the state treasury for the credit of the veterans' compensation bond retirement fund the same shall be credited on such debit charges until such time as the same is completely reduced and wiped out.

Effective
immediately.

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

Passed the House March 11, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 62.

[H. B. 165.]

ACTIONS TO RECOVER ILLEGAL TAXES.

AN ACT relating to taxes; requiring the same to be paid under protest when claimed to be illegal, excessive or void; prohibiting the institution of court actions to restrain or enjoin the collection thereof or the sale of property for non-payment thereof; providing a time limit within which court actions may be brought and the venue of court actions to recover the same; providing and creating a fund for the payment of judgments entered for recovery thereof; repealing Section 7, Chapter 18, Laws of 1925, and declaring that this act shall take effect immediately.

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

SECTION 1. Injunctions and restraining orders shall not be issued or granted to restrain the collection of any tax or any part thereof, or the sale of any property for the non-payment of any tax or part thereof, except in the following cases:

Injunctions
prohibited.

(1) Where the law under which the tax is imposed is void; and

(2) Where the property upon which the tax is imposed is exempt from taxation.

SEC. 2. In all cases of the levy of taxes for public revenue which are deemed unlawful or excessive by the person, firm or corporation whose property is taxed, or from whom such tax is demanded or enforced, such person, firm or corporation may pay such tax or any part thereof deemed unlawful, under written protest setting forth all of the grounds upon which such tax is claimed to be unlawful or excessive; and thereupon the person, firm or corporation so paying, or his or its legal representatives or assigns, may bring an action in the superior court against the state, county or municipality by whose officers the same was collected, to recover such tax, or any portion thereof, so paid under pro-

Taxes paid
under
protest.

test: *Provided*, That this act shall not be deemed to enlarge the grounds upon which taxes may now be recovered: *And provided further*, That no claim need be presented to the state or county or municipality, or any of their respective officers, for the return of such protested tax as a condition precedent to the institution of such action.

Claim.

Judgment for recovery.

SEC. 3. In case it be determined in such action that said tax, or any portion thereof, so paid under protest, was unlawfully collected, judgment for recovery thereof and lawful interest thereon from date of payment, together with costs of suit, shall be entered in favor of plaintiff. In case the action is against a county and the judgment shall become final, the amount of such judgment, including legal interest and costs where allowed, shall be paid out of the treasury of such county by the county treasurer upon warrants drawn by the county auditor against a fund in said treasury hereby created to be known and designated as the county tax refund fund. Such warrants shall be so issued upon the filing with the county auditor and the county treasurer of duly authenticated copies of such judgment, and shall be paid by the county treasurer out of any moneys on hand in said fund. If no funds are available in such county tax refund fund for the payment of such warrants, then such warrants shall bear interest in such cases and shall be callable under such conditions as are provided by law for county warrants, and such interest, if any, shall also be paid out of said fund.

Warrants for payment.

County tax refund fund.

Tax levy for tax refund fund.

SEC. 4. Annually, at the time required by law for the levying of taxes for county purposes, the proper county officers required by law to make and enter such tax levies shall make and enter a tax levy or levies for said county tax refund fund as follows:

(1) A levy upon all of the taxable property within the county for the amount of all taxes collected

by the county for county and/or state purposes held illegal and recoverable by such judgments rendered against the county within the preceding twelve months, including legal interest and a proper share of the costs, where allowed, together with the additional amounts hereinafter provided for;

(2) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes collected by the county for the purposes of such taxing district, and which have been held illegal and recoverable by such judgments rendered against the county within the preceding twelve months, including legal interest and a proper share of the costs, where allowed.

The aforesaid levy or levies shall also include a proper share of the interest paid out of the county tax refund fund during said twelve months upon warrants issued against said fund in payment of such judgments, legal interests and costs, plus an additional amount not to exceed ten per centum of the total of the preceding items required to be included in such levy or levies as such levying officers shall deem necessary to meet the obligations of said fund, taking into consideration the probable portions of such taxes that will not be collected or collectible during the year in which they are due and payable, and also any unobligated cash on hand in said fund.

SEC. 5. The action for the recovery of taxes so paid under protest shall be brought in the superior court of the county wherein the tax was collected: *Provided*, That where the property against which the tax is levied consists of the operating property of a railroad company, telegraph company or other public service company whose operating property is located in more than one county and is assessed as a unit by any state board or state officer or officers, the complaining taxpayer may institute such action in the superior court of any one of the counties in

Actions to
recover
taxes,
venue.

Railroads,
telegraph
and public
service com-
panies.

Parties.

which such tax is payable, and may join as parties defendant in said action all of the counties to which the tax or taxes levied upon such operating property were paid or are payable, and may recover in one action from each of the county defendants the amount of the tax, or any portion thereof, so paid under protest, and adjudged to have been unlawfully collected, together with legal interest thereon from date of payment, and costs of suit.

Limitation of actions.

SEC. 6. No action instituted pursuant to this act or otherwise to recover any tax assessed or levied prior to the passage of this act shall be brought subsequent to January 30th, 1932. No action instituted pursuant to this act or otherwise to recover any tax levied or assessed subsequent to the passage of this act shall be commenced after the 30th day of the next succeeding January following the date when said tax is payable.

Actions prohibited.

SEC. 7. Except as permitted by this act, no action shall ever be brought attacking the validity of any tax, or any portion of any tax: *Provided, however,* That this section shall not be construed as depriving the defendants in any tax foreclosure proceeding of any valid defense allowed by law to the tax sought to be foreclosed therein.

Repeals § 7, ch. 18, Laws of 1925.

SEC. 8. That section 7, chapter 18, of the Laws of 1925 be, and the same is hereby repealed.

Invalidity of part not to affect balance.

SEC. 9. If any section or part of a section of this act be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

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

Passed the House March 7, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 63.

[H. B. 188.]

JUSTICES OF THE PEACE.

AN ACT relating to justices of the peace in cities of the first class.

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

SECTION 1. A justice of the peace of any city of the first class may hold the court of any other justice of the peace of said city at the written request of such other justice of the peace, and while so acting shall be vested with all the powers of the justice of the peace for whom he so holds court while holding the same, and all proceedings had before the attending justice of the peace shall be entered in the docket of the justice of the peace for whom he so holds court.

In first class cities, may hold court for other justices.

Passed the House February 20, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 64.

[H. B. 177.]

INDEPENDENT HIGHWAY DISTRICTS.

AN ACT relating to highways, prohibiting hereafter the formation of an independent highway district in class A counties; providing the method by which class A counties may take over, pay outstanding indebtedness against and maintain as a county road a main trunk highway heretofore constructed by an independent highway district in class A counties; and amending Chapter 116 of the Laws of 1917 by adding thereto two new sections to be known as Sections 16-b and 16-c.

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

SECTION 1. That chapter 116 of the Laws of 1917 be amended by adding thereto a new section to be known as section 16-b to read as follows:

Adds new section to ch. 116, Laws of 1917.

Trunk line
highway
taken over
by class A
county.

Maintenance.

Payment of
obligation.

Adds § 16c
to ch. 116,
Laws of
1917.

Section 16-b. Whenever a trunk line highway has heretofore been established and constructed in an independent highway district in any class A county under the provisions of this act and acts amendatory thereof and supplemental thereto and the directors of such independent highway district shall petition the board of county commissioners of the county in which such trunk line highway is located therefor in writing, the board of county commissioners of the county in which such trunk line highway shall be located may, by resolution, declare said trunk line highway to be a part of the public highway system of said county; and it shall thereupon be the duty of said board of county commissioners to maintain said highway as a main county road of said county, and thereafter the cost and expenses thereof shall be paid from the general road and bridge fund of said county, and any and all outstanding indebtedness incurred by such independent highway districts for the construction of said highway shall become the obligation of, and be payable from, the general road and bridge fund of said county.

SEC. 2. That chapter 116 of the Laws of 1917 be amended by adding thereto a new section to be known as section 16-c to read as follows:

Section 16-c. No independent highway district shall hereafter be formed under this act in any class A county: *Provided, however,* That this amendatory act shall not affect the validity of any independent highway district heretofore created or of any proceedings relating thereto heretofore taken, in any class A county.

Passed the House February 20, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 65.

[H. B. 243.]

INCORPORATION OF INSURANCE COMPANIES.

AN ACT relating to insurance, prescribing the number of directors of insurance companies, and amending Section 85 of Chapter 49 of the Laws of 1911.

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

SECTION 1. That section 85 of chapter 49 of the Laws of 1911, as amended by section 1 of chapter 107 of the Laws of the Extraordinary Session of 1925, (section 7130 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 85, ch. 49, Laws of 1911; § 1, ch. 107, Ex. Laws of 1925; § 7130, Rem. Comp. Stat.

Section 85. The following number of citizens of the United States, two-thirds of which number shall be residents of the State of Washington, may incorporate a company as follows: For a stock company, not less than five; for a mutual company, not less than ten; for an organization on the plan known as "Lloyds", not less than twenty; for an organization of "Inter-Insurers", not less than twenty-five; for one or more of the purposes specified in section 7128 of Remington's Compiled Statutes by making and subscribing written articles of incorporation in quadruplicate and acknowledging the same before an officer authorized to take acknowledgment of deeds, and after having the same approved by the commissioner, by filing one of such articles in the office of the secretary of state, another in the office of the insurance commissioner, another in the office of the auditor of the county in which the principal office of the company is to be located, and retaining the fourth in the possession of the company, which articles shall state:

Incorporators, number.

Purposes.

Articles acknowledged.

Contents.

First. The names and addresses of the incorporators.

Names, addresses.

Name of
company.

Second. The name of the company.

Objects.

Third. (a) The object for which the company is formed; (b) whether it is a stock or mutual company, and if a mutual company, whether it will insure on the cash premium or assessment plan; (c) the class or classes of risks wherein it will make insurance, according to the divisions made in this act.

Capital
stock, shares.

Fourth. (a) If a stock company, the amount of the capital stock, and the number of shares, which shall be of the par value of one hundred dollars each; (b) if it be a mutual company, the minimum and maximum liability of its members or policyholders for the payment of losses occurring under its policies, which liability shall be not less than two nor more than six times the amount of the premium usually charged by solvent stock insurance companies for insuring like or similar risks for the same term, and if that premium is not known, then the premium used shall be according to either the "Dean" schedule or the "Universal Mercantile" schedule for fire risks, and such schedule for other class or classes of risks as may be approved by the commissioner.

Time of
existence.

Fifth. The time of its existence, not to exceed fifty years: *Provided*, That this limit of existence shall not apply to any life insurance company.

Number of
trustees.

Sixth. The number of trustees or directors which shall not be less than five and their names and addresses, who shall manage the affairs of the company for such length of time, not less than two nor more than six months, as may be designated in such articles of incorporation.

Principal
place of
business.

Seventh. The name of the city or town in which the principal place of business of the company is to be located in this state, and in what country or countries it intends to transact business.

Amendments.

Amendments may be made to the articles of incorporation of a stock company, by a majority vote

of its trustees or directors, and the vote or written assent of two-thirds of the capital stock of the company, and, if a mutual company, by the majority vote of its trustees or directors and the vote or written assent of two-thirds of the members or policyholders of such company. If the written assent of two-thirds of the capital stock of a stock company, or members or policyholders of a mutual company has not been obtained, then the vote of the said stock, or of said members may be taken, at any regular meeting of the stockholders or members called for that purpose in the manner provided in the by-laws of such company for special meetings of stockholders or members.

The president and secretary of said company shall certify said amendments in quadruplicate under the seal of said company to be correct, and shall file and keep the same as in the case of original articles of incorporation and from the time of filing said amendments such company shall have the same powers, and the stockholders thereof shall be subject to the same liabilities as if said amendment had been embraced in the original articles of incorporation. A policyholder in a mutual insurance company has the same character of interest and occupies the same relation to the company as the stockholder has and occupies to a stock insurance company. Execution

Nothing in this section shall be construed to cure or amend any defect existing in any articles of incorporation in that such articles did not set forth the matter required to make the same valid at the time of filing, nor to cure or amend any defect in the execution thereof. The time of existence of such company shall not be extended by amendments beyond the time fixed in the original articles of incorporation. Defects not cured

No such company shall take the name of a domestic company theretofore organized, nor that Name to be taken.

of an alien or foreign company admitted to this state, nor one so nearly resembling that or either as to be misleading. The expenses of incorporation and organization, including the placing of the capital stock of any such company incorporated after January 1, 1911, shall not exceed seven and one-half per centum of the par value of the stock actually sold.

Passed the House February 21, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 66.

[H. B. 268.]

CANCELLATION OF CERTAIN TAXES PAYABLE BY
JEFFERSON COUNTY.

AN ACT providing for, authorizing and directing the cancellation of certain state taxes payable by Jefferson County.

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

SECTION 1. It appearing that by error on the part of the county assessor of Jefferson county in making the abstract of the taxable value of personal property in such county, in the year 1929, there was charged against said Jefferson county by the state auditor for state taxes, payable by such county, the sum of \$8,706.00 in excess of the amount which should have been charged against such county; wherefore the obligation of Jefferson county and its offices, except for this act, to pay said sum of \$8,706.00 to the state treasurer and to the State of Washington, is hereby canceled; and the state treasurer and state auditor are hereby authorized and directed to cancel upon the account books in their respective offices, to the extent of \$8,706.00 the state

Error occurred.

Auditor, treasurer to cancel on books.

tax which would, except for this act, be payable by Jefferson county and its offices to the state treasurer.

Passed the House February 24, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 67.

[H. B. 244.]

SALE OF LAND SETTLEMENT LANDS.

AN ACT authorizing the commissioner of public lands to sell all lands acquired and/or to be acquired by the state by virtue of Chapter 188 of the Laws of 1919 and Chapter 62 of the Laws of the Extraordinary Session of 1925, and providing for payment of proceeds of sales into the reclamation revolving fund.

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

SECTION 1. The commissioner of public lands is hereby authorized and directed to sell in the manner provided by law all lands now acquired or hereafter to be acquired by the state under the terms of chapter 188 of the Laws of 1919 and chapter 62 of the Laws of the Extraordinary Session of 1925.

Commis-
sioner of
public lands
to sell.

SEC. 2. The proceeds of the sale of all such lands shall be paid to the state treasurer, and by him placed to the credit of the reclamation revolving fund.

Proceeds in
reclamation
revolving
fund.

Passed the House February 21, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 68.

[H. B. 276.]

SALE AND USE OF ALCOHOL.

AN ACT relating to and regulating the importation, receipt, purchase, transportation, manufacture, possession, use, sale, and disposition of alcohol; prescribing the powers and duties of certain officers in relation thereto; providing penalties; and amending Sections 7312, 7320 and 7324 of Remington's Compiled Statutes.

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

Amends
§ 7312, Rem.
Comp. Stat.

SECTION 1. That section 7312 of Remington's Compiled Statutes be amended to read as follows:

Druggists
and pharma-
cists.

Section 7312. Nothing in this act shall be construed to prohibit a registered druggist or pharmacist, actually engaged in the wholesale drug business in this state, from selling alcohol to a retail druggist, a hospital, or any person or business issued a permit by the United States government for the purchase of alcohol for laboratory, scientific or professional use, or a manufacturer, licensed to purchase the same under the provisions of this act, or from selling alcohol for export and shipping the same to places outside the state, or to prohibit a registered druggist or pharmacist, actually engaged in the retail drug business in this state, from selling alcohol to any person holding a permit to purchase the same, issued under the provisions of this act, or to prohibit an ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation in this state, from administering intoxicating liquor for sacramental purposes only; but it shall be unlawful for a registered druggist or pharmacist engaged in the wholesale drug business only, to sell alcohol to any other person than a retail druggist, a hospital, or any person or business issued a permit by the United States government for the pur-

Scientific,
professional
use.

Retail drug
business.

chase of alcohol for laboratory, scientific or professional use, or a manufacturer, licensed to purchase the same under the provisions of this act, and it shall be unlawful for any person other than a registered druggist or pharmacist to sell alcohol for any purpose whatsoever, and it shall be unlawful for any druggist or pharmacist, or any other person, to dilute or adulterate alcohol, or compound it with any other substance in such proportions that it shall be capable of being used as a beverage, and sell, barter, exchange, give away, furnish, or otherwise dispose of the same, or to permit any alcohol to be diluted or adulterated, or compounded with any other substance, and drunk on the premises where sold. It shall be the duty of every druggist or pharmacist, engaged in the retail drug business, selling any alcohol for any of the purposes above provided, or to any person holding a permit to purchase the same, to keep, in a well bound book provided by him for that purpose, a true and correct record of each sale made, and to enter in such record, at the time of every sale of alcohol made by him, or in or about his place of business, the date of sale, the name of the purchaser, his place of residence (stating the street name and house number, if such there be, and the city or town, and county of such residence), the quantity and price of the alcohol, the purpose for which it was sold, the date and number of the permit upon which it was sold, and the name of the county in which said permit was issued, and the initials of the person making the sale, and to require the purchaser to sign the record in the book. Such record of sales shall be open to inspection by any prosecuting attorney, city attorney, justice of the peace, sheriff, constable, marshal, police officer, mayor or commissioner of any city or town, or member of a city or town council. It shall be unlawful for any druggist or pharmacist,

Sales
record.

Inspection.

or any other person, to destroy, mutilate or in any way alter any such record or an entry therein, or to permit or procure the same to be destroyed, mutilated or altered, or to refuse inspection thereof to any person entitled to such inspection, or to sell or to ship to any person holding a permit to purchase the same, any alcohol in excess of the quantity specified in such permit, or to sell any alcohol without obtaining the signature of the purchaser, in case delivery is made to the purchaser, or entering the name of the carrier to whom the alcohol was delivered for transportation, in the record of the sale, or to deliver any package containing alcohol so sold without securely affixing thereto in a conspicuous place on the outside thereof, an original permit for the purchase of the same, issued to the purchaser, by a county auditor of this state, within thirty days prior to the date of such sale, and in case of delivery to the purchaser, without defacing and canceling such original permit, so that it cannot be used again, and receiving from the purchaser the duplicate permit, of like number, date and tenor as the original, dated on the date of the sale, and signed by the purchaser in the same handwriting as the signature of the applicant upon the original permit, and witnessed by the person making the sale, but in case delivery is to be made by a common carrier, or person engaged in the business of transporting goods, wares and merchandise, it shall be lawful for the druggist or pharmacist, selling alcohol upon a permit to purchase the same, after securely affixing the original permit to the package containing the alcohol, in a conspicuous place on the outside thereof, to deliver such package to such common carrier for transportation to the person named in the permit, without defacing or canceling such permit, and in such case it shall be unlawful for such carrier to deliver such package to any other person than a

Signature of purchaser.

Delivery to common carrier.

forwarding common carrier, or the person named in the original permit attached to such package; or for any such common carrier or forwarding carrier to deliver such package to the person named in the permit, without defacing and canceling such original permit so that it cannot be used again, and receiving, from the person named in the permit, the duplicate permit of like number, date, and tenor as the original, dated on the day of delivery, and signed by the person named in the permit in the same handwriting as the signature of the applicant, upon the original permit, and witnessed by the person making the delivery. It shall be unlawful for any druggist or pharmacist, who has been or shall be convicted of any violation of the provisions of this act, to within two years thereafter, sell alcohol for any purpose whatsoever, and upon a second conviction of any such violation such druggist or pharmacist shall, in addition to the penalty provided by this act for such violation, forfeit his right to sell drugs or practice pharmacy, as the case may be, and it shall be the duty of the justice of the peace or judge of the superior court, before whom such second conviction is had, to so adjudge and to transmit a certified copy of such judgment to the board of pharmacy, and such board shall forthwith upon the receipt of such copy, cancel the license of such druggist or pharmacist, and no other license shall be issued to such druggist or pharmacist within two years from the date of such cancellation. It shall be the duty of every druggist and pharmacist, and of every common carrier, to keep on file all duplicate permits for the purchase of alcohol, received upon the delivery thereof to the persons named in such permits and such duplicate permits shall be open to inspection by any constable, marshal, police officer, mayor or commissioner of any city or town council, and it shall be unlawful for any druggist or phar-

Cancellation
of permits.

Violation,
penalties.

Duplicate
permits.

macist, or common carrier, or any other person, to destroy, mutilate, or in any way alter any such duplicate permit, or to permit or procure the same to be destroyed, mutilated or altered or to refuse inspection thereof, to any person entitled to such inspection.

Amends
§ 7320, Rem.
Comp. Stat.

SEC. 2. That section 7320 of Remington's Compiled Statutes be amended to read as follows:

Section 7320. Every registered druggist or pharmacist actually engaged in the wholesale drug business in this state and desiring to import alcohol for sale under the provisions of this act, and every registered druggist or pharmacist actually engaged in the retail drug business in this state and desiring to import or purchase alcohol for sale or for use in compounding and manufacturing drugs and medicines, under the provisions of this act, and every person actually engaged in maintaining and conducting a hospital, containing not less than twenty beds for patients, and desiring to import or purchase alcohol for use in such hospital for medicinal, surgical, massage, antiseptic or other hospital purposes only, under the provisions of this act, and any person issued a permit by the United States government for the purchase of alcohol for laboratory, scientific or professional use, and every person actually engaged in the business of manufacturing products containing alcohol, other than intoxicating liquors, or products requiring the use of alcohol in their process of manufacture, and desiring to import or purchase alcohol for use in manufacturing such products, under the provisions of this act, shall file with the county auditor, of the county in which his place of business is situated, an application for a license so to do, and every person desiring to purchase alcohol from a retail druggist for mechanical, chemical, scientific, medicinal, or hygienic purposes, under the provisions of this act,

Application
for license.

shall make and file with the county auditor of the county in which he resides, an application in writing for a permit so to do. Every such application for a license to import or purchase alcohol shall be in writing in duplicate and be signed and verified under oath by the applicant, that the statements therein contained are true, and shall state: the name and place of residence of the applicant; the name under which he is engaged in business; the exact location of his place of business (giving the street name and number, if any there be, and the city or town and county); the nature of the business or profession in which the applicant is engaged, whether wholesale, retail, maintaining a hospital or manufacturing, and, in case of a hospital, the number of beds for patients therein, and in case of manufacturing, the products manufactured; that it is necessary from time to time to import or purchase alcohol; the quantities and frequency of such importations or purchases; that such alcohol is not to be used, sold or disposed of in violation of law, but is to be obtained for sale or used in compliance with the provisions of this act; that the applicant, or the officers, or agents or servants in charge of the business of a corporation applicant, or the members of a copartnership applicant, have not, within two years prior to the date of the application, been convicted of any violation of the provisions of this act; and, in case the application is made on behalf of a corporation or a copartnership, shall state the names and places of residence of the managing officers of the corporation, or of the members of the copartnership, as the case may be, and the official position or other connection therewith of the person signing and verifying the application. Applications for licenses to import or purchase alcohol for wholesale, retail, laboratory and scientific or manufacturing purposes or any of them may be combined, and licenses granted

Verified
under oath.

Contents.

Applications
for combined
use.

for one or more of such purposes: *Provided*, That a license to import or purchase alcohol for sale, shall not be granted to an applicant engaged in manufacturing only. Every such application for a permit to purchase alcohol from a retail druggist for mechanical, chemical, scientific, medicinal or hygienic purposes, shall be signed and verified under oath by the applicant, that the statements contained therein are true, and shall state the name and place of residence, of the applicant (giving the street name and house number, if any there be, and the city or town and county), the quantity of alcohol which he desires to purchase, the purpose for which he desires to purchase and use the same, and the facts showing his reasonably necessary use therefor.

Application to purchase from retail druggist.

Amends § 7324, Rem. Comp. Stat.

SEC. 3. That section 7324 of Remington's Compiled Statutes be amended to read as follows:

Section 7324. It shall be unlawful for any wholesale druggist licensed to import alcohol under the provisions of this act, to sell alcohol to any person other than a retail druggist, hospital, or person or business issued a permit by the United States government for the purchase of alcohol for laboratory, scientific or professional use, or manufacturer licensed to purchase the same under the provisions of this act, or to sell or ship any alcohol to any such licensed retail druggist, hospital, or person or business issued a permit by the United States government for the purchase of alcohol for laboratory, scientific or professional use, or manufacturer, without affixing in a conspicuous place on each package containing the alcohol so sold, an original permit, issued by a county auditor as in this act provided, authorizing the purchase, or to sell or ship any quantity of alcohol in excess of that specified in the permit affixed to the package so sold or shipped, or to deliver to the purchaser any package or alcohol sold without defacing and canceling the original

Wholesale druggist.

Original permit affixed.

permit affixed thereto so that the same cannot be used again, and receiving the duplicate permit, of like number, date and tenor as the original, signed by the purchaser: *Provided*, That nothing herein contained shall be construed to prohibit a wholesale druggist from selling alcohol for export and shipping the same to a place outside the state, and it shall be unlawful for any common carrier or person engaged in the business of transporting goods, wares and merchandise to knowingly transport for delivery in this state any intoxicating liquor other than alcohol or any alcohol, without having an original permit, issued by a county auditor, as in this act provided, authorizing the transportation thereof, affixed in a conspicuous place on the package containing such intoxicating liquor or alcohol, or to knowingly transport intoxicating liquor of any other kind, than, or any quantity of intoxicating liquor or alcohol in excess of, that specified in the permit affixed to the package so transported, or to deliver such package of intoxicating liquor or alcohol, to any other person than a forwarding common carrier or the consignee named in the permit affixed to such package, or to deliver such package to the consignee, without defacing and canceling the original permit affixed thereto so that the same cannot be used again and receiving the duplicate permit, of like number, date and tenor, as the original, signed by the consignee, and it shall be unlawful for any person, other than a forwarding common carrier, to knowingly receive from any common carrier or person engaged in the business of transporting goods, wares and merchandise, any intoxicating liquor other than alcohol or any alcohol, without the package containing the same has affixed thereto, in a conspicuous place, the original permit for the transportation thereof properly defaced and canceled, or without delivering the duplicate permit signed by

Exportation.

Transportation by common carrier.

Defacing original permit.

Duplicate
permits.

the consignee named therein, or for any other person than the consignee named therein to sign and deliver such duplicate permit. It shall be the duty of every wholesale druggist and of every common carrier to keep on file all duplicate permits for the importation or purchase, and transportation, of alcohol or intoxicating liquor, received upon the delivery thereof to the consignee, and such duplicate permit shall be open to inspection by any prosecuting attorney, city attorney, justice of the peace, sheriff, constable, marshal, police officer, mayor or commissioner of any city or town, or member of a city or town council. It shall be unlawful for any wholesale druggist or pharmacist, or common carrier, or any other person, to destroy, mutilate or in any way alter any such duplicate permit, or to permit or procure the same to be destroyed, mutilated or altered, or to refuse inspection thereof to any person entitled to such inspection.

Passed the House March 3, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 69.

[H. B. 313.]

COUNTY FOREST LANDS CONVEYED TO UNITED STATES.

AN ACT authorizing boards of county commissioners to convey certain lands to the United States government.

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

County com-
missioners
authorized
to convey.

SECTION 1. The board of county commissioners of any county which has heretofore, or may hereafter, acquire any lands through foreclosure of tax liens or otherwise, which by reason of their location, topography or geological formation are chiefly valuable for the purpose of developing and growing tim-

ber, and which are situated within the boundaries of any national forest, may, in their discretion, upon application by the proper forest service official of the United States government, convey such lands to the United States government for national forest purposes under the national forest land exchange regulations, for such compensation as may be deemed equitable.

Passed the House March 7, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 70.

[H. B. 335.]

STREET SLOPES ON TIDE LANDS.

AN ACT providing for the consent of the State of Washington for slopes upon its tide lands, shore lands, harbor areas and waterways, incident to street improvements in cities and towns.

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

SECTION 1. The commissioner of public lands shall have power to approve plans for and authorize the construction of slopes, with rock or other protection, upon any tide lands, shore lands, harbor areas and waterways owned by the State of Washington, incident to the improvement of any abutting or adjacent street or avenue by any city or town in this state.

Commis-
sioner of
public lands
to authorize.

Passed by the House March 5, 1931.

Passed by the Senate March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 71.

[H. B. 370.]

WATER DISTRICTS.

AN ACT creating and ratifying the organization, establishment and existence of water districts heretofore organized or established, or attempted to be organized or established.

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

SECTION 1. That each and all of the respective areas of land heretofore organized or attempted to be organized or incorporated under chapter 161 of the Laws of 1913, and amendments thereto, are each hereby declared to be and created into duly existing water districts having the respective boundaries set forth in their respective organization proceedings as shown in the files and records of the office of the board of county commissioners of the county in which said organization, or attempted organization is located. The water districts validated or created by this act shall have the same rights, liabilities, duties and obligations as water districts created under chapter 114 of the Laws of 1929, and amendments thereto: *Provided*, That the provisions of this act shall apply only to those water districts which have maintained their organization as water districts since the date of their attempted incorporation or establishment: *Provided, however*, That nothing herein contained shall be deemed to validate the debts, contracts, bonds or other obligations executed prior to this act in connection with or in pursuance of such attempted organization, and all taxes or assessments shall hereafter be levied in accordance with the act of 1929, chapter 114, approved March 13, 1929.

Passed the House March 5, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 18, 1931.

Organized
under ch.
161, Laws of
1913, valid-
ated.

Rights and
liabilities
same as
under ch.
114, Laws of
1929.

CHAPTER 72.

[H. B. 94.]

WATER DISTRICTS.

AN ACT providing for the holding of elections for the election of commissioners for water districts, amending Sections 2, 3, 6 and 15 of Chapter 114 of the Laws of 1929, and further amending said chapter by adding thereto a new section to be known as Section 11 relating to the method of payment for the acquirement, construction, operation, development and regulation of a water supply system for water districts authorized by said chapter, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 6 of chapter 114 of the Laws of 1929, pages 222, 223 and 224, be amended to read as follows:

Amends § 6, ch. 114, Laws of 1929.

Section 6. At the same election at which the proposition is submitted to the voters as to whether the water district shall be formed, three water commissioners shall be elected to hold office respectively for the terms, one, two and three years and until their respective successors are elected. The term for each nominee for water commissioner to be expressed on the ballot. And thereafter, in Class "A" and first-class counties, as provided by chapter 53 of the Laws of 1923, page 172, or any amendment thereto, there shall be held each year an election for a water commissioner to hold office for three years and until his successor is elected and qualified. And thereafter, in all counties other than Class "A" and first-class, as provided by chapter 279, Laws of 1927, page 673, or any amendment thereto, there shall be held each year an election for a water commissioner to hold office for three years and until his successor is elected and qualified.

Commissioners, elected.

Term of office.

Class A and first class counties.

Nominees for water commissioners shall be by petition of at least ten per cent of the qualified elec-

Nominations.

tors of such water district, who shall be qualified electors on the date of filing the petition, to be filed in the county auditor's office of the county in which such district is located at least thirty days prior to such election, provided that in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining board of water commissioners until the next regular election for water commissioners. Said board of water commissioners shall designate in their notice of election whether such election be a general or special election, the time of opening and closing of polls, and the place of voting, but in no event shall there be less than one voting place in each of the precincts of any city or town in such district and at least one voting place in any precinct in the water district outside of any town or city. The polls shall be open at every election held by said water district at least from one o'clock p. m. to eight o'clock p. m., but said board of water commissioners may keep the polls open for a longer period of time if they shall so order, but the time of opening and closing the polls must be stated in the notice of election and the polls shall be opened and closed in accordance with such notice. Any person residing in said water district who is at the time of holding of any election, a qualified voter under the laws of the State of Washington, shall be entitled to vote at any election held in such water district.

Vacancy.

Conduct of elections.

Registration books.

Registration.

The officers of any city or town, or in any precinct in a water district where registration is required, having charge of the registration shall deliver the same to the water commissioners for the use of the election officers at any election held in a water district formed under and in accordance with the provisions of this act. And the registration of voters for election to be held in such water district shall be conducted by the city or town clerks and

officer of registration of the city, town and territory embraced within said water district; and the notice prescribed to be given by section 5123 of Remington's Compiled Statutes or any amendment thereto shall constitute sufficient notice to citizens residing within said water district for registration for any general or special election therein, without the necessity for such notice specially stating that it is for registration for an election to be held in a water district. And any elector who shall have registered in accordance with the laws of this state, entitling him to vote at a general or special election in the city, town or territory comprised within such water district, within time to constitute same a good registration for any general or special election of said water district, shall be entitled to vote thereat without further or other registration. The city or town clerk or registration officer required to perform the duties enumerated under this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for a general or a special city or town municipal election, when not inconsistent with the foregoing provision, shall govern the registration of voters for elections held under this chapter, and the registration books of the city, town and territory comprising said water district shall be the books used by said water district, and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for said water district shall be in accordance with the laws of this state and the charter provisions of the cities or towns within said water district if any there be, and in so far as the same are not inconsistent with the provisions of this act. All expense of elections for the formation of such water districts shall be paid by the county in which said election is held and such expenditure is hereby declared to be

Electors.

Registration officers.

Expenses of formation.

for a county purpose, and the money paid out for such purpose shall be repaid to such county by the water district if formed.

Adds § 11 to ch. 114, Laws of 1929.

SEC. 2. That chapter 114 of the Laws of 1929 be amended by adding thereto a new section to be known as section 11, to read as follows:

Issue of bonds, authorized.

Section 11. Whenever the qualified voters of any such water district shall hereafter adopt a proposition for a water supply as set out in section 10 of chapter 114 of the Laws of 1929, or any additions and betterments thereto, and shall hereafter authorize a general indebtedness for all the said proposition, or any part thereof, or any additions and betterments thereto, general water bonds to pay therefor may be issued as hereinafter provided: *Provided*, That nothing herein contained shall be construed to validate any bonds or indebtedness of any water district formed under the provisions of any prior act passed by the legislature and held to be unconstitutional by any court of the state. 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 6% per annum, payable semi-annually, with interest coupons 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, however*, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Rate of interest, maturities.

Denominations.

Bonds issued under this act shall never be issued to run for a longer period than twenty years from the date of the 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.

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

Signatures
on bonds.

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 sufficient to meet the annual or semi-annual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such water district.

Tax levy for
payment.

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

Sale.

SEC. 3. That section 2 of chapter 114 of the Laws of 1929 be amended to read as follows:

Amends § 2,
ch. 114, Laws
of 1929.

Section 2. For the purpose of formation of such water districts, a petition shall be presented to the board of county commissioners of the county in which said proposed water district is located, which petition shall set forth the object for the creation of the said district, shall designate the boundaries thereof and set forth the further fact that the establishment of said district will be conducive to the public health, convenience and welfare and will be of benefit to the property included therein. Said petition shall be signed by at least twenty-five per cent of the qualified electors who shall be qualified electors on the date of filing the petition, residing within the district described in the said petition. The said

Formation
of district,
petition.

Contents.

Signatures.

petition shall be filed with the county auditor, who shall, within ten days examine the signatures thereof and certify to the sufficiency or insufficiency thereof; and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed district. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. If such petition shall be found to contain a sufficient number of signatures, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the board of county commissioners. If such petition is certified to contain a sufficient number of signatures, then at a regular or special meeting of the board of county commissioners of such county, the said county commissioners shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein before the time at which the same is to be printed a notice that such a petition has been presented, stating the time of the meeting at which the same shall be presented, and setting forth the boundaries of said proposed district. When such a petition is presented for hearing, the board of county commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one month in all; and any person, firm or corporation may appear before the said board of county commissioners and make objections to the establishment of the said district or the proposed boundary lines thereof; and upon a final hearing said board of county commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether

Filed.

Withdrawal
of names.

Notice of
filing pub-
lished.

Hearing.

Boundaries,
change.

the proposed water district will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the said boundaries of said proposed district so established by the said board of county commissioners: *Provided*, That no lands which will not, in the judgment of said board, be benefited by inclusion therein, shall be included within the boundaries of said district as so established and defined: *And provided further*, That no change shall be made by the said board of county commissioners in the said boundary lines to include any territory outside of the boundaries described in the said petition, except that the boundaries of any proposed district may be extended by the board of county commissioners at such hearing to include other lands in said county upon a petition signed by the owners of all of the land within the proposed extension.

Benefited
lands.

Boundaries
extended.

SEC. 4. That section 3 of chapter 114 of the Laws of 1929 be amended to read as follows:

Amends § 3,
ch. 114, Laws
of 1929.

Section 3. Upon entry of the findings of the final hearing of the said petition by the said county commissioners of such county, if they find said proposed water system will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the boundaries of the said proposed district, shall by resolution call a special election to be held not less than thirty days from the date of such certificate, and shall cause to be published a notice of such election for four successive weeks in a newspaper of general circulation in the county in which said proposed water district is located, which notice shall set the hours during which such polls will be open, boundaries of the proposed water district as finally adopted by the said county commissioners and the object of such election, and the said notice shall also be posted for ten days in ten public places in said proposed water

Special
election on
formation.

Notice.

district. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in the following terms:

Ballot.

Water District..... Yes

Water District..... No

Polling places.

giving in each instance the name of such district as may be decided by the board of county commissioners. There shall not be less than one polling place in each precinct in each incorporated city or town and one polling place in each precinct outside such cities or towns.

Amends § 15, ch. 114, Laws of 1929.

SEC. 5. That section 15 of chapter 114 of the Laws of 1929 be amended to read as follows:

Territory adjoining, annexation.

Section 15. The territory adjoining or in close proximity to and in the same county with any water district, after its organization, may be annexed to and become a part of such water district in the following manner: twenty-five per cent of the legal electors residing within the territory proposed to be annexed may petition the said water district commissioners of such water district and cause the question to be submitted to the legal electors of the territory proposed to be annexed whether such territory will be annexed and become a part of such adjoining water district. Upon the filing of such petition with the board of water commissioners of the water district, if the said water commissioners shall concur in the said petition, they shall then file such petition with the county auditor, who shall, within ten days, examine the signatures thereof and certify to the sufficiency or insufficiency thereof; and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed district. If such petition shall be found

Petition.

Signatures.

to contain a sufficient number of signatures, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the board of county commissioners of the county in which the said district is located. In the event that there are no legal electors residing in the territory proposed to be annexed, such petition may be signed by such a number as appear of record to own at least a majority of the acreage in the proposed district, and the petition shall disclose the total number of acres of land in the territory proposed to be annexed and shall also contain the names of all record owners of land within the territory proposed to be annexed. Upon the filing of such petition for annexation with the board of water commissioners of the said water district, if the said water commissioners shall be satisfied as to the sufficiency of the petition and shall concur in the said petition, they shall thereupon transmit the petition, together with their certificate of concurrence attached thereto to the board of county commissioners of the county in which the water district is located. The board of county commissioners of such county, upon receipt from the county auditor of a petition certified to contain a sufficient number of signatures of legal electors, or upon a receipt from the board of commissioners of the water district 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 board of water commissioners, at a regular or special meeting of the board of county commissioners of such county shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county and in general circulation throughout the territory proposed to be annexed, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, a notice that such a petition has

Notice of
filing.

Publication.

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

Upon the entry of the findings of the final hearing to the said petition by the said county commissioners of such county, if they find the said proposed annexation of the territory to the said water district

Hearing.

Boundaries.

Changes.

Withdrawal
of signatures.

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

Special election, notice.

Publication.

Posting.

Ballots.

For Annexation to Water District

or

Against Annexation to Water District

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

Judges of election.

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

Effective immediately.

Passed the House March 11, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 73.

[H. B. 246.]

GLASS, TACKS, ETC., ON HIGHWAYS.

AN ACT relating to the highways prohibiting the deposit of glass, tacks, or other injurious objects and discarded matter thereon; providing penalties; and amending Section 2720 Remington's Compiled Statutes 1922.

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

Amends
§ 2720, Rem.
Comp. Stat.

SECTION 1. That section 2720 Remington's Compiled Statutes be amended to read as follows:

Section 2720. Any person or persons, corporation or corporations who shall throw, place, or deposit, in any road, street, alley, or highway, in the State of Washington, any bottle, bottles, glass, glassware, tacks, nails, garbage, rubbish, or discarded matter, shall be guilty of a misdemeanor.

Passed the House March 11, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 74.

[H. B. 390.]

CLAMS.

AN ACT relating to fisheries, providing for the regulation of the taking of clams or mussels, amending Section 24, Chapter 169, Laws of 1917 (Section 5751, Remington's Compiled Statutes 1922), and declaring an emergency.

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

Amends § 24,
ch. 169, Laws
of 1917;
§ 100, ch. 31,
Laws of 1915.

SECTION 1. That section 24, chapter 169, of the Laws of 1917, which amended section 100 of chapter 31 of the Laws of 1915, be amended to read as follows:

Taking or
digging.

Section 100. It shall be unlawful for any person to take or dig clams or mussels from any of the tide-

lands abutting on Puget Sound or from the waters of Puget Sound below the line of low tide, or have them in his possession, if the same have been taken for the purpose of canning or selling, between the first day of April and the thirty-first day of August, both dates inclusive of each year, or to take or dig clams or mussels at any time except with fork, pick or shovel, operated by hand: *Provided*, That nothing in this section shall prevent the taking of not to exceed twenty (20) pounds in weight, including shells, of clams or mussels in any one day by one person for the personal use of such person, without a license.

Puget Sound.

Closed season.

Personal use.

SEC. 2. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1931.

Passed the House March 11, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 75.

[S. B. 183.]

ACTIONS ON IRRIGATION AND DRAINAGE DISTRICT WARRANTS.

AN ACT relating to limitation of actions upon irrigation and drainage district warrants.

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

SECTION 1. Action to enforce any right arising out of the issuance or ownership of any warrant of an irrigation or drainage district organized under the laws of this state, must be brought within six years from and after the date of the issuance of such warrant: *Provided*, That this section shall not apply to actions not otherwise barred on warrants

Limitation.

heretofore issued, if the same shall be commenced within one year after the taking effect of this act.

Passed the Senate February 23, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 76.

[S. B. 226.]

APPROPRIATION FOR SALARIES IN STATE COLLEGE.

AN ACT making appropriations for the payment of salaries of certain officers and employees and for the operation and maintenance of the State College of Washington from monies now in the State Treasury in the College Fund, Adams Fund, Hatch Fund, Purnell Fund, Morrill Fund, Smith-Lever and special Smith-Lever funds, and Capper-Ketcham Fund, for the period ending March 31, 1931, and declaring that this act shall take effect immediately.

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

SECTION 1. 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, and for the operation and maintenance of the State College of Washington for the period ending March 31, 1931:

Salaries, operations and maintenance.

State college fund.

From the College Fund, operations.....\$100,000.00

To be expended in accordance with the purposes, terms, provisions and conditions of the respective acts of Congress for the endowment and granting of money to agricultural colleges and experiment stations:

Special funds.

From the Adams Fund\$ 4,700.00
From the Hatch Fund\$ 3,200.00
From the Purnell Fund\$ 8,600.00
From the Morrill Fund\$ 5,000.00
From the Smith-Lever and special Smith-Lever Funds \$ 20,000.00
From the Capper-Ketcham Fund\$ 5,000.00

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

Passed the Senate February 27, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 77.

[S. B. 231.]

ADMISSION TO STATE HOSPITALS TO DETERMINE SANITY.

AN ACT relating to the observation of certain persons in state hospitals, and defining the powers and duties of certain officers in relation thereto.

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

SECTION 1. Any citizen of this state may apply Application.
to the superintendent of any state hospital for admission thereto, for the purpose of observation as to his mental condition.

SEC. 2. Upon any such application being made, Examination.
it shall be the duty of the superintendent of such hospital to cause such person to be examined as to his mental condition by the medical staff of such hospital, and if it shall appear from such examination that such person is in such mental condition as to warrant placing such person under observation, for the purpose of determining whether such person is, or is liable to become, insane, the findings of Findings.
such staff together with the recommendation of the superintendent shall be transmitted to the director of business control, and the director shall have authority to authorize the superintendent of such institution to admit such person to such institution, Admission.
for the purpose of observation, for a period of not more than ninety (90) days, upon the payment by

Payment.

such person, or by some one in his behalf, of the sum of four dollars and fifty cents (\$4.50) per week, during the time such person is under such observation in such institution; and if, during such period of observation, it shall become apparent to the superintendent of such institution that such person is insane, it shall be the duty of the superintendent to report such fact to the superior court of the county in which such person resides, for the institution of proceedings for the commitment of such person to one of the state hospitals. Nothing in this act shall be construed as amending, repealing, or modifying any existing law relating to the examination and commitment of insane persons to state hospitals.

Passed the Senate March 2, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 78.

[S. B. 257.]

DEFICIENCY APPROPRIATIONS FOR CERTAIN STATE INSTITUTIONS.

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, and for sundry civil expenses of the state government, and for purposes specified in certain acts of Congress, and for miscellaneous purposes to cover deficiencies for the biennium ending March 31, 1931, and declaring that this act shall take effect immediately.

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

SECTION 1. The following sums, or as much thereof as shall severally be found necessary, are hereby appropriated out of any of the monies in the several funds in the state treasury, hereinafter named, for the payment of salaries of certain officers

Salaries.

and employees of the state and for the operation of certain state institutions, departments, and offices, and for sundry civil expenses of the state government, and for purposes specified in certain acts of Congress, and for miscellaneous purposes herein below designated, to cover deficiencies for the fiscal biennium ending March 31, 1931, the said appropriations not to exceed revenues actually on hand and available for disbursement from the particular fund or funds against which appropriations are made.

FROM THE UNITED STATES VOCATIONAL EDUCATION FUND.	Operation. Deficiencies.
For the State Board for Vocational Education:	
To be expended in accordance with the provisions of acts of Congress approved February 23, 1917, and February 5, 1929, providing for the promotion and development of vocational education \$50,452.82	State board for vocational education.
FROM THE TEACHERS' RETIREMENT FUND.	Teachers' retirement fund.
For the Teachers' Retirement Fund:	
Operations and for the payment of annuities, awards and refunds as provided by law..... 30,000.00	
FROM THE STATE FAIR FUND.	State fair fund.
For the Department of Agriculture:	
Washington State Fair, operations..... 9,901.40	
FROM THE CURRENT SCHOOL FUND.	Current school fund.
To carry out provisions of Sec. 4935, Rem. Comp. Stat. 400,000.00	

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

Passed the Senate March 7, 1931.
 Passed the House March 10, 1931.
 Approved by the Governor March 19, 1931.

CHAPTER 79.

[S. B. 260.]

COMPENSATION FOR WORKMEN ENGAGED IN EXTRA-
HAZARDOUS MARITIME OCCUPATIONS.

AN ACT relating to the compensation of workmen engaged in extra hazardous maritime occupations, defining the plant of such employment, and amending Section 18a of Chapter 74 of the Laws of 1911.

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

SECTION 1. That section 18a of chapter 74 of the Laws of 1911, added by section 1 of chapter 111 of the Laws of the Extraordinary Session of 1925 (section 7693a of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Section 18a. The provisions of this act shall apply to all employers and workmen, except a master or member of a crew of any vessel, engaged in maritime occupations for whom no right or obligation exists under the maritime laws for personal injuries or death of such workmen.

If an accurate segregation of pay rolls covering any class or classes of workmen engaged in maritime occupations and working part time on shore and part time off shore can not be made by the employer, the director of the department of labor and industries is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the pay rolls of such class or classes of employes to cover the shore part of their work, and the employer shall pay to the accident fund on that basis for the time such workmen are engaged in their work.

Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or

Amends
§ 18a, ch. 74,
Laws of
1911; § 1,
ch. 111, Ex.
Laws of
1925;
§ 7693a,
Rem. Comp.
Stat., 1927
Sup.

Maritime
occupations.

Segregation
of pay rolls.

Common
enterprise.

death of such workmen, such site or place shall be deemed for the purposes of this act to be the common plant of such employers.

Passed the Senate March 6, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 80.

[S. S. B. 20.]

TAX LEVY FOR RECLAMATION REVOLVING FUND.

AN ACT relating to the tax levy for the reclamation revolving fund and amending Section 12 of Chapter 158 of the Laws of 1919, as amended by Section 1 of Chapter 218 of the Laws of 1927.

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

SECTION 1. That section 12 of chapter 158 of the Laws of 1919 (section 3015 of Remington's Compiled Statutes), as amended by section 1, chapter 94 of the Laws of 1929, be amended to read as follows:

Amends § 12, ch. 158, Laws of 1919; § 1, ch. 94, Laws of 1929; § 3015, Rem. Comp. Stat.

Section 12. For the purpose of raising revenue for the carrying out of the provisions of this act, the state equalization committee shall, beginning the fiscal year of 1919, and annually thereafter, except in the years 1931 and 1932, at the time of levying taxes for state purposes, levy upon all property subject to taxation, and the proper officers shall collect, a tax of one-half of one mill. The revenue so raised shall be paid into the state treasury and credited to the state reclamation revolving fund.

Tax levy.

Passed the Senate January 26, 1931.

Passed the House March 12, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 81.

[S. B. 216.]

TAX EXEMPTION FOR SHIPS AND VESSELS.

AN ACT exempting certain ships and vessels from certain taxes.

*Be it enacted by the Legislature of the State of Washington:*Interstate
and foreign
commerce.

SECTION 1. All ships and vessels whose home ports of registry are in the State of Washington, engaged in interstate commerce, foreign commerce and/or commerce between ports of the State of Washington and the high seas, shall be and are hereby made exempt from all taxes of every kind whatsoever, except taxes levied for any state purpose.

Under 200
tons burden.

SEC. 2. All ships and vessels under two hundred tons burden, whose home ports of registry are in the State of Washington, shall be and are hereby made exempt from all taxes of every kind whatsoever, except taxes levied for any state purpose and twenty per centum of taxes levied for all other purposes.

Taxes pay-
able 1932 and
subsequently.

SEC. 3. This act shall apply to taxes due and payable in the year 1932, and subsequent years.

Passed the Senate March 12, 1931.

Passed the House March 12, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 82.

[S. B. 230.]

SALE OR LEASE OF PROPERTY OF
IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts; providing for the sale or lease of real and personal property by such districts; and amending Chapter IV, Title XLVIII of Remington's Compiled Statutes by adding thereto a new section to be known as Section 7428-4.

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

SECTION 1. That chapter IV, title XLVIII of Remington's Compiled Statutes be amended by adding thereto a new section to be known as section 7428-4, to read as follows:

Adds section to ch. IV, title XLVIII, Rem. Comp. Stat.

Section 7428-4. Any irrigation district shall have power to sell or lease any real estate or personal property owned by such district, whenever the board of directors shall, by unanimous vote, determine that such property is not necessary or needed for the use of the district. No sale or lease of such property shall be made until notice thereof shall be given by publication at least twenty days before the date of said sale or lease of said property in some newspaper of general circulation in the county where the property or part thereof is located, if there be one, and if there be none, then in some newspaper of general circulation published in an adjoining county, said publication to be made at least once a week during three successive weeks before the day fixed for the making of said lease or sale, and shall contain notice of intention of the board of directors to make such sale or lease and state the time and place at which proposals for such sale or lease will be considered and at which the sale or lease will be made.

Sale and lease of property.

Notice.

Publication.

Any such property so sold or leased shall be sold or leased to the highest and best bidder.

Passed the Senate March 11, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 83.

[H. B. 55.]

TITLE TO LANDS ACQUIRED BY COUNTY TAX FORECLOSURE.

AN ACT relating to the determination of title to lands deeded to the county in general tax foreclosure proceedings, and amending Sections 1, 2, 3, 5 and 6 of Chapter 171, Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 1 of chapter 171, Laws of the Extraordinary Session of 1925 (section 11308-1, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Section 1. In any and all instances in this state in which a treasurer's deed to real property has been or shall be issued to the county in proceedings to foreclose the lien of general taxes, and for any reason a defect in title exists or adverse claims against the same have not been legally determined, the county or its successors in interest or assigns shall have authority to institute an action in the superior court in said county to correct such defects, and to determine such adverse claims and the priority thereof as in this act provided.

SEC. 2. That section 2 of chapter 171 of the Laws of the Extraordinary Session of 1925 (section 11308-2, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Section 2. The county or its successors in interest or assigns shall have authority to include in

Amends § 1,
ch. 171, Ex.
Laws of
1925;
§ 11308-1,
Rem. Comp.
Stat., 1927
Sup.

Tax deed
issued to
county.

Action to
determine
adverse
claims.

Amends § 2,
ch. 171, Ex.
Laws of
1925;
§ 11308-2,
Rem. Comp.
Stat., 1927
Sup.

Scope of
action.

one action any and all tracts of land in which plaintiff or plaintiffs in such action, jointly or severally, has or claims to have an interest. Such action shall be one in rem as against every right and interest in and claim against any and every part of the real property involved, except so much thereof as may be at the time the summons and notice is filed with the clerk of the superior court in the actual, open and notorious possession of any person or corporation, and then except only as to the interest claimed by such person so in possession: *Provided*, That the possession required under the provisions of this act shall be construed to be that by personal occupancy only, and not merely by representation or in contemplation of law. No person, firm or corporation claiming an interest in or to such lands need be specifically named in the summons and notice, except as in this act provided, and no pleadings other than the summons and notice and the written statements of those claiming a right, title and interest in and to the property involved shall be required.

Parties.

Possession.

Pleadings.

SEC. 3. That section 3 of chapter 171, Laws of the Extraordinary Session of 1925 (section 11308-3, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends § 3, ch. 171, Ex. Laws of 1925; § 11308-3, Remp. Comp. Stat., 1927 Sup.

Section 3. Upon filing a copy of the summons and notice in the office of the county clerk, service thereof as against every interest in and claim against any and every part of the property described in such summons and notice, and every person or corporation, except one who is in the actual, open and notorious possession of any of said properties, shall be had by publication in the official county newspaper for six consecutive weeks; and no affidavit for publication of such summons and notice shall be required. In case there are outstanding local improvement assessments against any of the real property described in the summons and notice, a copy of the

Summons, filed.

Service.

Publication.

Local improvement assessments.

same shall be served on the treasurer of the city or town within which such real property is situated within five days after such summons and notice is filed.

Contents of
summons
and notice.

The summons and notice in such action shall contain the title of the court; specify in general terms the years for which the taxes were levied and the amount of the taxes and the costs for which each tract of land was sold; give the legal description of each tract of land involved, and the tax record owner thereof during the years in which the taxes for which the property was sold were levied; state that the purpose of the action is to foreclose all adverse claims of every nature in and to the property described, and to have the title of existing liens and claims of every nature against said described real property, except that of the county, forever barred.

Date for
appearance.

Said summons and notice shall also summon all persons, firms and corporations claiming any right, title and interest in and to said described real property to appear within sixty days after the date of the first publication, specifying the day and year, and state in writing what right, title and interest they have or claim to have in and to the property described, and file the same with the clerk of the court above named; and shall notify them that in case of their failure so to do, judgment will be rendered determining that the title to said real property is in the county free from all existing adverse interests, rights or claims whatsoever: *Provided*, That in case any of the lands involved is in the actual, open and notorious possession of anyone at the time the summons and notice is filed, as herein provided, a copy of the same modified as herein specified shall be served personally upon such person in the same manner as summons is served in civil actions generally. Said summons shall be substantially in the

Service on
person in
possession.

form above outlined, except that in lieu of the state relative to the date and day of publication it shall require the person served to appear within twenty days after the day of service, exclusive of the date of service, and that the day of service need not be specified therein, and except further that the recitals regarding the amount of the taxes and costs and the years the same were levied, the legal description of the land and the tax record owner thereof may be omitted except as to the land occupied by the persons served.

Form and contents of summons.

Every summons and notice provided for in this act shall be subscribed by the prosecuting attorney of the county, or by any successor or assign of the county or his attorney, as the case may be, followed by his post office address.

Subscribed by prosecuting attorney.

SEC. 4. That section 5 of chapter 171, Laws of the Extraordinary Session of 1925 (section 11308-5, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends § 5, ch. 171, Ex. Laws of 1925; § 11308-5, Rem. Comp. Stat., 1927 Sup.

Section 5. At any time after the return day named in the summons and notice the plaintiff in the cause shall be entitled to apply for judgment. In case any person has appeared in such action and claimed any interest in the real property involved adverse to that of the county or its successors in interest, such person shall be given a three days' notice of the time when application for judgment shall be made. The court shall hear and determine the matter in a summary manner similar to that provided in section 11298 of Remington's Compiled Statutes, relating to judgment and order of sale in general tax foreclosure proceedings, and shall pronounce and enter judgment according to the rights of the parties and persons concerned in the action. No order of sale shall be made nor shall any sale on execution be necessary to determine the title of the county to the real property involved in such action.

Application for judgment.

Notice.

Hearing.

Judgment.

Amends § 6,
ch. 171, Ex.
Laws of
1925 ;
§ 11308-6,
Rem. Comp.
Stat., 1927
Sup.

SEC. 5. That section 6 of chapter 171, Laws of the Extraordinary Session of 1925 (section 11308-6, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows :

Validity of
taxes basis
for action.

Section 6. The right of action of the county, its successors or assigns, under this act shall rest on the validity of the taxes involved, and the plaintiff shall be required to prove only the amount of the former judgment foreclosing the lien thereof, together with the costs of the foreclosure and sale of each tract of land for said taxes, and all the presumptions in favor of the tax foreclosure sale and issuance of treasurer's deed existing by law shall obtain in said action.

Passed the House January 30, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 84.

[H. B. 89.]

INSURANCE.

AN ACT relating to insurance and amending Section 36 of Chapter 49 of the Laws of 1911 as amended by Section 1 of Chapter 128 of the Laws of 1929.

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

Amends § 36,
ch. 49, Laws
of 1911 ; § 1,
ch. 128, Laws
1929 ; § 7080,
Rem. Comp.
Stat.

SECTION 1. That section 36 of chapter 49 of the Laws of 1911 as amended by section 1 of chapter 128 of the Laws of 1929, (section 7080 of Remington's Compiled Statutes) be amended to read as follows :

Written only
through
agents.

Section 36. It shall be unlawful for any insurance company admitted to do business in this state to write, place or cause to be written or placed, any policy of insurance covering risks located in this state, except through or by a duly authorized licensed agent of such company residing and doing

business in this state: *Provided*, That where the insured calls at the principal office of the company and requests a policy the risk may be covered and the policy procured through the duly authorized agent in the territory wherein the risk is located: *And provided further*, That a license may be granted to a non-resident special agent authorizing such agent to work with and assist local agents in this state in writing business, but in all such cases the local agent is to retain his full commissions. *And further provided*, That whenever under the laws of another state residents of the State of Washington may be licensed to represent life insurance companies in such other state and to solicit, write and deliver therein policies of life insurance with or without permanent and/or total disability, or total disability and/or additional accidental death benefits as a part thereof, then residents of such other state may be similarly licensed in the State of Washington.

Non-resident special agent.

License reciprocal with another state.

All insurance written in this state by non-resident agents shall be reported and taxed the same as business written by resident agents.

Reported and taxed.

Applications for licenses for non-resident agents shall be made in the manner required by section 7089, Remington's Compiled Statutes, relative to the licensing of resident agents and shall be approved by the insurance commissioner. All non-resident agents licensed under the provisions of this section shall be subject to the same control by the insurance commissioner that resident agents are, and their licenses may be canceled for the same causes and in the same manner that the licenses of resident agents may be canceled. Licenses issued to non-resident agents shall run for the same period as do the licenses of resident agents, and may be renewed upon the same terms as may licenses of resident agents. The same fee shall be required for

Applications for non-resident license.

Canceled.

Renewed.

Fee.

a non-resident agent's license that is required as a licensing fee from residents of the State of Washington in the state of the residence of such non-resident applicant. When the laws of the state of which the applicant is a resident make no provision respecting the license fee to be paid by an applicant for a non-resident license or for a lesser amount than for a resident agent of Washington, then the same fee shall be required for the non-resident agent's license that is required under the laws of this state to be paid for a resident agent's license.

Non-resident
life insur-
ance agent.

The commissioner shall not issue a license to a non-resident applicant to solicit life insurance policies either with or without permanent and/or total disability, or total disability and/or additional accidental death benefits until said applicant has executed and filed in his office a written appointment of the insurance commissioner to be the true and lawful attorney of said applicant in and for this state on a form furnished by the commissioner upon whom all lawful actions or proceedings against said applicant in any county in this state may be served with the same effect as if he were a resident applicant having his residence in said county. The service upon such attorney shall hereafter be deemed service upon said applicant if said non-resident applicant is licensed by this department. A fee of one dollar (\$1.00) shall be paid by the non-resident applicant for filing said power of attorney. The said power of attorney may not be canceled so long as there is any cause of action against said non-resident agent in connection with any insurance transactions in the State of Washington.

Attorney-in-
fact to be
designated.

Service
upon, fee.

Manner of
service.

Legal service against any such non-resident licensee may be had by serving duplicate copies upon the commissioner through the mail by a registered letter or by an officer or person competent to serve a summons. Upon such service being made, the

commissioner shall forthwith mail one of such duplicate copies of such process to such licensee at his last known post office address.

In all cases of service of process against such non-resident licensee by serving his or her said attorney, the commissioner shall collect two dollars (\$2.00) which shall be paid by the plaintiff at the time of such service, the same to be recovered by the plaintiff as part of the taxable costs if he prevail in the suit.

Fee for
process
service.

Legal service upon insurance companies not licensed to do business in this state may be made upon any person resident in this state, who is authorized or requested by such non-licensed company to place or effect insurance upon risks located in this state with such non-licensed insurance company, and who receive any compensation, gratuity, or reward of any kind whatsoever for placing and effecting such insurance.

Unlicensed
companies,
service upon.

The commissioner shall keep a record of all such processes which shall show the day and the hour of service: *Provided*, That in such cases no proceedings shall be had within forty days after date of such service upon the commissioner.

Record of
service.

Passed the House February 5, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 85.

[H. B. 371.]

LOCAL IMPROVEMENTS BY CITIES.

AN ACT relating to municipal corporations; providing for proceedings for local improvements therein; and amending Section 12 of Chapter 98 of the Laws of 1911.

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

Amends § 12, ch. 98, Laws of 1911; § 1, ch. 109, Laws of 1927; § 9363, Rem. Comp. Stat., 1927 Sup.

SECTION 1. That section 12 of chapter 98 of the Laws of 1911, as amended by section 1 of chapter 109 of the Laws of 1927 (section 9363 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Jurisdiction of council.

Section 12. The council or other legislative body shall have jurisdiction to proceed with any such improvement initiated by petition or resolution: *Provided*, That in any city of the first class it appears from the certificate of the board, officer, or authority designated by charter or ordinance to determine the same that the proportion of the estimated cost and expense thereof to be assessed against the property in the proposed improvement district does not exceed the assessed valuation of the real estate, exclusive of improvements thereon, within such district, according to the valuation last placed upon it for the purposes of general taxation: *Provided*, That this limit may be exceeded when any such improvement shall be petitioned for in the manner provided in section 9 of this act (9360 Remington's Compiled Statutes; 997 Pierce's 1919 Code) and such petition shall be signed by the owners of sixty (60%) per cent of the lineal frontage upon the improvement to be made and three-fourths of the area within the limits of the proposed improvement district, and shall specify a certain higher percentage up to which the property within such proposed improvement district may be assessed: *Provided*,

Expense not to exceed assessed value.

Exceeded when owners petition.

further, That the jurisdiction of the council or other legislative authority to proceed with any such improvement initiated by resolution shall be divested by a protest filed with the council prior to the awarding of the contract for such improvement signed by the owners of property within the proposed district subject to at least sixty per cent (60%) of the cost of such improvement as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district. In the absence of fraud or gross mistake, such certificate of such board, officer or other authority shall be final and conclusive.

Jurisdiction
divested by
protest.

In computing the valuation of such property any nonassessable property owned by the United States, state, county, city, town, school district or other public corporation, shall be valued at the same rate as assessed property similarly situated.

Valuation
computed.

Passed the House March 9, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 86.

[H. B. 377.]

OYSTER RESERVE LANDS FOR KITSAP COUNTY AIRPORT.

AN ACT relating to certain vacated oyster reserve located in front of Sections 32 and 33, Township 24, North, Range 1 East W. M.; authorizing the use thereof by and conveying to the county of Kitsap or the United States of America for an aviation field.

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

SECTION 1. That tracts 1 and 2 of vacated state oyster reserve, plat No. 87, located in front of sections 32 and 33, township 24 north, range 1 east W. M., be and the same are hereby reserved from sale; and upon the expiration of existing leases upon

Description.

Reserved
from sale.

said tracts the county of Kitsap and/or the United States of America shall be authorized to enter into and upon the same and to do and perform any and all work thereon by them deemed necessary or advisable to make the same suitable and usable as a landing field and terminal for air craft.

Improvement
by Kitsap
county or
U. S.

SEC. 2. Whenever the county of Kitsap and/or the United States of America shall have improved said tracts and made the same suitable and usable as a landing field and terminal for air craft, the commissioner of public lands shall in the manner provided by law in other cases of state land, certify to the governor for a deed covering said tracts to the county of Kitsap: *Provided*, That if the county commissioners of Kitsap county shall, prior to the time such certificate is made, by resolution request that such deed be issued to the United States of America instead of to the county of Kitsap, the commissioner of public lands shall certify to the governor for the issuance of a deed for such tracts to the United States of America.

Resolution
requesting
deed.

Deed
executed.

SEC. 3. Upon receiving the certificate from the commissioner of public lands provided for in section 2 hereof, the governor is authorized and directed to execute, and the secretary of state to attest, a deed granting and conveying said tracts of land to the county of Kitsap or the United States of America, as the case may be.

Conditions of
conveyance.

SEC. 4. Said tracts of land shall be granted and conveyed upon the condition and with the reservation, which shall be expressed in the deed, that the same are not to be sold or conveyed to any person, firm or corporation or municipal corporation, and are to be held, used and operated solely as a landing field and terminal for air craft; and that upon the use of the same or any part thereof for any other purpose, the whole thereof shall revert to and belong

to the State of Washington, without suit, action or proceedings whatsoever.

Passed the House March 6, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 87.

[H. B. 281.]

DEPOSITARIES FOR PUBLIC FUNDS.

AN ACT relating to depositaries for public funds, including funds of the state, counties, cities and towns; and requiring of such depositaries a surety bond, or in lieu thereof the deposit of certain securities, and amending Sections 5549, 5551, 5563, 5569 and 5572 of Remington's Compiled Statutes.

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

SECTION 1. That section 5549 of Remington's Compiled Statutes be amended to read as follows:

Section 5549. Every state depository, before it shall be entitled to receive any state moneys, shall file with the state treasurer a good and sufficient bond of a surety company authorized to do business in this state, to be approved by said finance committee as security and pledge for the payment on demand to him or his order, free of exchange, at any place in this state designated by him, of all such moneys deposited with it, and of interest thereon at the rate fixed by said finance committee, which bond shall be at least equal to the amount of the moneys to be received by said depository of said state, and shall, before deposit, be approved by said finance committee. The finance committee may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depository, and may also as often as it deems necessary require such investigation and report con-

Amends
§ 5549, Rem.
Comp. Stat.

State funds.

Surety bond
required.

Interest
rate.

Investiga-
tion.

cerning the condition of any bank which may have been designated as such depository, the expense of such investigation to be borne by the depository examined: *Provided*, That said depository may deposit with the state treasurer in lieu of the surety bond herein provided for any of the following enumerated securities if there has been no default in the payment of principal or interest thereon: (1) bonds, notes or other obligations constituting a general obligation of the United States or any state thereof; (2) direct and general obligation bonds, notes or warrants issued by any county, city, school district or port district of the State of Washington or of any other state of the United States having the power to levy taxes for the payment of principal and interest thereof; (3) bonds of any municipality of the State of Washington, for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintainance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city; (4) domestic railway, industrial and public utility bonds currently quoted on the New York stock exchange; and (5) local improvement bonds and warrants issued under chapter 209, page 308, of the Session Laws for 1927, known as the Local Improvement Guaranty Fund of the Laws of 1927.

Securities
in lieu of
bond.

Amends
§ 5551, Rem.
Comp. Stat.

SEC. 2. That section 5551 of Remington's Compiled Statutes be amended to read as follows:

State treas-
urer author-
ized to de-
posit.

Section 5551. The state treasurer may deposit with any depository which has fully complied with all requirements of law any state moneys in his hands or under his official control not exceeding the limit herein prescribed, and any sum so on deposit shall be deemed to be in the state treasury, and such treasurer shall not be liable for any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or on

Treasurer
not liable.

the part of his assistants or clerks. The amount at any time on deposit with any depository shall not exceed the actual paid-up capital and surplus, nor the penalty of the bond filed by it, nor ninety per cent of the value of the securities deposited by it, described in subdivision (1) of section 1 of this act, nor seventy-five per cent of the value of the securities described in subdivisions (2), (3), (4) and (5) of section 1 of this act, nor the amount prescribed by the state finance committee, if any be prescribed: *Provided, however,* That the aggregate amount of money so on deposit at any time may equal ninety per cent of the value of the securities deposited described in subdivision (1) section 1 of this act, and/or seventy-five per cent of the value of the securities deposited described in subdivisions (2), (3), (4) and (5) of section 1 of this act.

SEC. 3. That section 5563 of Remington's Compiled Statutes be amended to read as follows:

Section 5563. Before any such designation or designations shall become effectual and entitle the said treasurer to make deposits in such bank or banks, the bank or banks so designated shall within ten days after such designation or designations have been filed, file with the county clerk of such county a surety bond to such county treasurer, properly executed by some reliable surety company qualified under the laws of this state to do business therein, in the maximum amount of deposits designated by said treasurer to be carried in such bank or banks, conditioned for the prompt and faithful payment thereof on checks drawn by such treasurer, which bond must be approved by the chairman of the board of county commissioners, the prosecuting attorney and the county treasurer, or any two of such officers of said county, before being filed with the county clerk, and unless so approved, the same shall not be received or filed by the county clerk: *Provided,* That said depository or depositories may

Amount of deposit.

Amends § 5563, Rem. Comp. Stat.

County funds.

Surety bond required.

Conditions.

Securities
in lieu
of bond.

deposit with the county treasurer in lieu of the surety bond herein provided for, any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall not be less than the amount required in said deposit: (1) bonds, notes or other obligations constituting a general obligation of the United States or any state thereof; (2) direct and general obligation bonds, notes or warrants issued by any county, city school district or port district of the State of Washington or of any other state of the United States having the power to levy taxes for the payment of principal and interest thereof; (3) bonds of any municipality of the State of Washington, for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city; (4) domestic railway, industrial and public utility bonds currently quoted on the New York stock exchange; and (5) local improvement bonds and warrants issued under chapter 209, page 308, of the Session Laws for 1927, known as the Local Improvement Guaranty Fund of the Laws of 1927.

Amends
§ 5569, Rem.
Comp. Stat.

SEC. 4. That section 5569 of Remington's Compiled Statutes be amended to read as follows:

Cities over
75,000 in-
habitants.

Section 5569. Before any such designation shall become effectual and entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten (10) days after the same is filed with the comptroller, file with the comptroller of such city a contract with the said city wherein said bank shall agree to pay not less than one and one-half per centum on the cash daily balance of all municipal funds kept by such treasurer in said bank, while acting as such depository; such payments to be made monthly to said city while said

Interest
contract
with city.

deposit continues in said depository; said contract shall run to said city and be in such form as shall be approved by the mayor and corporation counsel; and such bank shall also file with the comptroller of such city a surety bond or bonds to such city to the amount of the deposits of such city that may be carried in such bank, conditioned for the prompt payment thereof on checks duly drawn by the said treasurer; or in lieu thereof shall deposit with the said comptroller good and sufficient municipal, school district, county or state bonds or warrants, United States bonds or local improvement bonds or warrants, or public utility bonds or warrants, issued by or under the authority of any municipality of the state for water power or light plants or maintenance, replacements or additions thereof or any domestic railway, industrial or public utility bonds as provided for in section 5549 upon which principal or interest is not in default at the time of such deposits. Such surety bonds or securities shall be in such form as shall be approved by the corporation counsel of such city and the sufficiency of such surety bonds or such securities shall be approved by the mayor and comptroller of such city. When such bonds have been duly approved and filed with the comptroller of said city, he shall immediately certify to the city treasurer the amount of bonds or securities filed by such bank or banks, whereupon the city treasurer shall be authorized to make deposits in such bank up to the amount of surety bonds or securities, so filed.

Surety bond
required.

Securities
in lieu of
bond.

SEC. 5. That section 5572 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 5572, Rem.
Comp. Stat.

Section 5572. Before any such designation shall entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall within ten (10) days after the same is filed with the comptroller or town clerk, file with the comptroller or town clerk of such city or town a surety bond to

Cities less
than 75,000
inhabitants.

Surety bond
filed with
town comp-
troller or
clerk.

such city or town in the maximum amount of deposits designated by said treasurer to be carried in such bank, conditioned for the prompt payment thereof on checks fully drawn by the treasurer, which surety bond shall be approved by the mayor and comptroller or town clerk of said city or town, or in lieu thereof shall deposit with the treasurer any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall not be less than the amount required in said deposit: (1) bonds, notes or other obligations constituting a general obligation of the United States or any state thereof; (2) direct and general obligation bonds, notes or warrants issued by any county, city, school district or port district of the State of Washington or of any other state of the United States having the power to levy taxes for the payment of principal and interest thereof; (3) bonds of any municipality of the State of Washington, for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city; (4) domestic railway, industrial and public utility bonds currently quoted on the New York stock exchange; and (5) local improvement bonds and warrants issued under chapter 209, page 308, of the Session Laws for 1927, known as the local improvement guaranty fund of the Laws of 1927: *Provided*, That any surety bond or securities offered to qualify any bank as a depository for the funds of any city or town shall not be considered sufficient unless and until the same be approved by the mayor and comptroller or town clerk of said city or town. Such banks shall also at the same time file with said comptroller or town clerk a contract with said city or town wherein said bank shall agree to pay not less than two per centum

Conditions.

Securities deposited in lieu of bond.

Approved by mayor and comptroller.

on the average daily balances where such balances exceed one thousand (\$1,000) dollars of all municipal funds kept by such treasurer in said bank, while acting as such depository; such payments to be made monthly to said city or town while said deposits continue in said depository; said contracts shall run to said city or town and be in such form as shall be approved by the treasurer, mayor and corporation counsel.

Passed the House March 11, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 88.

[H. B. 3.]

HOMESTEAD.

AN ACT relating to homesteads, amending Section 1, of Chapter 193, Laws of 1927.

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

SECTION 1. That section 1 of chapter 193 of the Laws of 1927 (section 528, Remington's Compiled Statutes, 1927 Supplement) (Pierce's Code, section 7860), be amended to read as follows:

Amends § 1, ch. 193, Laws of 1927; § 528, Rem. Comp. Stat. 1927 Sup.; § 7860, Pierce's Code.

Section 1. The homestead consists of the dwelling house, in which the claimant resides, and the land on which the same is situated, selected at any time before sale, as in this chapter provided, but unless such homestead is selected before or within thirty days after a notice in writing of the entry of a judgment, served in the manner provided by law for the service of summons in civil actions, it shall not be exempt from sale.

Definition.

Selection.

Exemption.

Passed the House March 12, 1931.

Passed the Senate March 12, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 89.

[S. B. 14.]

LIGHTED MATCHES AND CIGARETTES IN FOREST
AND GRAIN AREAS.

AN ACT relating to throwing lighted tobacco, cigars, cigarettes, matches, fire-crackers, or other lighted material in any forest, brush, range or grain areas in this state, and amending Section 5 of Chapter 43, Laws of Extraordinary Session of 1925, Section 5795-2 of Remington's Compiled Statutes.

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

SECTION 1. That section 5 of chapter 43, Laws of 1925, section 5795-2 of Remington's Compiled Statutes, be amended to read as follows:

Section 5. It shall be unlawful during the closed season, 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 in this state.

Every person, firm or corporation operating a conveyance through or above forest brush, range, or grain areas, shall be equipped in each compartment thereof with a suitable container or receptacle, for the disposition or reception of lighted tobacco, cigars, cigarettes, matches, fire-crackers, or other inflammable material. Every person, firm or corporation 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 such conveyance; and every person, firm or corporation 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 and logging operation. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Passed the Senate February 5, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 19, 1931.

Amends § 5,
ch. 43, Laws
of 1925;
§ 5795-2,
Rem. Comp.
Stat.

Unlawful to
throw away
lighted
smokes, etc.

Conveyance
equipped
with con-
tainers.

Law to be
posted.

Penalty.

CHAPTER 90.

[S. B. 47.]

APPEALS FROM DECISIONS OF DEPARTMENT OF
LABOR AND INDUSTRIES.

AN ACT relating to proceedings before the Department of Labor and Industries and appeals from orders, decisions and/or awards thereof, and appeals to the superior court from orders, decisions and/or awards of the joint board of said department, and reserving to all parties having a cause of action existing at the time Chapter 132 of the Session Laws of 1929 took effect, to bring and prosecute proceedings and/or action thereon, and amending Section 6 of said Chapter 132 of the Session Laws of 1929, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 6 of chapter 132 of the Session Laws of 1929, be amended to read as follows:

Amends § 6,
ch. 132, Laws
of 1929.

Section 6. Whenever the department of labor and industries has made any order, decision or award, it shall promptly serve the claimant, employer or other person affected thereby, with a copy thereof by mail, which shall be addressed to such claimant, employer or person at his last known address as shown by the records of the department. Any claimant, employer or other person aggrieved by any such order, decision or award must, before he appeals to the courts, serve upon the director of labor and industries, by mail or personally, within sixty days from the day on which such copy of such order, decision or award was communicated to the applicant, an application for rehearing before the joint board of said department, consisting of the director of labor and industries, the supervisor of industrial insurance and the supervisor of safety. Such application shall set forth in full detail the grounds upon which the applicant considers such order, decision or award is unjust or unlawful, and

Department
of labor and
industries.

Decisions,
service.

Application
for rehear-
ing.

Joint board.

Contents.

shall include every issue to be considered by the joint board, and it must contain a detailed statement of facts upon which such claimant, employer or other person relies in support thereof. The claimant, employer or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such rehearing is sought other than those specifically set forth in such application for rehearing or appearing in the records of the department. If the joint board, in its opinion, considers that the department has previously considered fully all matters raised by such application it may, without further hearing, deny the same and confirm the previous decision or award, or if the evidence on file with the joint board sustains the applicant's contention, it may, without further hearing, allow the relief asked in such application; otherwise, it shall order a rehearing to decide the issues raised.

If a rehearing be granted it shall be heard in the county of the residence of the applicant at a place designated by the joint board, but the hearing thereof may be adjourned from time to time and from place to place within said county, as the convenience of witnesses may require. Such rehearing shall be de novo and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the statutes relating to superior courts of this state. The joint board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed the same, with all depositions, shall be filed in, and remain a part of, the record on the rehearing. Such rehearing may be conducted by one or more of the members of the joint board, or by some person or persons in the regular employ of the de-

Objections waived.

Rehearing denied.

Granted.

Rehearing de novo.

Testimony.

Stenographically reported.

Conduct of rehearing.

partment, duly commissioned by said board to conduct such hearing, but the record on rehearing shall be considered by all of the members of said joint board, and the decision of a majority of said joint board shall be the decision of said joint board, and upon such decision being rendered all parties to said rehearing shall be given written notice thereof by the joint board.

An application for rehearing shall be deemed to have been denied by the joint board unless it shall have been acted upon within thirty days from the date of service: *Provided, however,* That the joint board may in its discretion, extend the time within which it may act upon such application, not exceeding thirty days.

Rehearing
denied unless
acted upon.

Each of the members of the joint board, and those commissioned by it as aforesaid, shall have power to administer oaths; to preserve and enforce order during such rehearing; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

Powers of
joint board.

If any person in proceedings before the joint board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper, or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the joint board or any member thereof shall certify the

Joint board
orders, dis-
obedience.

facts to the superior court having jurisdiction in the place in which said joint board or member thereof is sitting; it shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence, of the court.

Punished for contempt by court.

Within thirty days after the final order of the joint board upon such application for rehearing has been communicated to such applicant, or within thirty days after rehearing is deemed denied as herein provided, such applicant may appeal to the superior court of the county of his residence, but upon such appeal may raise only such issues of law or fact as were properly included in his application for rehearing, or in the complete record in the department. On such appeal the hearing shall be de novo, but the appellant shall not be permitted to offer, and the court shall not receive, in support of such appeal, evidence or testimony other than, or in addition to, that offered before the joint board or included in the record filed by the department: *Provided*, That the right of cross examination shall not be limited by the testimony before the joint board. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director of labor and industries. The department of labor and industries shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. No bond shall be required

Appeals from joint board final order.

Appeal hearing de novo.

Cross examination.

Appearance in appeal.

on such appeal or on appeals to the supreme court, except that an appeal by the employer from a decision of the department under section 7683 of Remington's Compiled Statutes shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay. The calling of a jury shall rest in the discretion of the court, except that in cases arising under section 7683 and 7690 of Remington's Compiled Statutes, either party shall be entitled to a jury trial upon demand.

Appeal bond.

Jury.

The department of labor and industries shall serve upon the appellant and file with the clerk of the court before trial, a certified copy of its complete record on the claim, which shall, upon being so filed, become a part of the record in such case.

Record of department.

If the court shall determine that the department has acted within its power and has correctly construed the law and found the facts, the decision of the department shall be confirmed; otherwise, it shall be reversed or modified. In case of a modification or reversal the superior court shall refer the same to the department of labor and industries with an order directing it to proceed in accordance with the findings of the court: *Provided*, That any award shall be in accordance with the schedule of compensation set forth in this act.

Confirmation of decision.

Modification or reversal.

It shall be unlawful for any attorney engaged in any such appeal to charge or receive any fee therein in excess of a reasonable fee, to be fixed by the court in the case, and if the decision of the joint board shall be reversed or modified, such fee and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund, if the accident fund is affected by the litigation. In other respects the practice in civil cases shall apply. Ap-

Fees, attorney, witnesses.

Appeals to
supreme
court.

peal shall lie from the judgment of the superior court as in other civil cases. The attorney general shall be the legal adviser of the joint board and shall represent it in all proceedings. In all court proceedings under or pursuant to this act the decision of the department shall be prima facie correct and the burden of proof shall be upon the party attacking the same. This act shall not affect any cause of action existing at the time said chapter 132 of the Session Laws of 1929 became effective, or the right to take an appeal and/or bring an action thereon, or any appeal pending, or right of appeal existing at the time said chapter 132 of the Session Laws of 1929 became effective.

Existing
actions.

Effective
immediately.

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

Passed the Senate March 10, 1931.

Passed the House March 9, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 91.

[S. B. 86.]

WHARVES AND BUILDINGS IN HOLMAN WATERWAY AT ILWACO.

AN ACT granting to P. J. McGowan & Sons, a corporation, its successors and assigns, 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.

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

P. J. Mc-
Gowan &
Sons granted
use.

SECTION 1. That there is hereby granted to P. J. McGowan & Sons, a corporation, its successors and assigns, the right and privilege, for a period of ten years from and after the fourteenth day of March, 1933, 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 (80) feet wide and four hundred (400) feet long, beginning at a point on the east half of the said waterway fourteen hundred (1400) 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.

Passed the Senate February 3, 1931.

Passed the House-March 9, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 92.

[S. B. 88.]

RESERVATION OF PUBLIC LANDS FOR PARK PURPOSES.

AN ACT reserving from sale certain public lands for park purposes.

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

SECTION 1. The commissioner of public lands is hereby authorized and directed to reserve from sale, for park purposes, lots six (6) and seven (7) in section thirty-four (34), township twenty-eight (28) north of range thirteen (13) west, and the south half (S $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of sec-

Lands reserved from sale.

tion twenty-seven (27), township twenty-eight (28) north of range thirteen (13) west in Clallam county.

Passed the Senate February 6, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 93.

[S. B. 138.]

BRIDGE ACROSS THE NARROWS.

AN ACT relating to the construction, maintenance and operation of a bridge and approaches thereto across Puget Sound within the County of Pierce, at or near a point commonly known as The Narrows; granting the consent of the State of Washington therefor to J. F. Hickey, Llewellyn Evans, and B. A. Lewis, their survivors and assigns; and granting a right of way therefor through, over and across the submerged and public lands of the State of Washington, and authorizing the filling in thereof.

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

SECTION 1. That J. F. Hickey, Llewellyn Evans, and B. A. Lewis (and in case of the death of any thereof, the survivors or survivor thereof) hereinafter called the grantees, and their assigns, be and they are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, at a point suitable to the interests of navigation, at or near a point commonly known as the Narrows, in accordance with the provisions of the federal act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. Said bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the pro-

Authority
to construct
granted.

Plans and
specifica-
tions.

posed construction and such maps of the proposed location as may be required for a full understanding of the subject have been submitted to the secretary of war, and chief of engineers of the United States, for their approval, nor until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for said bridge have been approved by said chief of engineers and said secretary of war, it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of said chief of engineers and of said secretary of war.

Submitted
for approval.

Deviation.

SEC. 3. After the completion of such bridge, as determined by the secretary of war, either the State of Washington, or any municipality or political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time after the expiration of ten years acquire and take over all right, title and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such state governing the acquisition of private property for public purposes by condemnation or appropriation. If at any time after the expiration of ten years after the completion of such bridge the same is acquired by condemnation or appropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per centum of the sum of the cost of con-

Acquisition
by state or
municipality
after ten
years.

Purchase or
condemna-
tion.

Damages,
determined.

structing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements, less a reasonable deduction for actual depreciation in value.

Right of way
across public
lands.

SEC. 4. A right of way for said bridge and approaches thereto through, over and across the submerged and public lands of the State of Washington, including all tide and shore lands, which have been or may hereafter be established or arise is hereby granted to the grantees and their assigns, together with the right to fill in the same.

Tolls and
charges.

SEC. 5. Any and all tolls charged for the transit over said bridge of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers or other passengers shall be reasonable and just, and the secretary of war may, and in case of his failure or refusal to act upon the request of the department of public works of the State of Washington, said department may, at any time and from time to time, prescribe the reasonable rates of tolls for such transit over said bridge and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Reasonable.

Acquisition
by state or
municipality.

SEC. 6. If such bridge shall at any time be taken over or acquired by the State of Washington, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost as soon as possible under reasonable charges, but within a period of

Tolls
adjusted.

Sinking fund.

not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Maintenance,
repair.

Record of
costs.

SEC. 7. The grantees and their assigns, shall within ninety days after the completion of such bridge file with the secretary of war, and with the highway department of the State of Washington, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The secretary of war may, and in case of his failure or refusal to act upon the request of the highway department of the State of Washington, said highway department may at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said grantees and their assigns, shall make available all records in connection with the construction, financing and promotion thereof. The findings of the secretary of war, or of said highway department, as the case may be, as to the reasonable costs

Statement
of costs,
filed.

Investigation.

Findings
conclusive.

of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

Sale and mortgage of rights.

SEC. 8. The right to sell, assign, transfer and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the grantees and their assigns, and any corporation to which or any person to whom such rights, powers and privileges may be sold, assigned or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Term of franchise.

SEC. 9. The franchise herein granted shall continue for a period of forty years from and after the completion of such bridge as determined by the secretary of war, at the expiration of which time said bridge shall revert to and become the property of the State of Washington, and no other franchise shall be granted by the State of Washington for any other bridge over and across the Narrows of Puget Sound within a distance of five miles on either side of said bridge.

Exclusive.

SEC. 10. The authority herein granted shall cease and be null and void unless the actual construction of the bridge authorized in this act is commenced within two years and completed within six years from the date of taking effect of this act.

Authority terminates for inaction.

Passed the Senate February 16, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 94.

[S. B. 185.]

COUNTY ROAD THROUGH LANDS OF STATE
TRAINING SCHOOL.AN ACT granting rights of ways through lands held for the
State Training School purposes.*Be it enacted by the Legislature of the State of
Washington:*

SECTION 1. That authority is hereby conferred upon the governor to convey a right of way to the county of Lewis for county road purposes, across the tract of land belonging to the state in Lewis county near Chehalis, used and occupied for the purposes of the State Training School, which right of way shall be over and across and shall occupy a tract of land in Lewis county, State of Washington, described as follows: Beginning at a point on the south line of section thirty-two (32), township fourteen (14) north, range two (2) west, W. M., north eighty-nine (89) degrees, thirty-six (36) minutes east, 1076.42 feet from the south quarter section corner to said section thirty-two (32) and a point on the east boundary of the J. D. Rice county road; thence north eighty-nine (89) degrees, thirty-six (36) minutes east along said section line a distance of 251.7 feet to the approximate southeast corner of the southwest quarter (SW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of said section thirty-two (32); thence north no (0) degrees, twenty-four (24) minutes west a distance of thirty (30) feet; thence south eighty-nine (89) degrees, thirty-six (36) minutes west a distance of 251.7 feet; thence south no (0) degrees, twenty-four (24) minutes east a distance of thirty (30) feet to the place of beginning, containing 0.13 acres, and excepting therefrom a strip of land sixty (60) feet in width granted by the State of Washington to the Chehalis & Cowlitz Railroad

Right of way
for road
granted
Lewis county
through
lands of
State Train-
ing School.

Description.

Plat
required.

Company on December 8, 1911, as provided for by chapter 27, Laws of 1911. *Provided*, That said conveyance shall not be delivered until a plat of said right of way shall be filed by the county of Lewis with the director of business control, showing the definite location of said right of way, and the same has been approved by the director of business control. Upon the director of business control certifying to the governor the provisions of this act have been complied with, the governor shall execute a deed for said right of way conveying an easement for county road purposes over and across and occupying the land above described, for such length of time as the same shall be used for such purposes.

Passed the Senate February 26, 1931.

Passed the House March 11, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 95.

[S. B. 215.]

PERSONAL PROPERTY OF COUNTIES.

AN ACT relating to county personal property, providing for inventory and statement thereof, and defining the duties of the county commissioners in connection therewith, and prescribing penalties for violation thereof.

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

Each county
commissioner
to file
inventory.

SECTION 1. Each county commissioner of the several counties of the State of Washington shall on the first Monday of July of each year beginning with the year 1931, file with the auditor of the county wherein such commissioner resides a statement verified by oath of such county commissioner showing for the twelve months period ending June 30th of each year, the following:

Contents.

(a) A full and complete inventory of all tools, machinery, equipment and appliances belonging to

the district of such commissioner used or intended to be used in the repair or construction of any highway, road or any work within said county for which public funds are to be expended in whole or in part and which said inventory shall be segregated to show the following sub-heads:

(1) The equipment on hand, together with a statement of the date when acquired, the amount paid therefor, the present value, the estimated life thereof and a sufficient description to fully identify such property;

Road equip-
ment.

On hand,
data re-
quired.

(2) All equipment of every kind or nature sold or disposed of in any manner during such preceding twelve months period, together with the name of the purchaser, the amount paid therefor, whether or not the same was sold at public or private sale, the reason for such disposal and a sufficient description to fully identify the same;

Equipment
sold.

(3) All the equipment purchased during said period, together with the date of purchase, the amount paid therefor, whether or not the same was bought under competitive bidding, the price paid therefor and the probable life thereof, the reason for making the purchase and a sufficient description to fully identify such property;

Equipment
purchased.

(b) The exact amount of money derived from sources other than tax levy coming into possession or under the control of such commissioner for or on account of such district or of the commissioner making such statement; with the name of the party paying the same, the source from which derived, why so derived, and the date of its reception.

Money.

(c) The person to whom such money or any part thereof was paid and why so paid and the date of such payment.

Disposition.

SEC. 2. It shall be the duty of the board of county commissioners to make an inventory of all personal property of said county, bought out of the

Board to
make in-
ventory.

general fund, or any other fund of the county, which inventory shall contain the same information and be compiled in the same manner as provided in section 1 for the separate commissioner districts, provided that the same must be verified by all members of the board.

Inventories
filed with
auditor.

SEC. 3. Such inventories shall be filed with the county auditor as a public record and shall be open to the inspection of the public, provided further that such county auditor shall cause such inventory and/or inventories to be published once in the official newspaper of such county within five days after the filing thereof.

Published.

Penalty for
failure to
make or
for false
statement.

SEC. 4. Any county commissioner failing to file such statement or wilfully making any false or incorrect statement therein or aiding or abetting in the making of any false or incorrect statement shall be guilty of a gross misdemeanor.

Prosecutions.

SEC. 5. It is the duty of the prosecuting attorney of each county to within three days from the calling to his attention of any violation to institute proceedings against such offending official and in addition thereto to prosecute appropriate action to remove such commissioner from office.

Taxpayer
action.

SEC. 6. Any taxpayer of such county is hereby authorized to institute said action in conjunction with or independent of the action of the prosecuting attorney.

Invalid in
part not to
affect bal-
ance.

SEC. 7. That if any section hereof is held invalid for any reason that full force and effect shall be given to all the other provisions not expressly affected by such determination.

Passed the Senate March 5, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 96.

[S. B. 238.]

EXEMPTION OF INTANGIBLES FROM TAXATION.

AN ACT relating to taxation, exempting certain intangible property from ad valorem taxation and declaring that this act shall take effect immediately.

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

SECTION 1. All monies and credits including mortgages, notes, accounts, certificates of deposit, tax certificates, judgments, state, county and municipal bonds and warrants and bonds and warrants of other taxing districts, bonds of the United States and of foreign countries or political subdivisions thereof and the bonds, stocks or shares of private corporations shall be and hereby are exempted from *ad valorem* taxation.

Monies,
credits,
exempt.

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

Effective
immediately.

Passed the Senate February 27, 1931.

Passed the House March 11, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 97.

[S. B. 84.]

MILLERSYLVANIA MEMORIAL PARK.

AN ACT relating to and providing for the acceptance of the gift to the State of Washington of Millersylvania Memorial Park and certain cash and securities, made by the joint will of Frederick Jacob Xenophon Miller, Christina Mary Miller and Matilda Sophia Miller; and providing for the management, control and custody of said park, cash and securities; and making an appropriation.

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

Willed to state.

SECTION 1. Whereas, Frederick Jacob Xenophon Miller, Christina Mary Miller and Matilda Sophia Miller, by joint will devised to the State of Washington the following described real estate situate, lying, and being in Thurston county, Washington, to-wit:

Description.

The southeast quarter of the southeast quarter of section twenty-seven (27); the west half of the southwest quarter of section twenty-six (26); the west half of the northwest quarter of section thirty-five (35); the west half of the southwest quarter of section thirty-five (35); the southeast quarter of the southwest quarter of section thirty-five (35); the east half of the southeast quarter of section thirty-four (34); the west half of the southeast quarter of section thirty-four (34); the southwest quarter of the northeast quarter of section thirty-four (34); the east half of the southwest quarter of section thirty-four (34); the southeast quarter of the northeast quarter of section thirty-four (34); all in township seventeen (17) north range two (2), west of Willamette Meridian, also lot one (1), section three (3), township sixteen (16) north range two (2) west W. M. Lot five (5), section three (3), township sixteen (16) north, range two (2) west W. M.

Name.

To have and to hold for a state park to be called "Millersylvania Memorial Park" as a memorial to

said testators and to their father and mother, John Leonard Miller and Anna Barbara Miller; and

WHEREAS, The said Frederick Jacob Xenophon Miller, bequeathed to the State of Washington \$413.53 in cash, and certain bonds, to-wit, bonds of the United States, \$600.00 par value; bonds of the kingdom of Belgium, \$3,000.00 par value; bond of the United Irrigation District of the Dominion of Canada, Province of Alberta, \$1,000.00 par value; a total par value of bonds \$4,600.00; with directions that said cash and said bonds shall constitute an irreducible fund, the income therefrom, and from the proceeds of such bonds as reach maturity and are paid, to be used for the improvement, maintenance and upkeep of said park; and

Bonds and cash.

WHEREAS, The said Frederick Jacob Xenophon Miller, Christina Mary Miller and Matilda Sophia Miller, and their father and mother are now deceased, the estate of said testators probated, and title to said park and said cash and bonds vested by said probate proceedings in the State of Washington, possession thereof having been delivered to the state parks committee, which is now awaiting the pleasure of the legislature as to the disposition thereof:

Title vested in state.

Now therefore, The State of Washington does hereby gratefully acknowledge the generous gift of said testators and does hereby accept said park, said cash and bonds and does hereby designate and name said park "Millersylvania Memorial Park," in accordance with the terms of said will.

Acceptance by state.

SEC. 2. That said park shall constitute, be held and maintained as a part of the state parks system, with management and control of the same vested in the state parks committee. Said bonds and any other bonds purchased with said cash or with the principal proceeds of such bonds as mature shall be placed in the custody of the state treasurer. Said

Maintained as state park.

Custody of securities.

cash and any proceeds or income from said cash or bonds shall be placed in a special fund of the state treasury hereby created to be known as the Millersylvania Park trust fund, the moneys of which shall be deposited in a state depository bank. Said cash and the principal proceeds from said bonds may be invested in the same manner and same class of bonds as the moneys of the common school fund; but such bonds and cash shall constitute a permanent, irreducible fund, the interest, income and earnings therefrom to be expended by the state parks committee for the improvement, maintenance and upkeep of said park in accordance with the terms of said will.

Investment.

Permanent fund.

Appropriation.

SEC. 3. There is hereby appropriated out of the Millersylvania Park fund the sum of one thousand (\$1,000.00) dollars, but not to exceed the amount of income, interest and earnings of the cash and bonds referred to in this act, to be expended by the state parks committee in accordance with the provisions of this act.

Passed the Senate March 11, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 98.

[S. B. 28.]

CONSTRUCTION OF DAMS ACROSS PALIX AND
NIAWAUKUM RIVERS.

AN ACT authorizing the construction of dams for diking and drainage purposes across certain rivers in Pacific County, providing for a hearing thereon and for compensation to persons injured thereby.

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

SECTION 1. Dams to prevent the overflow of lands above the same by tides and to permit the drainage of such lands are hereby authorized to be constructed across the Palix Piver in the west half of section 15, township 13 north, range 10 west, W. M., and across the Niawaukum River in sections 9 and 10, township 13 north, range 10 west, W. M., in Pacific county.

Purpose of dams.

SEC. 2. The authority herein given may be exercised by the persons who own the lands bordering upon and along said streams above the location of said dams or by any number of them representing a majority of the foot frontage of property along said streams upon application therefor to the commissioner of public lands and approved by him as hereinafter provided or may be exercised by the state director of highways acting on behalf of the state or by the board of county commissioners of Pacific county acting on behalf of the county, or by such persons, director and board, or any of them, jointly.

Bordering land owners.

SEC. 3. Whenever any one or more of the property owners as named in section 2 shall, either severally or jointly with the state director of highways and/or the board of county commissioners of Pacific county, apply to the commissioner of public lands for the right to construct a dam on Palix River or Niawaukum River as herein authorized, and show

Director of highways.

County commissioners.

Application,
hearing.

Bond for
damages.

that he or they are the owners of lands bordering upon or along said Palix River or Niawaukum River above the location of said dams, and that the owners of a majority of the foot frontage along said streams join in said petition or waive any objection thereto, the said commissioner shall fix a time for a hearing on such application and shall post notices thereof, or cause notices to be posted, in at least three places on and along the property affected thereby. If after such hearing the commissioner shall be satisfied that the owners of a majority of the lands bordering upon and along said streams desire such dams, or waive any objections thereto, he shall cause the property owner applicants for such right to file a good and sufficient bond in amount to be fixed by him to compensate any person or persons who may claim to be injured by said dams for the damages sustained, or the proportionate amount thereof in case of a joint application by property owners, and the state director of highways and/or the board of county commissioners of Pacific county, and upon the filing of such bond shall grant the applicants the right to construct such dams. In case the application is made by the state director of highways and/or the board of county commissioners of Pacific county without property owners joining in such application, the commissioner of public lands may grant the right to construct such dam or dams without hearing.

Construc-
tion,
character.

Fishways.

Use as public
highway.

SEC. 4. The dams herein authorized shall be built in good and substantial manner to be approved by the commissioner of public lands, and they shall also provide gates or fishways for the passage of fish through the same in a manner to be approved by the state director of fisheries, and shall be subject to the right of the State of Washington or the county of Pacific to use the same for a public highway without compensation to the owners thereof.

The applicant or applicants for a right to construct such dams, and their successors and assigns, shall also be responsible for the safe upkeep and repair of the same: *Provided*, That in case said dam or dams shall be appropriated and used as a public highway by the State of Washington or the county of Pacific, then and in that event the state or county, as the case may be, shall maintain the same.

Claims for
damage.

SEC. 5. If any person owning or having an interest in lands bordering on or along said streams shall believe himself damaged by the construction of such dams, he shall file his claim with the commissioner of public lands not later than six months after the completion and acceptance of such dams. Upon the filing of such claim the commissioner of public lands shall cause an action to be brought in the superior court of Pacific county to ascertain the amount of such damage, and the amount of such damage so ascertained, together with the costs in the suit, shall be liability against the applicant or applicants to whom the right to build such dams was granted, and in case of property owner applicants such claim may be enforced against the bond filed with the commissioner of public lands as above provided and may be enforced against the State of Washington or the county of Pacific in the manner provided by law for the enforcement of claims against the state or any county.

Court
action.

Passed the Senate February 26, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 99.

[S. B. 106.]

BRIDGES IN CITIES AND TOWNS.

AN ACT relating to bridges in cities and towns in second and third class counties and amending Section 3 of Chapter 103 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 3 of chapter 103 of the Laws of the Extraordinary Session of 1925 (section 6523-3 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Section 3. If a majority of the voters at such election shall vote in favor of the proposition submitted with respect to such bridges, the board of county commissioners shall, at its next regular meeting following the canvass of the returns of such elections, create and establish a fund from which shall be paid the expenses of operation, maintenance, repair and/or reconstruction of such bridges. The board shall at said meeting adopt a resolution that the county is ready to assume the operation, maintenance, repair and/or reconstruction of such bridges, and shall forthwith transmit a copy of such resolution to the city council of each city in which such a bridge is located, and thereafter the county shall assume the operation, maintenance, repair and/or reconstruction of such bridges, and for that purpose may issue warrants against such fund, such warrants to be taken up and paid in the regular order of their issuances when there is sufficient money in said fund therefor. Such board of county commissioners shall thereafter each year, at the time of preparing the budget for the next succeeding year, provide for the expense of operation, maintenance, repair and/or reconstruction of such bridges and shall levy a tax for such purpose on all the tax-

Amends
§ 3, ch. 103,
Ex. Laws
1925 ;
§ 6523-3,
Rem. Comp.
Stat., 1927
Sup.

Expense of
operation,
mainte-
nance, etc.

Payment.

Budget.

able property of the county not exceeding two (2) mills in any one year.

Passed the Senate February 16, 1931.

Passed the House March 9, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 100.

[S. B. 151.]

RESERVATION OF SHORE LANDS FOR PARK PURPOSES.

AN ACT reserving from sale or lease certain shore lands for park purposes.

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

SECTION 1. The commissioner of public lands is hereby authorized and directed to reserve from sale or lease for park purposes, the shore lands in front of that part of lot ten (10), section three (3), township eight (8) north, range thirty (30) east, W. M., in Franklin county, described as follows:

Reserved
from sale
or lease.

Beginning at the junction point of the meander lines of the Snake River and the Columbia River, and running thence northwesterly up the Columbia River along the meander line one-hundred (100) feet, thence northeasterly parallel to the meander line of the Snake River four-hundred and twenty-five (425) feet, thence southeasterly parallel to the meander line of the Columbia River one-hundred (100) feet to the meander line of the Snake River, and thence southwesterly along said meander line of the Snake River four-hundred and twenty-five (425) feet to said place of beginning.

Description.

SEC. 2. That all of the said shore lands described in section 1 are to be reserved from sale or lease for use in connection with the Lewis and Clark

Use with
Lewis and
Clark
Memorial
Park.

Memorial Park, as long as the abutting uplands are used for park purposes.

Passed the Senate February 17, 1931.

Passed the House March 11, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 101.

[S. B. 159.]

FRATERNAL BENEFIT SOCIETIES.

AN ACT relating to fraternal benefit societies; amending the Insurance Code, Sections 7266, 7281 and 7282 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 7266 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 7266. Every certificate issued by any such society shall specify the amount of benefit provided thereby and the plan of insurance upon which it is written and shall provide that the certificate, the charter or articles of incorporation, or if a voluntary association, the articles of association, the constitution and laws of the society, and the application for membership signed by the applicant, and all amendments to each thereof shall constitute the agreement between the society and the member, and copies of the same certified by the secretary of the society, or corresponding officer, shall be received in evidence of the terms and conditions thereof, and any changes, additions or amendments to said charter or articles of incorporation, or articles of association if a voluntary association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificates, shall bind the member and his beneficiaries and shall govern and con-

Amends
§ 7266, Rem.
Comp. Stat.

Certificates,
specify
amount
and plan.

Agreement
with
members.

trol the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

SEC. 2. That section 7281 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 7281, Rem.
Comp. Stat.

Section 7281. Every society transacting business in this state shall annually, on or before the fifteenth day of March, file with the commissioner in such form as he may require, a statement under oath of its president and secretary, or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for one year ending on that date, and also shall furnish such other information as the commissioner may deem necessary to a proper exhibit of its business and plan of working. The commissioner may at other times require any further statement he may deem necessary to be made relating to such society.

Annual
statement.

In addition to the annual report herein required, each society shall annually report to the commissioner in valuation of its certificates in force on the thirty-first day of December last preceding, excluding those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses: *Provided*, That the first report of valuation shall be made as of December thirty-first, nineteen hundred and thirty-one. Such report of valuation shall show, as contingent liabilities, the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and, as contingent assets, the present mid-year value of the future net contributions provided in the constitution and laws as the same are in practice actually col-

Annual
certificate
valuation
report.

Showing.

lected. At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided, and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years. Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the commissioner within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the national fraternal congress table of mortality as adopted by the national fraternal congress August 23, 1899, or, at the option of the society, any higher table, or at its option, it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with interest assumption not more than four per cent per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Each society shall value its certificates according to the plan named therein. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society: *Provided*, That where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience and in such case a separation of the funds shall not be required.

An annual report of such valuation and an explanation of the facts concerning the condition of

the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June first of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of its members, together with the admitted assets, are insufficient to mature its certificates in full, and to provide for the creation and maintenance of the funds required by its laws, additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per cent per annum.

Contributions of members.

SEC. 3. That section 7282 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends § 7282, Rem. Comp. Stat.

Section 7282. If the valuation of the certificates as hereinbefore provided, on December 31, 1931, shall show that the present value of future net contributions together with the admitted assets is less than ninety per cent of present value of the promised benefits and accrued liabilities, such society shall be required thereafter to reduce such deficiency not less than ten per centum of the total deficiency on said December 31, 1931, at each succeeding triennial valuation. If at any succeeding triennial valuation such society does not show such percentage of improvement, the commissioner shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has not made the percentage of improvement

Deficiency in valuation of certificates.

Reduce.

Triennial valuation.

required herein, the commissioner may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society in accordance with the provisions of section 230 (7283 Remington's Compiled Statutes) of this act, or in the case of a foreign society, he may cancel its license to transact business in this state.

Any such society shown by any triennial valuation subsequent to December 31, 1931, not to have made the improvements herein required, shall, within one year thereafter, complete such deficient improvement, or thereafter as to all new members admitted be subject, so far as stated rates of contributions are concerned, to the provisions of section 217 (7270 Remington's Compiled Statutes) of this act applicable to the organization of new societies: *Provided*, That the contributions and funds of such new members shall be kept separate and apart from the other funds of the society until the required improvement shall be shown by valuation. If such required improvement is not shown by the succeeding triennial valuation, then the said new members shall be placed in a separate class and their certificates valued as an independent society in respect to contributions and funds.

New
members.

Passed the Senate February 12, 1931.

Passed the House March 9, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 102.

[S. B. 160.]

FRATERNAL BENEFIT SOCIETIES.

AN ACT relating to fraternal benefit societies; amending the Insurance Code, Sections 7293, 7294, 7295 and 7296 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 7293, Remington's Compiled Statutes of Washington, be amended to read as follows:

Amends
§ 7293, Rem.
Comp. Stat.

Section 7293. Any fraternal benefit society operating on the lodge system and authorized to transact the business of fraternal insurance in this state, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of one and eighteen years at next birthday, for whose support and maintenance a member of such society is responsible. Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total benefits payable, as above provided, shall in no case exceed the following amounts at ages at next birthday at time of death, respectively, as follows: One year \$25; two years \$50; three years \$75; four years \$100; five years \$130; six years \$175; seven years \$200; eight years \$250; nine years \$325; ten years \$400; eleven years \$500; twelve years \$600; thirteen years \$700; fourteen years \$800; fifteen years \$900; and sixteen to eighteen years where not otherwise authorized by law, \$1000.

Death and
annuity
benefits on
children.

Total
payable.

Amends
§ 7294, Rem.
Comp. Stat.

SEC. 2. That section 7294, Remington's Compiled Statutes of Washington, be amended to read as follows:

Death
benefit con-
tributions,
basis.

Section 7294. The death benefit contributions to be made upon such certificates shall be based upon the "Standard Industrial Mortality Table," or the "English Life Table Number Six," and a rate of interest not greater than four per cent per annum or upon a higher standard: *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 by-laws; *And, provided, further*, That extra contributions shall be made if the reserves hereafter provided for become impaired.

Amends
§ 7295, Rem.
Comp. Stat.

SEC. 3. That section 7295, Remington's Compiled Statutes, be amended to read as follows:

Reserve
required.

Section 7295. Any society entering into such insurance agreements shall maintain in all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in section 7294, Remington's Compiled Statutes: *Provided*, That a society may provide that when a child reaches the minimum age for initiation into membership in such society, any benefit certificate issued hereunder may be surrendered for cancellation and exchanged for any other forms of certificate issued by the society.

Initiation
of child.

New
certificate.

Upon the issuance of such new certificate, any reserve upon the original certificate herein provided for shall be transferred to the credit of the new certificate. Neither the person who originally made application for benefits on account of such child, nor the beneficiary named in such original certificate, nor the person who paid the contribution, shall have any vested right in such new certificate, the free nomination of a beneficiary under the new certificate to be left to the child so admitted to benefit membership.

SEC. 4. That section 7296, Remington's Compiled Statutes of Washington, be amended to read as follows:

Amends
§ 7296, Rem.
Comp. Stat.

Section 7296. A statement of all business transacted on account of juvenile benefit insurance, showing assets and liabilities, shall be included by any society availing itself of the privileges of this act, in its annual report to the insurance commissioner. The assets, funds and liabilities required hereby shall not be terminated, rescinded or modified, nor shall the funds be divested for any use other than as specified in section 7295, Remington's Compiled Statutes, as long as any certificate issued hereunder remains in force, and this requirement shall be recognized and enforced in any liquidation, re-insurance, merger, or other change in the condition of the status of the society.

Statement
of juvenile
benefit
insurance.

Passed the Senate February 12, 1931.

Passed the House March 9, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 103.

[S. B. 203.]

OATH OF ALLEGIANCE BY SCHOOL TEACHERS.

AN ACT relating to education and providing for an oath or affirmation to be required of all teachers, instructors or professors in the public schools and educational institutions of the state, and those supported in whole or in part by the state.

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

SECTION 1. That every person applying for a license to teach or renewing an existing contract, in the State of Washington, shall take and subscribe to the following oath or affirmation:

"I solemnly swear (or affirm) that I will support the constitution and laws of the United States of

Form of
oath of
allegiance.

America and of the State of Washington, and will by precept and example promote respect for the flag and the institutions of the United States of America and the State of Washington, reverence for law and order and undivided allegiance to the government of the United States.”

No license
or contract
to teach,
without.

No license to teach in the State of Washington shall be issued, or contract, or renewal thereof, signed by any school board, unless it shall affirmatively appear on said license or in said contract, or renewal thereof that such teacher has taken, subscribed and filed therewith the foregoing oath or affirmation.

Higher
educational
institutions.

SEC. 2. Every professor, instructor or teacher, who shall be employed hereafter or whose contract may be renewed by any state institution of higher education, or any school supported in whole or in part by public funds, or is entirely or in part exempt from taxation, shall before entering upon the discharge of his or her duties subscribe to the oath or affirmation prescribed in section 1 before a person authorized by law to administer oaths and/or affirmations, such oath or affirmation to be executed in duplicate and one copy filed with the head of such institution and the other retained by such deponent.

Clerks to
administer.

SEC. 3. The clerks of school boards are hereby authorized to administer the oath required by this act.

Unlawful to
issue license
or contract,
without.

SEC. 4. It shall be unlawful for any person authorized to issue license to teach or any school board to hereafter issue any new license to teach in the state or execute any contract or renewal thereof with any person or persons who fail or refuse to execute the oath or affirmation herein provided, and any contract executed or renewed or license issued in violation hereof shall be and is hereby declared to be null and void.

SEC. 5. If any section of this act shall for any reason be held invalid, that such construction shall not affect the other provisions herein contained not expressly invalidated.

Invalidity of part not to affect balance.

SEC. 6. The oath herein provided shall be required of all teachers whose contracts are renewed or executed from and after March 1, 1931.

Contracts on and after March 1, 1931.

Passed the Senate March 4, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 104.

[S. B. 223.]

COMPENSATION FOR WORKMEN ENGAGED IN EXTRA-HAZARDOUS EMPLOYMENTS.

AN ACT relating to the compensation, medical and surgical care of workmen injured; the safety of workmen engaged in extra-hazardous employment; to the compensation of the dependents of such workmen in case of death; to the liability of the employers of workmen so engaged, for such compensations and cost of care and treatment; amending Section 4 of Chapter 74 of the Laws of 1911, and repealing certain acts and parts of acts in relation thereto.

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

SECTION 1. That section 4 of chapter 74 of the Laws of 1911, as amended by section 3 of chapter 310 of the Laws of 1927 (section 7676 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends § 4, ch. 74, Laws 1911; § 3, ch. 310, Laws 1927; § 7676, Rem. Comp. Stat. 1927 Sup.

Section 4. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall prior to the fifteenth day of February, 1932, and prior to the fifteenth day of each month thereafter, pay into the state treasury (1) for the accident fund, a sum equal to a percentage of his total payroll for the preceding calendar

Employer to pay percentage of payroll.

Accident fund.

Medical
aid fund.

Classes and
sub-classes.

Monthly
balance in
accident
fund.

Payments
into accident
fund, how
determined.

month, and (2) for the medical aid fund a certain number of cents for each day worked by workmen, all while engaged in extra-hazardous employment. The employments as classed and sub-classed, together with the industrial insurance and medical aid premium or assessment rates, all as contained in this section prior to the taking effect of this amendment, except as cancelled, changed or added to, or as hereafter cancelled, changed or added to, by the director of labor and industries in the manner provided by law, shall constitute the employments, classes and sub-classes and also the rates of premiums or assessments to which the act is applicable; subject, however, to the provisions in this section contained: *Provided*, That as nearly as may be practicable, the balance in the accident fund of any class, on the first day of each calendar month, together with the estimated payments to be made on or before the fifteenth day of each respective calendar month, shall not exceed one hundred and twenty-five per cent of the estimated amount required to carry such class for such month, based on the previous five years experience of such class, but there may be added the amount of the estimated deficit, if any, in the accident fund of such class on the first of such calendar month.

The amounts to be paid into the accident fund shall be determined as follows: The department of labor and industries shall, prior to the first day of January, 1932, and prior to the first day of January of each year thereafter, determine for each class and/or sub-class a basic premium rate for the ensuing calendar year, and in so doing shall take into consideration, first, the cost experience of each class and sub-class over the two year period immediately preceding September first of the year in which the basic rate is being fixed; second, the then condition of each class and sub-class account.

The department of labor and industries shall also, prior to the first day of January, 1932, and prior to the first day of January of each year thereafter, determine the percentage of the payroll to be paid into said accident fund during the ensuing year by each employer to be credited to each class and/or sub-class account applicable to the employer's operations of business, and in so doing shall take into consideration the average cost experience of each employer for each one-hundred dollars of payroll in each such class or sub-class over the two year period immediately preceding September first of the year in which the percentage rate is being determined, and in so computing the cost experience of any employer the fixed sum of four thousand dollars (\$4,000) shall be charged against his experience for each injury resulting in the death or total permanent disability of a workman instead of the actual cost to the accident fund of such injury. The actual rate or per cent of payroll which any employer shall be required to pay for the accident fund shall be twenty-five per cent (25%) of the basic rate, plus seventy-five per cent (75%) of the employer's cost rate for each one hundred dollars (\$100) of payroll over the two year period next preceding the then last September first, but in no case shall the total rate exceed one hundred seventy-five per cent (175%) of the basic rate. If any employer shall operate more than one plant or establishment a premium rate shall be determined for each plant or establishment according to its experience cost.

Department
to make
annual
estimate of
payroll
percentage.

Actual rate.

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of labor and industries of such fact, accompanying such notification with an estimate of his

Work after
final ad-
justment.

payroll for the first calendar month of his proposed operations, and shall make payment of the premium on such estimated payroll. Every such employer shall be liable for a premium of at least such estimated payroll. Every such employer shall pay the full basic rate until such time as an experience rating in excess of a year period may be computed as of a first succeeding September first date, and shall be liable for a premium of at least one dollar irrespective of the amount of his payroll.

High cost
experience.

To the end that no employer shall evade the burden imposed by an unfavorable or high cost experience, the director of labor and industries shall have the power to determine whether or not an increase, decrease or change (a) of operating property; (b) of interest in operating property; (c) of employer; (d) of personnel or interest in employer is sufficient to show a *bona fide* change which would make inoperative any high cost experience.

Monthly
report of
payroll.

Every employer within the provisions of this act shall on or before the fifteenth day of each month hereafter furnish the department with a true and accurate payroll showing the aggregate number of work days, that is men-days, during which workmen were employed by him during the preceding calendar month, the total amount paid to such workmen during such preceding calendar month, and a segregation of employment in the different classes provided in this act, and shall pay his premium thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval of the director of labor and industries.

Employer to
keep record
of employ-
ment.

Every employer shall keep at his place of business a record of his employment from which the above information may be obtained and such record shall at all times be open to the inspection of the director of labor and industries, supervisor of industrial insurance, or the traveling auditors, agents or

assistants of the department, as provided in section 7690 of Remington's Compiled Statutes of Washington.

In all cases where partners or other persons are excluded on the payroll such statement shall state both the names and occupations of the parties excluded and no such person shall be entitled to compensation unless notice in writing that such excluded person has been included is received by the department prior to the date of injury to such person. Such employer shall at the time of reporting his payroll also state the names and addresses of any contractor or sub-contractor operating for or under him.

Partners
or others
excluded.

Every person, firm or corporation who shall fail to keep such record or fail to make such report in the manner and at the time herein provided shall be subject to a penalty of one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the state and paid into the accident fund.

Penalty
failure to
report.

Every employer who shall fail to furnish an estimated payroll and make payments as above provided shall be liable to a penalty of not to exceed five hundred dollars (\$500.00) and shall also be liable if an accident has been sustained by an employee prior to the time such estimate is received by the department, to a penalty in a sum equal to fifty per cent of the cost to the accident fund and medical aid fund of such accident, to be collected in a civil action in the name of the state, and paid into the accident fund. The director of labor and industries may waive the whole or any part of any penalty charged under this act. In respect to any injury happening to any of his workmen during the period such employer shall be in default in the payment of any premium, if such default be after demand for payment, or if such employer shall be in default for failure to

Penalty
failure to
furnish
estimate of
payroll.

Default of
premium.

Action by
injured
workmen.

furnish the department with an estimated payroll or with monthly reports of his payroll as required by this section, the defaulting employer shall not be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or his beneficiaries and dependents), at his or their option, as he would have been on March 14, 1911, and in any action brought against such employer, it shall be no defense for such employer to show that such injury was caused in whole or in part by the negligence of a fellow servant of the injured workman, that the negligence of the injured workman, other than his wilful act committed for the purpose of sustaining the injury, contributed to the accident, or that the injured workman had knowledge of the danger or assumed the risk which resulted in his injury. If such injured workman or his beneficiaries, or dependents, shall elect to take under this act, such action against the employer shall revert to the state for the benefit of the accident fund.

Misrepresentation by
employer,
penalty.

Any employer who shall misrepresent to the department the amount of his payroll or the number of days upon which the premium under this act is based shall be liable to the state in ten times the amount of the difference in premiums paid and the amount the employer should have paid, and shall also be guilty of a misdemeanor if such misrepresentations shall be made knowingly. Civil penalties to the state under this act shall be collected by civil action in the name of the state and paid into the accident fund.

New contract, failure
to report,
penalty.

Any person, firm or corporation who not having previously reported to the department shall establish any new plant, or works, or enter upon the performance of any new building contract or construction contract and who shall fail to send written notice thereof to the department within five days after such establishing or entering shall be guilty of a misdemeanor.

For the purpose of such payments into the accident fund accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. The fund thereby created shall be termed the "accident fund" which shall be devoted to the purpose specified for it in this act.

Accounts,
accident
fund.

The medical aid fund created in section 7713 of Remington's Compiled Statutes of Washington shall not be kept by classes and all payments shall be made from the one fund, but accounts shall be kept with each class and sub-class of industry in accordance with the classification herein provided for the purpose of computing the medical aid cost experience of such classes and sub-classes and determining the correctness of the medical aid rates charged such classes and sub-classes.

Accounts,
medical
aid fund.

In that the intent is that the accident fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, the rates named in this section are subject to future adjustment by the director of labor and industries, in accordance with any relative increase or decrease in hazard shown by experience, and if in the adjustment by the director of labor and industries the moneys paid into the fund of 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.

Adjustment
of rates

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid into the accident fund from

Deduction
from wages
prohibited.

Classifica-
tions,
corrected.

the wages or earnings of his workmen or any of them, and the making or attempting to make any such deduction shall be a gross misdemeanor. The director of labor and industries shall make corrections of classifications as between classes of industries if and as experience shall show error or inaccuracy therein. From the original classification or premium rating or any change made therein, any employer claiming to be aggrieved may upon application have a hearing before the joint board created by the administrative code upon notice to the interested parties, and in the manner provided in section 8 hereof, a review by the courts.

Single estab-
lishment,
different
risk classes.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the payroll of each occupation, or in the discretion of the director of labor and industries, a single rate of premium may be charged for the entire establishment based upon the rate of premium of the occupation reporting the largest payroll: *Provided*, That when a single establishment or work comprises distinct different risk classes, each employing a considerable number of persons, the right to have the premium computed according to the payroll of each occupation shall not be denied the employer without hearing. In computing the payroll the entire compensation received by every workman employed in extra-hazardous employment shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit sharing, premium or otherwise, and whether payable in money, board, or otherwise.

Department
attorney to
collect
premiums.

The director of labor and industries shall have power to authorize any employee of the department who is an attorney admitted to practice law in the State of Washington to appear for the department in any action instituted for the purpose of collecting industrial insurance premiums.

Except as otherwise provided herein this section shall take effect as of September 1, 1932.

SEC. 2. Nothing in this act contained shall be construed to affect coal mines (include shaft sinking and all tunneling in connection with coal mines), but such industries shall be governed exclusively by the laws in force prior to the taking effect of this act, as fully, to all intents and purposes, as if this act had not taken effect.

Coal mines
not affected.

SEC. 3. That, except as in this act continued in force or otherwise provided, section 60, 61, 62, 63 and 65 of chapter 130 of the Laws of 1919; section 14 and 15 of chapter 182 of the Laws of 1921; sections 15, 16, 17, 18 and 19 of chapter 136 of the Laws of 1923, and section 10 of chapter 310 of the Laws of 1927 (sections 7781, 7782, 7783, 7784 and 7786 of Remington's Compiled Statutes) are hereby repealed.

Repeals
certain acts.

Passed the Senate March 7, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 105.

[S. B. 240.]

DEEDS TO UNITED STATES OF RESERVED RIGHTS IN STATE LANDS.

AN ACT relating to state lands; providing for the execution in certain cases of a deed of conveyance to the United States of America of certain rights reserved to the state in the sale thereof.

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

SECTION 1. Whenever the state shall have heretofore sold or may hereafter sell any state lands and issued a contract of purchase or executed a deed of conveyance therefor, in which there is a reservation

of all oils, gases, coal, ores, minerals and fossils of every kind and of rights in connection therewith, and the United States of America shall have acquired for governmental purposes and uses all right, title, claim and interest of the purchaser, or grantee, or his successors in interest or assigns, in or to said contract or the land described therein, except such reserved rights, and no oils, gases, coal, ores, minerals or fossils of any kind have been discovered or are known to exist in or upon such lands, the commissioner of public lands may, if he deems advisable, cause to be prepared a deed of conveyance to the United States of America of such reserved rights, and certify the same to the governor in the manner provided by law for deeds to state lands, and the governor shall be, and hereby is authorized to execute, and the secretary of state to attest, a deed of conveyance for such reserved rights to the United States of America.

Passed the Senate March 3, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 106.

[S. B. 7.]

RE-ASSESSMENT AND RE-TAXATION OF PROPERTY.

AN ACT providing for the re-assessment and re-taxation of property for past and future years, and declaring that this act shall take effect immediately.

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

SECTION 1. The terms used in this act shall be construed as follows: The phrase "error in taxation" shall mean and embrace any action on the part of any assessing or taxing officer or board resulting in taxes being levied on any property at an amount in excess of what they should have been, or resulting

Terms
defined.

in a tax void in whole or in part; the word "owner" shall be construed to mean the person owning the legal title to the property which shall be re-assessed and re-taxed pursuant to this act as shown by the county auditor's records; the phrase "re-levied tax" shall mean the tax levied on any property as a result of a re-assessment as provided in this Act; the phrase "original tax" shall mean the tax originally levied upon the property for the year or years for which a re-assessment and re-levy is made; the phrase "original assessment" shall mean all of the proceedings of the assessing and taxing officers leading up to the actual levying of the original tax; the phrase "original assessment date" shall mean the date as of which the property in question was valued for the purpose of fixing the original tax thereon; the word "hearing" shall mean a proceeding in which any taxpayer or other person having an interest in the matter concerning which such hearing is had, is afforded an opportunity of making such showing with respect thereto, as he may desire; the phrase "tax commission" shall mean the tax commission of the State of Washington; the term "person" shall import both the singular and plural as the case may demand, or as shall be applicable, and shall include individuals, copartnerships, corporations, and unincorporated societies and associations.

SEC. 2. Whenever it shall appear to the tax commission from any protest accompanying the payment of taxes heretofore or hereafter filed with any county or state board or officer, or petition or complaint heretofore or hereafter served or filed in any court for or on behalf of such taxpayer and an investigation of the facts upon which such protest, petition or complaint is based that any error in taxation has occurred in the assessment or taxation heretofore or hereafter made of any property taxable in this state, and such assessment appears to be

Protest
filed.

Re-listed,
re-valued,
re-assessed,
re-taxed.

excessive or void in whole or in part, such property shall forthwith, in the manner provided in this act, be re-listed, re-valued, re-assessed and re-taxed for the year or years in the assessment and taxation of which such error or errors in taxation was or were made: *Provided, however,* that there shall not be more than one re-assessment and/or re-taxation proceedings under the provisions of this Act, relating to the same property for the same year's taxes.

Notice.

Description
of property.

Notice
published.

Service.

SEC. 3. The tax commission shall cause a notice, signed by it, to be served upon the owner in the manner hereinafter provided, which notice shall be addressed to the owner and also "to all persons known and unknown having or claiming any interest in the property in this notice described," shall describe such property with the same particularity as the same is required by law to be described upon the assessment rolls, and shall give notice that at a time to be fixed in such notice (which time shall not be less than ten, nor more than thirty days after the date of the last publication of such notice hereinafter provided), such tax commission will, at its office proceed to re-assess and re-tax said property for the particular year or years involved (naming them) and further giving notice that said owner or other interested persons may appear at the time and place set forth in said notice, and show cause, if any there be, why such re-assessment and re-taxation should not be made, and make such showing as they shall desire to make as to the claimed illegality of such tax. Such notice shall also be published once a week for three consecutive weeks in a newspaper printed and published and of general circulation in one of the counties in which such property is located. A copy of such notice shall also be mailed not less than ten days prior to the date fixed for such hearing to the prosecuting attorney of each county in which the property involved is located.

The notice referred to in this section shall be served either (1) in the same manner as personal service of summons in civil actions is made, or (2) by depositing a true copy thereof in the United States postoffice at Olympia, Washington, securely wrapped and plainly addressed to such owner at his last known address. Proof of such service shall be made by the affidavit of the person making such service.

SEC. 4. A hearing shall be had at the time and place set forth in the notice provided for in section three hereof, and thereafter the tax commission shall determine, as of the original assessment date, and in the manner provided by existing law, the cash market value of the property in question, and the ratio between cash market value and assessed value of the other taxable property in the county where such property is located, and shall fix the equalized value of the property in question at that percentage of its cash market value as of the original assessment date, which the equalized assessed value of the general taxable property in the county where such re-assessed property is located, bore to its cash market value: *Provided, however,* that in case of a protest, complaint or petition based upon an alleged excessive assessment, the re-assessment shall not exceed the original assessment. Hearing.

SEC. 5. If the original assessment was made by a county assessor, the equalized valuation of such property for the purpose of such re-assessment and any other corrections made by the tax commission in the original tax shall be forthwith certified to the county assessor of the county in which such re-assessed property is located, and the same shall be entered and the tax extended by such assessor under an appropriate heading, in the assessment rolls for the year or years for which such re-assessment is made, in the same manner as provided by existing Equalize value.
Certified to county assessor.

Original
assessment
by tax
commission.

Re-assess-
ment
apportioned
to counties.

law for the entry and extension of the original assessment of such property. If the original assessment was made by the tax commission, the equalized valuation of such property for the purpose of such re-assessment shall be forthwith entered by the tax commission under an appropriate heading, in its assessment rolls for the year or years for which such re-assessment was made, and shall be apportioned to the county or counties, and certified to the county assessors of the proper counties, and shall be distributed by the county assessors among taxing districts, and shall be placed upon the county tax rolls, in the same manner as provided by existing law for the entry and extension of the original assessment of such property.

Re-list
property ;
re-levy
tax.

The officers authorized by existing law to levy and collect taxes on said property shall forthwith proceed to re-list said property, and to re-levy and collect the tax thereon as of the original assessment year or years, in the same manner as provided by existing law for the listing of property, and the levying and collection of taxes thereon, save and except, that each such officer shall, in turn, perform the several duties to be performed by him in connection with such re-assessment and re-taxation, as soon as the completion of the duties of other officers in connection therewith make it possible for him to do so: *Provided*, that such tax as re-assessed and re-levied shall be figured and determined at the same tax-rate as the original tax on said property for the year or years for which said re-assessment was made, was or should have been, figured and determined.

Substitution
for original
tax.

Sec. 6. The tax as so re-levied and re-assessed shall, for all purposes, be deemed to have been levied on said property as of the time that the original tax was levied, and in substitution therefor, and all payments made upon such original tax shall be deemed to have been made upon, and shall be

credited upon, such re-levied tax, as of the time and with the same effect as though made on such re-levied tax: *Provided, however,* That any portion of the re-levied tax that shall not have been paid prior to the date of delinquency of the original tax shall bear interest at the same rate and from the same dates as the unpaid portion of the original tax.

SEC. 7. As soon as any such re-levied tax shall have been re-assessed and re-levied as herein provided, the board of county commissioners shall forthwith, by proper resolution, order and direct the repayment to the owner of the property affected, of such an amount as the payments theretofore made upon the original tax exceed the amount of such re-levied tax (the amount of which shall be certified by the county treasurer to said commissioners), together with interest on such excess at six per cent per annum from the date or dates of such excess payment, and such repayment shall be made by warrants drawn upon a fund in said treasury hereby created to be known and designated as the county tax refund fund.

Re-payment
to owner of
excess paid.

County tax
refund fund.

Annually, at the time required by law for the levying of taxes for county purposes the proper county officers required by law to make and enter such tax levies, shall make and enter a tax levy or levies for said county tax refund fund as follows:

Tax levy
for.

(1) A levy upon all of the taxable property within the county for the amount of all taxes collected by the county for county and/or state purposes, and which the board of county commissioners has ordered and directed to be repaid within the preceding twelve months, including legal interest, together with the additional amounts hereinafter provided for;

(2) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes collected by the county for the purposes

of the various taxing districts in such county, which the board of county commissioners has ordered and directed to be repaid within the preceding twelve months, including legal interest, together with the additional amounts hereinafter provided for.

Interest.

The aforesaid levy or levies shall also include a proper share of the interest paid out of said fund during said twelve months upon warrants issued against said fund, plus an additional amount not to exceed ten per cent of the total of the preceding items required to be included in such levy or levies as such levying officers shall deem necessary to meet the obligations of such fund, taking into consideration the probable portions of such taxes that will not be collected or collectible during the year in which they are due and payable, and also any unobligated cash on hand in said fund.

Invalidity
of part not
to affect
balance.

SEC. 8. If any section or provision of this Act be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Effective im-
mediately.

SEC. 9. This Act is necessary for the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 11, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 107.

[S. B. 78.]

ENGINEERING LIENS.

AN ACT relating to and creating liens on real property for engineering work and providing for the establishment and foreclosure thereof.

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

SECTION 1. Any person who at the request of Established. the owner of any real property, or his duly authorized agent, surveys, establishes or marks the boundaries of, or prepares maps, plans or specifications for the improvement of such real property, or does any other engineering work upon such real property, shall have a lien upon such real property for the agreed price or reasonable value of such work so performed.

SEC. 2. The liens created by this Act shall be Foreclosure. established by notice filed and shall be foreclosed in the manner as is now provided by law for the establishment and foreclosure of liens upon real estate for clearing, grading or otherwise improving the same.

Passed the Senate March 11, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 108.

[S. B. 220.]

GAME AND GAME FISH.

AN ACT relating to and providing for the protection and disposition of wild animals, providing for the licensing and regulation of hunting and fishing, fixing certain seasons when hunting is prohibited, amending Sections 10, 11, 42, 43, 44, 45, 47, 48, 50, 52, 52-a, 52-b, 92, of Chapter 178 of the Laws of the Extraordinary Session of 1925 and adding thereto seven new sections to be known as Sections 106-a, 106-b, 106-c, 106-d, 106-e, 106-f, 106-g and repealing Sections 46 and 49 of said Chapter 178.

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

SECTION 1. That section 10 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends
§ 10, ch. 178,
Ex. Laws
1925.

Section 10. The supervisor of game and game fish shall have jurisdiction to enforce the provisions of this act and all laws relating to game animals, fur-bearing animals, game birds, non-game birds and game fish.

Supervisor
of game and
game fish
to enforce.

SEC. 2. That section 11 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends
§ 11, ch. 178,
Ex. Laws
1925.

Section 11. A county game commission consisting of three residents of each county in the state is hereby created.

County
game
commission.

The county game commission shall be appointed by the supervisor of game and game fish to hold office at his pleasure.

Term of
office.

The game commissioners for each county shall appoint a county game warden and may also employ a sufficient number of deputy county game wardens, special deputy county game wardens and office assistants necessary to carry out the purpose of this act. The salaries and terms of service of the county game wardens, deputy game wardens and office as-

County
game
warden.

Deputy.

Salaries
and term.

sistants shall be fixed by the game commission of each county, which salaries shall not be fixed by said commission in excess of the available funds. Special deputy county game wardens shall receive no salary, but shall have the same authority as other deputy county game wardens.

This section shall be construed as a re-enactment of existing laws and all county game commissioners holding office at the time of taking effect of this act shall continue in office until removed by the supervisor of game and game fish.

Such appointment shall be in writing and a copy thereof mailed to the county auditor and by him indexed in the miscellaneous records. Each appointee, if he accept the appointment, shall within thirty days qualify by subscribing an oath, which oath shall be filed with the county auditor and indexed as aforesaid.

Written appointment.

SEC. 3. That section 42 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends
§ 42, ch. 178,
Ex. Laws
1925.

Section 42. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States, and who has been an actual resident of this state for six months may, by paying to a county auditor the sum of seven dollars and fifty cents (\$7.50), 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 would otherwise be lawful to hunt or fish within said county.

Resident
state hunting
and fishing
license, fee.

SEC. 4. That section 43 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends
§ 43, ch. 178,
Ex. Laws
1925.

Section 43. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States, and who

Resident
county game
license, fee.

has been an actual resident of this state for six months may, by paying to a county auditor the sum of one dollar and fifty cents (\$1.50), obtain a hunting and fishing license which shall entitle the holder thereof to hunt game birds and game animals and fish within the county for which such license is issued until the first day of January next following the date of issuance, at any time when it is otherwise lawful to hunt or fish in such county.

Amends
§ 44, ch. 178,
Ex. Laws
1925;
§ 8, ch. 258,
Laws 1927.

SEC. 5. That section 44 of chapter 178, of the Laws of the Extraordinary Session of 1925, as amended by section 8 of chapter 258 of the Laws of 1927, be amended to read as follows:

Non-resident
state license,
fee.

Section 44. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States, and who is a non-resident of the State of Washington, or who has been a resident of this state for less than six months, may, by paying to a county auditor the sum of twenty-five dollars (\$25.00), obtain a hunting and fishing license which shall entitle the holder thereof to hunt game birds and game animals and fish in any county of the state up to and including the first day of January next following the date of its issuance, when it would otherwise be lawful to hunt or fish in said county: *Provided*, That an applicant for such license who is a resident of any of the states bordering on the State of Washington shall secure such license for the same amount that a resident of the State of Washington may secure a similar license in the state of which the applicant is a resident.

Amends
§ 45, ch. 178,
Ex. Laws
1925.

SEC. 6. That section 45 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Non-resident
county game
license, fee.

Section 45. Any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States, and who is a non-resident of this state, or who has been a

resident of this state for less than six months, may, by paying to a county auditor the sum of three dollars (\$3.00), obtain a county fishing license which shall entitle the holder thereof to fish in any lawful manner within the county for which the license is issued until the first day of January next following the date of its issuance, whenever it is lawful to fish in such county.

SEC. 7. That section 47 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends
§ 47, ch. 178,
Ex. Laws
1925.

Section 47. Any alien by paying to any county auditor the sum of twenty-five dollars (\$25.00), and exhibiting his permit to carry firearms issued in the manner provided by law, may obtain a state hunting and fishing license which shall entitle the holder thereof to hunt game birds and game animals and fish in any county of the state until the first day of January next following the date of its issuance, when it would otherwise be lawful to hunt or fish in such county.

Alien state
game
license, fee.

SEC. 8. That section 48 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends
§ 48, ch. 178,
Ex. Laws
1925.

Section 48. Any alien, by paying to a county auditor the sum of five dollars (\$5.00) may obtain a county fishing license which shall entitle the holder thereof to fish in any lawful manner within the county for which the license is issued until the first day of January next following the date of its issuance, whenever it is lawful to fish in such county.

Alien county
fish license,
fee.

SEC. 9. That section 50 of chapter 178 of the Laws of the Extraordinary Session of 1925, be amended to read as follows:

Amends
§ 50, ch. 178,
Ex. Laws
1925.

Section 50. Any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States and who

Non-resi-
dent county
game license.

is a non-resident of the State of Washington or who has been a resident of this state for less than six months may, by paying to a county auditor the sum of fifteen dollars (\$15.00), obtain a state hunting license which shall entitle the holder thereof to hunt game birds in any county of the state when it would otherwise be lawful to hunt in said county.

Amends
§ 52, ch. 178,
Ex. Laws
1925.

SEC. 10. That section 52 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Professional
guide
license, fee.

Section 52. Any person over sixteen years of age who is a citizen, by paying to the county auditor of the county in which he desires to act as professional guide the sum of ten dollars (\$10.00), may obtain a license to be known as a "professional guide's license" which shall entitle the holder thereof to act as professional guide for hire to any person in hunting, trapping or fishing within the county where such license is issued until the first day of January next following the date of its issuance.

Amends
§ 52a, ch.
178, Ex.
Laws 1925.

SEC. 11. That section 52-a of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

License for
taxidermy,
fee.

Section 52-a. Any person may, by paying annually to the county auditor the sum of five dollars (\$5.00), obtain a license authorizing him to practice taxidermy in any county of the state until the first day of January next following the date of its issuance.

Amends
§ 52-b, ch.
178, Ex.
Laws 1925.

SEC. 12. That section 52-b of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Sale of raw
furs, license,
fee.

Section 52-b. Any person may, by paying annually to the county auditor the sum of ten dollars (\$10.00), obtain a license which shall entitle the holder thereof to purchase, receive or resell raw furs for profit in any county of the state until the

first day of January next following the date of its issuance.

SEC. 13. That section 92 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Amends
§ 92, ch. 178,
Ex. Laws
1925.

Section 92. The county game commission is hereby authorized to remove or to kill or cause to be removed or to be killed any game animals, game fish or game bird that in their judgment is destroying or injuring property.

Predatory
game, de-
struction.

SEC. 14. That chapter 178 of the Laws of the Extraordinary Session of 1925 be amended by adding thereto new sections to follow consecutively after section 106 (as amended by section 14 of chapter 221 of the Laws of 1929) to be known as sections 106-a, 106-b, 106-c, 106-d, 106-e, 106-f, 106-g, to read as follows:

Adds new
sections to
ch. 178, Ex.
Laws 1925.

Section 106-a. A verified application for such license, made in triplicate, shall be filed by such applicant with the supervisor of game and game fish, particularly describing the lands, and/or private waters which the applicant desires to use under such game farmer's license, setting forth the title or leasehold of the applicant, and the number of acres covered by the application, the number of acres enclosed by fence, the approximate acreage of both land and waters, separately, suitable for such purpose, together with a suitable map or diagram of the same showing the conditions thereof, specifying the kinds of fur bearing animals, game birds or other birds, and/or fish which the applicant desires to keep, raise and propagate, stating the number and kind of each thereof already in his possession, if any, and that he obtained the same in lawful manner.

Game farm
license,
application.

Section 106-b. If the applicant is a corporation, the application shall be made in the name of the corporation by the president or authorized managing officer thereof, and shall set forth the names and

Corporation
applicant.

addresses of all the officers, directors, and stockholders of the corporation, stating the number and par value of the shares of stock owned by each. If the applicant is a partnership or an unincorporated association, the application shall be made by an authorized partner, member or managing officer, and shall set forth the names and addresses of all the members of the partnership or association and their respective financial interests and other rights of ownership and control therein.

License
issued.

Section 106-c. If upon examination it shall appear that the applicant is the owner or lessee of such lands and of such waters and the riparian [riparian] rights therein, as the case may be, and intends to establish, in good faith, and operate and maintain a farm or ranch for the raising of such fur bearing animals in accordance with this act, and after complying with all the provisions of this act, the supervisor of game and game fish shall issue a license to the applicant, describing the lands and waters and certifying that the licensee is lawfully entitled to use the same for breeding, propagating, trapping and dealing in the kind or kinds of fur bearing animals and game birds and/or game fish therein specified.

Ownership
of game.

Section 106-d. When such license has been granted, the licensee shall become the owner of all protected fur bearing animals or kinds specified in the license lawfully held in captivity on such land or waters, as provided by this act, or native thereto, and of all their offspring remaining thereon; *Provided, however,* That the ownership of muskrats, and/or beaver native to said land, shall be acquired only under the provisions of the succeeding section, and that until the title to the same shall have been so acquired, the ownership of said muskrats and beaver shall be and remain in the State of Washington as protected fur-bearing animals.

Muskrat
and beaver
farm.

Section 106-e. Upon the filing with the supervisor of an application for a license for a muskrat

and/or beaver farm or ranch, the supervisor shall appoint a qualified game warden, the county game commission of the county in which said farm or ranch is located shall appoint one person, and these two shall select a third person to act as a board to go upon the land or waters embraced within the license and expeditiously determine as nearly as possible the number of muskrats and/or beaver therein at the time of the granting of the license, and the necessary reasonable expenses of the members of such board, in making such examination shall be paid by the licensee. The said board shall immediately report their findings to the supervisor and the county game commission, and the said licensee. Within ten days after the service of such findings upon the said licensee, the licensee shall pay to the county game commission of the county in which such farm or ranch is located, one dollar (\$1.00) for each muskrat and twenty-five dollars (\$25.00) for each beaver so found on said lands or waters, fifty per cent (50%) of which shall go to the state game fund and fifty per cent (50%) to the county in which animals are taken, and when such payment has been made the said licensee shall thereby become the owner of all the muskrats and/or beaver on said lands or waters and all of their offspring and the same shall be subject to the same conditions as though originally raised in captivity.

Section 106-f. On or before the 31st day of March of each year such licensee shall make a report, verified by affidavit in duplicate to the supervisor of game and game fish, covering the period from the 1st day of January to the 31st day of December of the previous year, upon blanks furnished by the said supervisor, stating the number of the license and the total number of fur-bearing animals sold for breeding purposes, the number of pelts sold, (which pelts shall be stamped by game warden before sale),

the said farm or ranch operated under such license, together with number of each kind on hand at the expiration of such yearly statement.

Section 106-g. The supervisor and any game warden expressly authorized by the supervisor or any member of the county game commission of the county wherein said farm or ranch is located, or any other officer so authorized by said county game commission, shall have authority at all reasonable times, with or without a warrant, to enter, inspect and search the premises of any licensee under this act as described in the said license for the purpose of investigating and determining the number, kind and condition of fur-bearing animals or their pelts, skins, carcasses or other parts or products; *Provided*, That such inspection or search is not made at such time or in such a manner as to interfere with or disturb the breeding of any such animals or the young of the same so kept, raised or propagated under such license on such premises.

Inspection
and search
of farm
by officials.

SEC. 15. Sections 46 and 49 of chapter 178 of the Laws of the Extraordinary Session of 1925 are hereby repealed.

Repeals
§§ 46 and
49, ch. 178,
Ex. Laws
1925.

Passed the Senate March 11, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 109.

[H. B. 269.]

GARNISHMENTS IN JUSTICE COURTS.

AN ACT relating to garnishments in justice courts, providing for advance fees, and amending Section 2 of Chapter 160 of the Laws of 1909.

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

SECTION 1. That section 2 of chapter 160 of the Laws of 1909, as amended by section 2 of chapter 126 of the Laws of 1911 (section 1824 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 2, ch. 160,
Laws 1909;
§ 2, ch. 126,
Laws 1911;
§ 1824, Rem.
Comp. Stat.

Section 2. Before the issuance of the writ of garnishment, the plaintiff, or someone in his behalf, shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, and that he has reason to believe and does believe that the garnishee is indebted to the defendant or that he has in his possession or under his control personal property or effects belonging to the defendant, or that the garnishee is a corporation and that the defendant is the owner of shares of the capital stock thereof, and that the garnishment applied for is not sued out to injure either the defendant or the garnishee, and shall deposit with the justice the sum of two dollars (\$2.00) for each garnishee defendant named in the writ. The justice shall pay to each garnishee defendant, out of the sum so deposited by the plaintiff, the sum of two dollars (\$2.00), upon the filing of his answer, which shall be credited upon any judgment thereafter awarded such garnishee defendant against either the plaintiff or the defendant for costs or attorney's fees. If no answer shall be filed by the garnishee defendant on or before the return day thereof the said sum shall be returned to the plaintiff. If the plaintiff shall thereafter

Affidavit.

\$2.00 deposit.

Disposition.

recover costs against the garnishee defendant, said sum shall be added thereto. If said sum is applied on a judgment of the garnishee defendant against the defendant it shall be taxed as costs against the defendant and in favor of the plaintiff.

Passed the House March 6, 1931.

Passed the Senate March 5, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 110.

[H. B. 270.]

GARNISHMENTS IN SUPERIOR COURT.

AN ACT relating to garnishment proceedings in the superior court, providing for advance fees, and amending Section 3 of Chapter LVI (56) of the Laws of 1893.

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

Amends
§ 3, ch. 56,
Laws of 1893;
§ 682, Rem.
Comp. Stat.

SECTION 1. That section 3 of chapter LVI (56) of the Laws of 1893 (section 682 of Remington's Compiled Statutes) be amended to read as follows:

Affidavit.

Section 3. Before the issuance of the writ of garnishment the plaintiff or someone in his behalf shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, and that the plaintiff has reason to believe, and does believe, that the garnishee, stating his name and residence, is indebted to the defendant, or that he has in his possession, or under his control, personal property or effects belonging to the defendant, or that the garnishee is an incorporated or joint stock company, and that the defendant is the owner of shares in such company or has an interest therein, and shall deposit with the clerk of the court the sum of five dollars (\$5.00) for each garnishee defendant named in the writ. The clerk shall pay to each garnishee defendant, out of the sum deposited by

\$5.00
deposit.

the plaintiff, the sum of five dollars (\$5.00) upon the filing of his answer which shall be credited by the clerk upon any judgment thereafter awarded such garnishee defendant against either the plaintiff or the defendant for costs or attorney's fees. If no answer shall be filed by the garnishee defendant on or before the time allowed by law for the filing thereof, the said sum shall be returned to the plaintiff. If the plaintiff shall thereafter recover costs against the garnishee defendant, said sum shall be added thereto. If said sum is applied on a judgment of the garnishee defendant against the defendant it shall be taxed as costs against the defendant and in favor of the plaintiff.

Passed the House March 6, 1931.

Passed the Senate March 5, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 111.

[H. B. 300.]

EXPLOSIVES.

AN ACT relating to the manufacture, keeping, storage and sale of explosives and providing for any violation thereof.

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

SECTION 1. The term "explosive" or "explosives" whenever used in this Act, shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant

Terms,
defined.

Explosive.

gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

Magazine. The word "magazine," whenever used in this Act, means any building or other structure, other than a factory building, used for the storage of explosives.

Building. The term "building," whenever used in this Act, shall be held to mean and include only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other building where people are accustomed to assemble, other than buildings on explosives plants.

Explosives plant. The term "explosives plant," whenever used in this Act, means and includes all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

Factory building. The term "factory building," whenever used in this Act, shall be held to mean any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

Railroad. The term "railroad," whenever used in this Act, shall be held to mean and include any steam, electric or other railroad which carries passengers for hire.

The term "highway," whenever used in this Act, shall be held to mean and include any public street, public alley or public road.

Efficient artificial barricade. The term "efficient artificial barricade," whenever used in this Act, shall be held to mean an art-

ificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet.

The term "person," whenever used in this Act, shall be held to mean and include firms and corporations, as well as natural persons. Person.

Words used in the singular number shall include the plural, and the plural the singular. Words.

SEC. 2. No person shall manufacture, process, have, keep or store explosives in this state, except in compliance with this Act, except that explosives may be manufactured without compliance with this Act in the laboratories of schools, colleges and similar institutions, for the purpose of investigation and instruction. Manufacture prohibited, except under act.

It shall be unlawful to sell, give away or otherwise dispose of, or deliver to any person under eighteen years of age any explosives, whether said person is acting for himself or for any other person. Person under 18.

All persons engaged in keeping, using or storing any compound, mixture or material, in wet condition, or otherwise, which upon drying out or undergoing other physical changes, may become an explosive within the definition of section one of this Act, shall report in writing subscribed to by such person or his agent, to the department of labor and industries, report blanks to be furnished by such department, and such reports to require: Storage.
Report required.

(a) The kind of compound, mixture or material kept or stored, and maximum quantity thereof. Contents.

(b) Condition or state of compound, mixture or material.

(c) Place where kept or stored.

The department of labor and industries may at any time cause an inspection to be made to determine whether the condition of the compound, mixture or material is as reported.

SEC. 3. All factory buildings and magazines in which explosives are had, kept, or stored, must be located at distances from buildings, railroads and Buildings, magazines, location.

Distance
between.

highways in conformity with the following QUANTITY AND DISTANCE TABLE, and this table shall be the basis on which applications for certificate of compliance, as provided in section 12 hereof, shall be made and the certificate of compliance issued: *Provided*, That the quantity and distance table may be disregarded and a certificate of compliance may be issued for two second-class magazines (see section 9) in any building not otherwise prohibited by law, if the contents and location of the magazine are as follows:

Second-class
magazine.

(a) One second-class magazine containing not more than fifty (50) pounds of explosives may be allowed if the said second-class magazine is placed on wheels and located not more than ten feet from, on the same floor with and directly opposite to the entrance on the floor nearest the street level;

(b) One second-class magazine containing not more than five thousand (5,000) blasting caps may be allowed if the said second-class magazine is placed on wheels and located on the floor nearest the street level.

The quantity and distance table governing the manufacture, keeping and storage of explosives to be as follows:

QUANTITY AND DISTANCE TABLE.

<i>Column 1</i>				<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Quantity That May Be Had, Kept or Stored</i>				<i>Distance From Nearest Building</i>	<i>Distance From Nearest Railway</i>	<i>Distance From Nearest Highway</i>
<i>Blasting and Electric Blasting Caps</i>		<i>Other Explosives</i>		<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
<i>Number Over</i>	<i>Number Not Over</i>	<i>Pounds Over</i>	<i>Pounds Not Over</i>			
1,000	5,000			30	20	10
5,000	10,000			60	40	20
10,000	20,000			120	70	35
20,000	25,000		50	145	90	45
25,000	50,000	50	100	240	140	70
50,000	100,000	100	200	360	220	110
100,000	150,000	200	300	520	310	150
150,000	200,000	300	400	640	380	190
200,000	250,000	400	500	720	430	220
250,000	300,000	500	600	800	480	240
300,000	350,000	600	700	860	520	260
350,000	400,000	700	800	920	550	280
400,000	450,000	800	900	980	590	300
450,000	500,000	900	1,000	1,020	610	310
500,000	750,000	1,000	1,500	1,060	640	320
750,000	1,000,000	1,500	2,000	1,200	720	360
1,000,000	1,500,000	2,000	3,000	1,300	780	390
1,500,000	2,000,000	3,000	4,000	1,420	850	420
2,000,000	2,500,000	4,000	5,000	1,500	900	450
2,500,000	3,000,000	5,000	6,000	1,560	940	470
3,000,000	3,500,000	6,000	7,000	1,610	970	490
3,500,000	4,000,000	7,000	8,000	1,660	1,000	500
4,000,000	4,500,000	8,000	9,000	1,700	1,020	510
4,500,000	5,000,000	9,000	10,000	1,740	1,040	520
5,000,000	7,500,000	10,000	15,000	1,780	1,070	530
7,500,000	10,000,000	15,000	20,000	1,950	1,170	580
10,000,000	12,500,000	20,000	25,000	2,110	1,270	630
12,500,000	15,000,000	25,000	30,000	2,260	1,360	680
15,000,000	17,500,000	30,000	35,000	2,410	1,450	720
17,500,000	20,000,000	35,000	40,000	2,550	1,530	760
		40,000	45,000	2,680	1,610	800
		45,000	50,000	2,800	1,680	840
		50,000	55,000	2,920	1,750	880
		55,000	60,000	3,030	1,820	910
		60,000	65,000	3,130	1,880	940
		65,000	70,000	3,220	1,940	970
		70,000	75,000	3,310	1,990	1,000
		75,000	80,000	3,390	2,040	1,020
		80,000	85,000	3,460	2,080	1,040

QUANTITY AND DISTANCE TABLE—Continued.

Column 1				Column 2	Column 3	Column 4
Quantity That May Be Had, Kept or Stored				Distance From Nearest Building	Distance From Nearest Railway	Distance From Nearest Highway
Blasting and Electric Blasting Caps		Other Explosives				
Number Over	Number Not Over	Pounds Over	Pounds Not Over	Feet	Feet	Feet
		85,000	90,000	3,520	2,120	1,060
		90,000	95,000	3,580	2,150	1,080
		95,000	100,000	3,630	2,180	1,090
		100,000	125,000	3,670	2,200	1,100
		125,000	150,000	3,800	2,280	1,140
		150,000	175,000	3,930	2,360	1,180
		175,000	200,000	4,060	2,440	1,220
		200,000	225,000	4,190	2,520	1,260
		225,000	250,000	4,310	2,590	1,300
		250,000	275,000	4,430	2,660	1,340
		275,000	300,000	4,550	2,730	1,380

SEC. 4. No quantity in excess of three hundred thousand (300,000) pounds, or in the case of blasting caps no number in excess of twenty million (20,000,000) caps, shall be had, kept or stored in any factory building or magazine in this state.

SEC. 5. All factory buildings shall be located one from the other and from other buildings on explosives plants in which persons are regularly employed, and all magazines shall be located from factory buildings and buildings on explosives plants in which persons are regularly employed, in conformity with the Intra-Explosives Plant Quantity and Distance Table below set forth:

EXPLOSIVES		
Pounds Over	Pounds Not Over	Distance Feet
		Separate Building or Within Substantial Dividing Walls
.....	10	
10	25	40
25	50	60
50	100	80
100	200	100

Storage quantity limited.

Factory buildings, location.

<i>EXPLOSIVES</i>		
<i>Pounds Over</i>	<i>Pounds Not Over</i>	<i>Distance Feet</i>
		<i>Separate Building or Within Substantial Dividing Walls</i>
200	300	120
300	400	130
400	500	140
500	750	160
750	1,000	180
1,000	1,500	210
1,500	2,000	230
2,000	3,000	260
3,000	4,000	280
4,000	5,000	300
5,000	6,000	320
6,000	7,000	340
7,000	8,000	360
8,000	9,000	380
9,000	10,000	400
10,000	12,500	420
12,500	15,000	450
15,000	17,500	470
17,500	20,000	490
20,000	25,000	530
25,000	30,000	560
30,000	35,000	590
35,000	40,000	620
40,000	45,000	640
45,000	50,000	660
50,000	55,000	680
55,000	60,000	700
60,000	65,000	720
65,000	70,000	740
70,000	75,000	770
75,000	80,000	780
80,000	85,000	790
85,000	90,000	800
90,000	95,000	820
95,000	100,000	830
100,000	125,000	900
125,000	150,000	950
150,000	175,000	1,000
175,000	200,000	1,050
200,000	225,000	1,100
225,000	250,000	1,150

SEC. 6. Magazines in which more than fifty (50) pounds of explosives are kept and stored must be

Magazines,
detached
from other
structures.

Distances.

detached from other structures, and magazines where more than five thousand (5,000) pounds of explosives are kept and stored must be located at least two hundred (200) feet from any other magazine, except cap magazines, and magazines where quantities of explosives over twenty-five thousand (25,000) pounds are kept and stored must have an increase over two hundred (200) feet of two and two-thirds ($2\frac{2}{3}$) feet for each one thousand (1,000) pounds of explosives in excess of twenty-five thousand (25,000) pounds stored therein: *Provided*, That the said distances between magazines may be disregarded where the total quantity stored in said magazines, considered as a whole, complies with the quantity and distance table of section 3 hereof; except that, in all cases, the quantity of explosives contained in cap magazines shall govern in regard to spacing said cap magazines from magazines containing other explosives, but under no circumstances shall a magazine containing blasting caps be within a less distance than one hundred (100) feet, not barricaded, or fifty (50) feet, barricaded, from any magazine other than cap magazine.

Screened.

Barricade.

SEC. 7. Whenever a factory building or magazine is effectually screened from another explosives plant building or magazine, building, railroad or highway, either by natural features of the ground, or by efficient artificial barricade of such height that any straight line drawn from the top of any sidewall of the factory building or magazine to any part of the explosives plant building, magazine or building to be protected, will pass through such intervening natural or efficient artificial barricade, and any straight line drawn from the top of any sidewall of the factory building or magazine, to any point twelve feet above the center of the railroad or highway to be protected, will pass through such intervening natural or efficient artificial barricade, the applicable

distances, as prescribed by the quantity and distance table, section 3, and the intra-plant quantity and distance table, section 5, and the distances separating magazines, section 6, may be reduced one-half.

SEC. 8. Except only at a factory building, and except while being used, no person shall have, keep or store explosives at any place within this state unless such explosives are completely enclosed or encased in tight metallic, wooden or fibre containers, and, except while being transported, or used, or in the custody of a common carrier awaiting shipment or pending delivery to consignee during the time permitted by federal law, explosives shall be kept and stored in a magazine constructed and operated as provided in section 9 of this act, and no person having explosives in his possession or control shall, under any circumstances, permit or allow any grains or particles to be or remain on the outside or about the containers in which such explosives are held. All containers in which explosives are held shall be plainly marked with the name of the explosive contained therein.

Stored
explosives
enclosed.

SEC. 9. Magazines in which explosives may lawfully be kept or stored shall be of two classes, as follows:

Magazines,
classified.

(a) Magazines of the first class shall consist of those containing explosives exceeding fifty (50) pounds, and shall be constructed of brick, concrete, iron, or wood covered with iron, and shall have no openings except for ventilation and entrance. The doors of such magazines must at all times be kept closed and locked except when necessarily opened for the purpose of storing or removing explosives therein or therefrom, by persons lawfully entitled to enter the same. Every such magazine shall have sufficient openings for ventilation thereof, which must be screened in such manner as to prevent the entrance of sparks of fire through the same, except

First-class.

that magazines containing only black powder may be constructed without openings for ventilation. Upon each end of such magazine, above the side walls thereof, or upon its barricade, or on the premises on which such magazines are located, shall at all times be posted signs with the words "EXPLOSIVES—KEEP OFF" legibly printed thereon in letters not less than three (3) inches high. No matches or fire of any kind shall at any time be permitted at any such magazine. No package of explosives shall at any time be opened within fifty (50) feet of any magazine, nor shall any explosives be kept therein except in the original containers.

Signs posted.

(b) Magazines of the second class shall be made of fire-proof material, or wood covered with sheet iron, and no more than fifty (50) pounds of explosives shall at any time be kept or stored therein, and, except when necessarily opened for use by authorized persons, shall at all times be kept securely locked. Upon each magazine there shall at all times be kept conspicuously posted a sign with the words "MAGAZINE—EXPLOSIVES—DANGEROUS" legibly printed thereon, and not more than two such magazines shall be had or kept in any building.

Second class.

Signs posted.

Blasting caps.

SEC. 10. No blasting caps, or other detonating or fulminating caps, or detonators, shall be kept or stored in any magazine in which other explosives are kept or stored.

Manufacturers.

SEC. 11. All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device, on the date when this act takes effect, shall within sixty days thereafter, and all persons engaging in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device after this act takes effect shall, before

Report.

so engaging, make a report in writing, subscribed to by such person or his agent, to the department of labor and industries, the report stating: Contents.

(1) Location of place of manufacture or processing.

(2) Kind of explosives manufactured, processed or used.

There shall be kept in the main office on the premises of each explosives plant a plan of said plant showing the location of all factory buildings and the distance they are located from other factory buildings where persons are employed and from magazines, and these plans shall at all times be open to inspection by duly authorized inspectors of the department of labor and industries. The superintendent of each plant shall upon demand of said inspector furnish the following information: Location plan.

(a) The maximum amount and kind of explosive material which is or will be present in each building at one time. Inspection.

(b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades. Information.

The department of labor and industries shall as soon as may be after receiving such report cause an inspection to be made of the explosives plant, and if found to be in accordance with sections 3 and 5 of this act, such department shall issue a permit to the person applying therefor showing compliance with the provisions of this act. Such permit shall continue in full force and effect until surrendered or canceled, because of failure to comply with sections 3 or 5 of this act. Permit.

SEC. 12. All persons engaged in keeping or storing explosives on the date when this act takes effect shall within sixty (60) days thereafter, and all persons engaging in keeping or storing explosives after this act takes effect, shall before engaging in the Storage.

Report. keeping or storing of explosives, make a report in writing subscribed to by such persons, or his agent, to the department of labor and industries stating:

Contents. (1) The location of the magazine, if then existing, or in case of a new magazine, the proposed location of such magazine.

(2) The kind of explosives that are kept or stored or intended to be kept or stored, and the maximum quantity that is intended to be kept or stored thereat.

(3) The distance that such magazine is located or intended to be located from the nearest buildings, railroads and highways.

Inspection. The department of labor and industries shall, as soon as may be after receiving such report, cause an inspection to be made of the magazine, if then constructed, and, in the case of a new magazine, as soon as may be after same is found to be constructed in accordance with the specifications provided in section 9 of this act, such department shall determine the amount of explosives that may be kept and stored in such magazine by reference to the quantity and distance table set forth in section 3 of this act, and shall issue a certificate to the person applying therefor, showing compliance with the provisions of this act, which certificate shall set forth the maximum quantity of explosives that may be had, kept or stored in said magazine. Such certificate of compliance shall be valid until canceled for one or more of the causes hereinafter provided. Whenever by reason of change in the physical conditions surrounding said magazine at the time of the issuance of the certificate of compliance therefor, such as

Certificate. (a) The erection of buildings nearer said magazine,

Change of conditions.

(b) The construction of railroads nearer said magazine, or

(c) The opening for public travel of highways nearer said magazine, then the amounts of explosives which may be lawfully had, kept or stored in said magazine must be reduced to conform to such changed conditions in accordance with the quantity and distance table notwithstanding the certificate of compliance, and the department of labor and industries shall modify or cancel such certificate in accordance with the changed conditions. Whenever any person to whom a certificate of compliance has been issued, keeps or stores in the magazine covered by such certificate of compliance, any quantity of explosives in excess of the maximum amount set forth in said certificate of compliance, or whenever any person fails for thirty (30) days to pay the annual license fee hereinafter provided after the same becomes due, the department is authorized to cancel such certificate of compliance. Whenever a certificate of compliance is canceled by the department for any cause herein specified, the department shall notify the person to whom such certificate of compliance is issued of the fact of such cancellation and shall in said notice direct the removal of all explosives stored in said magazine within ten days from the giving of said notice. Failure to remove the explosives stored in said magazine within the time specified in said notice shall constitute a violation of this act.

Cancellation.

Excess storage.

Payment annual license fee.

Cancellation of certificate.

Removal of explosives.

SEC. 13. Every person engaging in the business of keeping or storing of explosives, shall pay an annual license fee for each magazine maintained, to be graduated by the department of labor and industries according to the quantity kept or stored therein, or not less than one dollar (\$1.00) nor more than ten dollars (\$10.00). Said license fee shall accompany the application, and be by the department turned over to the state treasurer.

Annual license fee for storage.

Annual inspection. SEC. 14. The department of labor and industries shall make, or cause to be made, at least one inspection during every year, of each licensed explosives plant or magazine.

Visiting prohibited. SEC. 15. No person, except an official as authorized herein or a person authorized to do so by the owner thereof, or his agent, shall enter any factory building, magazine or car containing explosives in this state.

Discharge of firearms. SEC. 16. No person shall discharge any fire arms at or against any magazine or factory buildings.

Violation of act misdemeanor. SEC. 17. Except as otherwise provided in this act, whoever fails to comply with or violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00).

Explosive shell, bomb. SEC. 18. Any person who shall have in his possession or control any shell, bomb or similar device, charged or filled with one or more explosives, intending to use the same or cause same to be used for an unlawful purpose, shall be deemed guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not less than five years nor more than twenty-five years. The possession or control by any person, of any such device, so charged or filled, shall be deemed *prima facie* evidence of an intent to use the same, or cause the same to be used, for an unlawful purpose.

Possession, felony. SEC. 19. In case any provision of this act shall be adjudged unconstitutional, or void for any other reason, such adjudication shall not affect any of the other provisions of this act.

Invalidity of part not to affect balance. SEC. 20. (a) Nothing contained in this act shall apply to the regular military or naval forces of the United States, nor the duly authorized militia of any state or territory thereof, nor to the police or fire

U. S. military or naval forces.
Militia.

departments of this state, or of any municipality or county within this state, providing the same are acting in their official capacity, and in the proper performance of their duties, nor to common fireworks which are to be used for celebration or commercial purposes.

(b) Nothing contained in this act shall apply to explosives while being transported upon vessels or railroad cars in conformity with the regulations adopted by the interstate commerce commission; nor to transportation, storage, or use of blasting explosives for agricultural purposes, by the consumer, in quantities not exceeding two thousand (2000) pounds at any other one time; nor to any explosives in quantities not exceeding ten (10) pounds at any one time.

Vessels,
railroad
cars.

SEC. 21. Nothing contained in this act shall affect any existing ordinance, rules or regulation of any city or municipality not less restrictive than this act governing the manufacture, storage and sale of explosives, or affect, modify or limit the power of cities or municipalities in this state to make ordinances, rules or regulations not less restrictive than this act, governing the manufacture, storage, sale, use, or transportation of explosives within their respective corporate limits.

Municipal
ordinances.

SEC. 22. All acts and parts of acts inconsistent with this act are hereby repealed: *Provided, however,* That nothing in this act shall be construed as amending, limiting, or repealing any provision of chapter 36, Session Laws of 1917, known as the Coal Mining Code.

Repeals in-
consistent
acts.

Passed the House February 26, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 112.

[H. B. 319.]

KILLING OF PREDATORY ELK.

AN ACT relating to and providing for the killing of predatory elk and elk on over-stocked ranges.

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

SECTION 1. Whenever any wild elk shall destroy private property, the owner of such property may report the fact to the county game commission, and it shall be the duty of such game commission to investigate the matter and with the approval of the supervisor of game and game fish declare such elk predatory and kill such numbers thereof as shall be deemed necessary to protect private property.

Destruction
of private
property.

Whenever in the judgment of any county game commission any range shall become over-stocked with elk, such commission, by and with the approval of the supervisor of game and game fish may kill such numbers of the elk frequenting said range as shall be deemed necessary to relieve such over-stocked condition.

Over-
stocked.

SEC. 2. All elk killed as provided in the preceding section shall be killed by a state or county game warden or wardens in such numbers as can be properly cared for and placed on the market for sale. The horns, teeth, hides and meat of such elk shall be sold at auction to the highest bidder, and all meats shall be stamped by the county game commission showing the date of kill and the county in which killed. Any expenses incurred in butchering and marketing such elk shall be paid on regular vouchers approved by the supervisor of game and game fish, and be equally divided between the state and the county game fund in which such elk are butchered.

Game
wardens
to kill.

Marketed
when
killed.

All proceeds of such sales shall be divided equally between the county game fund in which such elk are killed and the state game fund.

Passed the House March 2, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 113.

[H. B. 365.]

COLLECTION AND PAYMENT OF TAXES.

AN ACT relating to taxation, regulating the collection of taxes upon real property, and amending Section 83 of Chapter 130 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 83 of chapter 130 of the Laws of the Extraordinary Session of 1925 (section 11097-83 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends
§ 83, ch. 130,
Ex. Laws
1925;
§ 11097-83,
Rem. Comp.
Stat., 1927
Sup.

Section 83. The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. One-half of all taxes upon real property made payable by the provisions of this act shall be due and payable to the treasurer as aforesaid on or before the thirty-first day of May in each year, after which date such one-half shall become delinquent, and interest at the rate of ten per cent per annum shall be charged upon such unpaid taxes from the date of delinquency until paid; the other one-half of such taxes shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of November in each year, after which date such remaining one-half shall become delinquent, and interest at

County
treasurer
to collect.

One-half
May 31.

One-half
November 30.

the rate of ten per cent per annum shall be charged upon such unpaid taxes from the date of delinquency until paid: *Provided, however,* When the total amount of tax payable by one person is two dollars or less, then all of such taxes shall be due and payable to the treasurer as aforesaid on or before the thirty-first day of May in each year, after which they shall become delinquent, and interest at the rate of ten per cent per annum shall be charged upon such unpaid taxes from the date of delinquency until paid: *Provided, further,* There shall be an allowance of three per cent rebate to all payers of taxes who shall pay the taxes on real property in one payment and in full on or before the fifteenth day of March next prior to the date of delinquency. All rebates allowed under this section shall be charged to the county current expense fund and all collections from penalties and interest on delinquent taxes shall be credited to the current expense fund.

Passed the House March 6, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 114.

[H. B. 373.]

FRATERNAL BENEFIT SOCIETIES.

AN ACT relating to insurance; providing for and regulating the application of insurance laws with respect to fraternal benefit societies; and amending Sections 235 and 211 of Chapter 49 of the Laws of 1911.

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

SECTION 1. That section 235 of chapter 49 of the Laws of 1911 (section 7288 of Remington's Compiled Statutes) be amended to read as follows:

Section 235. Nothing contained in this act shall be construed to affect or apply to grand or subordi-

Amends
§ 235, ch. 49,
Laws 1911;
§ 7288, Rem.
Comp. Stat.

nate lodges of Masons, Odd Fellows, or Knights of Pythias, exclusive of the insurance department of the Supreme Lodge of Knights of Pythias, and the Junior Order of United American Mechanics, exclusive of the beneficiary degree or insurance branch of the National Council Junior Order United American Mechanics, or societies which admit to membership only persons engaged in one or more hazardous occupations in the same or similar lines of business, nor to similar societies which do not issue insurance certificates, nor to any association of local lodges of a society now doing business in this state which provides death benefits not exceeding three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, nor to any contracts of reinsurance business on such plan in this state, nor to domestic societies which limit their membership to the employees of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders, or associations of a purely religious, charitable, and benevolent description, which do not provide for a death benefit of more than one hundred dollars, or for disability benefits of more than one hundred and fifty dollars to any one person in any one year: *Provided, always,* That any such domestic order or society which has more than five hundred members, and provides for death or disability benefits, and any such domestic lodge, order, or society which issues to any person a certificate providing for the payment of benefits, shall not be exempt by the provisions of this section, but shall comply with all the requirements of this article. The commissioner may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this article.

Lodges,
societies
exempted.

Information
furnished
commis-
sioner.

No society, which is exempt by the provisions of this section from the requirement of this article

Compensation for new members.

shall give or allow or promise to give or allow, to any person any compensation for procuring new members.

Death and disability benefits.

Any fraternal benefit society, heretofore organized and incorporated and operating within the definition set forth in sections two hundred six, two hundred seven, and two hundred eight of this act, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this act, and shall have all the privileges and shall be subject to all the provisions and regulations of this article, except that the provisions of this article requiring medical examinations, valuations of benefit certificates, and that the certificate shall specify the amount of benefits, shall not apply to such society.

Amends § 211, ch. 49, Laws 1911; § 7264, Rem. Comp. Stat.

SEC. 2. That section 211 of chapter 49 of the Laws of 1911 (section 7264 of Remington's Compiled Statutes) be amended to read as follows:

Benefits payable to whom.

Section 211. The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree ascending or descending, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-children, children by legal adoption, or to a person or persons dependent upon the member, but in case the member or applicant has no wife or husband, or natural or adopted child, the member or applicant, may with the consent of the society, make his or her estate the beneficiary: *Provided*, That if after the issuance of the original certificate the member shall become dependent upon a home maintained by the society for the dependent members or upon a subordinate lodge or society of the order of which he is a member, or upon an incorporated charitable institution, he shall have the privilege with the consent of the society, of making such home, lodge, society or institution his bene-

Change.

fiary. Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules, or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member: *Provided*, That any society may, by its laws, limit the scope of beneficiaries within the above classes.

Designation
of bene-
ficiary.

Passed the House March 11, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 115.

[H. B. 382.]

STATE TEACHERS' RETIREMENT FUND.

AN ACT providing for the management of the State Teachers' Retirement Fund by amending Sections 1, 9, 10, 11, 12, 16, 17, 18, 23 and 24 of Chapter 187 of the Session Laws of 1923, (Sections 5020-1, 5020-9, 5020-10, 5020-11, 5020-12, 5020-16, 5020-17, 5020-18, 5020-23, and 5020-24 of Remington's Compiled Statutes of Washington) and amending Chapter 187 of the Laws of 1923, (Section 5020 of Remington's Compiled Statutes of Washington) by adding new sections, to be known as Sections 18-A and 28-A, respectively.

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

SECTION 1. That section 1 of chapter 187 of the Laws of 1923 (section 5020-1 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends
§ 1, ch. 187,
Laws 1923;
§ 5020-1,
Rem. Comp.
Stat.

Section 1. The word "teacher" wherever used in this act shall be held and construed to mean and include any person regularly employed as teacher, instructor, principal, supervisor, state, county or city superintendent, in the public schools of this

Definitions.

"Teacher."

state, or as an assistant to any such teacher, instructor, principal, supervisor or superintendent.

“Member.” The word “member” wherever used in the act shall be held and construed to mean and include any teacher who shall be contributing to the retirement fund mentioned in section 2, but any member shall become an inactive member as defined in this section, as provided by this act.

“Annuitant.” The word “annuitant” wherever used in this act shall be held and construed to mean and include any member who shall have been retired and shall be entitled to receive an annuity under the provisions of this act.

“Trustees.” The word “trustees” wherever used in this act shall be held and construed to mean and include a regularly elected, qualified or acting member of the board of trustees provided for in section 3.

“Inactive member.” The words “inactive member” whenever used in this act shall be held and construed to mean and include any person not forever barred from further membership in the fund under the provisions of this act, who, having contributed to said fund, has ceased contributions thereto; or any person who is not actively employed as a teacher, as defined in this act, although such person may have made and may continue to make contributions to such fund while not employed as such teacher, for the purpose of adding to the required minimum payment.

Amends
 § 9, ch. 187,
 Laws 1923;
 § 5020-9,
 Rem. Comp.
 Stat.

SEC. 2. That section 9 of chapter 187 of the Laws of 1923 (section 5020-9 of Remington’s Compiled Statutes of Washington) be amended to read as follows:

Applications
 for credit.

Section 9. All applications for credit for former service shall be made on forms furnished by the board of trustees and shall be considered by the board of trustees at the next regular meeting after the same are filed, or at a special meeting called for that purpose before the next regular meeting, and if it appears that the applicant is a member of the

fund under this act, the board shall determine the service credit to which such applicant is entitled and the applicant's name shall be entered upon the membership register of the fund, together with the respective totals of years and months of service allowed in any district in this state, and elsewhere, respectively, and a certificate of membership showing the date of issue, the date the member became a teacher under the provisions of this act, and the former teaching service allowed, shall be delivered to the applicant and a duplicate thereof shall be retained by the secretary of the fund. In making allowance for former service, a year of service shall be a legal school year where the service was rendered and fractions of years of service may be counted in computing the total years of service when the sum of such fraction equals one or more years: *Provided*, That no teacher shall receive more than one year's credit for teaching in any school year, as defined by the school code of this state: *Provided further*, No teacher having the right to make application for membership prior to May 1st, 1924, as provided in section 8, who has failed or refused to do so, shall be received into membership.

Board to determine service credit.

Former service.

SEC. 3. That section 10 of chapter 187 of the Laws of 1923 (section 5020-10 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends § 10, ch. 187, Laws 1923; § 5020-10, Rem. Comp. Stat.

Section 10. Every teacher except those mentioned in the last proviso of section 9 and those employed in a district having a local teachers' retirement fund shall become subject to the provisions of this act, and entitled to its benefits and privileges, and shall make the contributions and submit to the deductions from salary herein required. It shall be the duty of the county superintendent of schools of each county in the state and the city superintendent of each district of the first class coming under the

All teachers subject to act.

provisions of this act, on or before the fifteenth day of September of each year, to file with the secretary of the fund a notice in writing on forms provided for that purpose, stating the number of the district, the full name of each teacher under contract in each district in his county or city, the address of each teacher, and the date when the employment begins; and he shall report to the secretary of the fund, on the fifteenth day of each succeeding month during the school year, any change in the contracted teacher personnel of his county or city; and shall notify the teacher in writing of the provisions of this act with reference to membership in the fund and that an application for credit for former service, on a form to be furnished for that purpose, may be filed with the secretary of the fund within six months from the date of the beginning of such employment. In case such application is filed within six months the same shall be considered by the board of trustees and credit allowed and certificate of membership issued, showing the date of issue, the date the member became a teacher under the provisions of this act, and the former teaching service allowed. In case such application for credit for former service is not filed within six months, the teacher's name shall be entered as a member of the fund without credit for former service and a certificate of membership without such credit shall be issued, showing the date of issue and the date the member became a teacher under the provisions of this act.

List of
contract
teachers.

Teacher
notified.

Filing ap-
plication.

Amends
§ 11, ch. 187,
Laws 1923;
§ 5020-11,
Rem. Comp.
Stat.

SEC. 4. That section 11 of chapter 187 of the Laws of 1923 (section 5020-11 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Section 11. Upon receipt of the certified list of contracted teachers from each county superintendent of schools and city superintendent of a district of the first class, as provided in section 10, it shall

Certified
list of
teachers.

be the duty of the secretary of the fund, on or before the fifteenth day of October and March of each year, to furnish each county superintendent of the state and each city superintendent of a district of the first class coming under the provisions of this act with a triplicate list of all members of the state teachers' retirement fund teaching in his county or city for the current school year, together with the amount to be deducted from the salary of each member in the months of November and April, respectively, of the current school year. Each county superintendent of schools of the state and each city superintendent of a district of the first class coming under the provisions of this act shall, upon receipt of such deduction list from the secretary of the fund, notify the county auditor or secretary of the first class district and the board of directors of each district of his county or city the amount to be deducted from the salary of each teacher who is a member of the fund. It shall be the duty of the board of directors of each school district, to assess against and deduct from the salary of each member of the fund employed by the district, membership dues at the following rates, to-wit: Twelve dollars (\$12.00) per year up to and including the tenth year of total service; twenty-four dollars (\$24.00) per year from and including the eleventh and up to and including the twentieth year of total service; and thirty-six dollars (\$36.00) from and including the twenty-first year of total service, until the total contribution of the member to the fund shall equal seven hundred and twenty dollars (\$720.00). Said assessments and deductions to be made in two equal semi-annual installments from the salary of such member earned in the months of November and April, respectively, of each school year: *Provided*, That if any school board in the state fails to provide for the required deduction on the dates above mentioned, it shall be the duty of the official who issues the salary war-

List of
members.

Salary
deductions.

Membership
dues.

rants for such district to deduct from the salary due each member the payment required by this act, and to issue the warrant for the salary due less such payment. Every member of the fund other than those from whose salaries deductions are being made and those who have been granted leave of absence for professional preparation shall on or before the fifth day of December and May respectively of each year, pay to the state treasurer for the benefit of the fund a like amount as is hereinabove required to be deducted from the salary of a member employed by any district and take the treasurer's receipt therefor. It shall be the duty of the county auditor of each county of the state and the secretary of each district of the first class coming under the provisions of this act, on or before the tenth day of December and May, respectively, in each year, to draw warrants upon the several school districts of his county or city, payable out of the general funds of the several districts and in favor of the state treasurer covering the amounts of deductions made from the salaries of teachers in the several school districts as provided by law. The county auditor or secretary of first class districts shall forthwith remit said warrants to the state treasurer, accompanied by a report giving the names of the teachers of each district from whose salaries deductions have been made, the amount of each deduction, the total amount of each district warrant, and the number and date of each district warrant. A duplicate copy of said report shall be sent to the secretary of the fund and a triplicate copy to the county or city superintendent of schools. Upon the presentation of such warrants the county treasurer shall transfer the amount thereof from the general funds of the several districts to the state treasurer. The state treasurer shall place the amounts so received to the credit of the teachers' retirement fund and shall, by order of the board of trustees, disburse the same

Warrants
for state
treasurer.

Transfer
of funds.

upon warrants issued and signed by the state auditor. Upon receipt of such report from the county auditor, it shall be the duty of the secretary of the fund to credit the members with the respective amounts of deductions in the proper columns of the membership register after their respective names.

Credit of
members.

SEC. 5. That section 12 of chapter 187 of the Laws of 1923 (section 5020-12 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends
§ 12, ch. 187,
Laws 1923 ;
§ 5020-12,
Rem. Comp.
Stat.

Section 12. It shall be the duty of the county superintendent or city superintendent of a district of the first class coming under the provisions of this act, on or before the thirtieth day of June in each year, to certify to the secretary of the fund the names of all teachers under the provisions of this act contracted in his county or city, together with the respective number of months of service during the current school year. Upon receiving such certificate, it shall be the duty of the secretary of the fund to credit the members with the respective months of service in the proper columns of the membership register after their respective names. Each member of the fund who is not employed by a district, or who has been granted leave of absence for professional preparation by the board of directors, shall on or before the 10th day of December, and on or before the 10th day of May of each year, present his receipt from the state treasurer for his payment for the fund, to the secretary of the fund, together with a verified statement of the amount and character of service rendered or preparation pursued during the preceding half year, and it shall be the duty of the secretary to credit such service and contributions to such member on the membership register and endorse such credit on the receipt and return it to the member: *Provided*, That credit shall not be allowed a member absent on leave for profes-

Certified
list of
service.

Members
credit.

sional preparation in excess of two years of total absence on such leave, or in excess of one year of absence on such leave in any ten-year period of total service.

Amends
§ 16, ch. 187,
Laws 1923;
§ 5020-16,
Rem. Comp.
Stat.

SEC. 6. That section 16 of chapter 187 of the Laws of 1923 (section 5020-16 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Inactive
members.

Section 16. Any inactive member shall upon being reemployed as a teacher be credited with contributions previously made to the fund, and upon satisfactory proof shall be credited with such service rendered as a teacher, as defined in this act or with service of the same character rendered elsewhere, as has been rendered in the interim: *Provided*, That accumulated dues for such service for the interim period shall be due the fund and payable by the end of the school year during which such teacher is employed.

Service
credit.

Amends
§ 17, ch. 187,
Laws 1923;
§ 5020-17,
Rem. Comp.
Stat.

SEC. 7. That section 17 of chapter 187 of the Laws of 1923 (section 5020-17 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Retirement
annuity,
amount.

Section 17. Any member of the fund who shall have been a teacher for a period of, or periods aggregating thirty years, embracing not less than two hundred and forty months of service, twenty years of which service shall have been in the public schools of this state, shall be entitled, upon and during retirement from service in the public schools to receive a retirement annuity of four hundred and eighty dollars (\$480.00): *Provided*, That no retirement annuity shall be credited or paid to a member until such member has taught and contributed under the provisions of this act for a period of, or periods aggregating five school years, embracing forty months of service; and no member shall be entitled to an annuity until such member shall have paid or con-

tributed to the fund a minimum of seven hundred and twenty dollars (\$720.00).

SEC. 8. That section 18 of chapter 187 of the Laws of 1923 (section 5020-18 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends
§ 18, ch. 187,
Laws 1923 ;
§ 5020-18,
Rem. Comp.
Stat.

Section 18. Any member of the fund who shall have been a teacher for a period of, or periods aggregating ten years, embracing not less than eighty months of service, eight years of which service shall have been in the public schools of this state, shall be entitled, upon retiring from service in the public schools and proving to the satisfaction of the board of trustees that he or she has become incapacitated for service in the public schools, to receive a disability annuity of such part of four hundred and eighty dollars (\$480.00) as the number of years of total service of such member is a part of thirty, while incapacitated for service but for a period not to exceed five years, and any member of the fund who shall have been a teacher for a period of, or periods aggregating twenty years, embracing not less than one hundred and sixty months of service, twelve years of which service shall have been in the public schools of this state, shall be entitled, upon retiring from service in the public schools and proving to the satisfaction of the board of trustees that he or she has become incapacitated for service in the public schools, to receive a disability annuity of such part of four hundred and eighty dollars (\$480.00) as the number of years of total service of such member is a part of thirty, so long as such member is incapacitated for service: *Provided*, That credit for service outside the State of Washington shall not exceed fifteen years toward any disability annuity: *Provided further*, That no disability annuity shall accrue or become due until applicant has

Disability
annuity,
amount.

Credit for
service out-
side state.

been incapacitated during three consecutive contracted school months and unless all sick benefits allowed by a district shall have ceased, and until after application for the disability annuity has been filed with the secretary of the fund stating such facts: *And provided further*, That no such disability annuity shall be paid until the expiration of one year from the date the applicant became a teacher under the provisions of this act.

§ 18-a added
to ch. 187,
Laws 1923.

SEC. 9. That chapter 187 of the Laws of 1923 (section 5020 of Remington's Compiled Statutes of Washington) be amended by adding a new section to follow section 18, to be known and designated as section 18-A, to read as follows:

Section 18-A. Any teacher who is and shall have been a member of the fund for a period of one school year, embracing not less than eight months of service, shall be entitled, upon proving to the satisfaction of the board of trustees that he or she has become totally and permanently disabled and incapacitated for teaching or any other occupation whatsoever, to receive a disability annuity of twenty dollars (\$20.00) per month for a period not to exceed thirty-six months; and any teacher who is and shall have been a member of the fund for a period of, or periods aggregating five years, embracing forty months of service, shall be entitled, upon proving to the satisfaction of the board of trustees that he or she has become totally and permanently disabled and incapacitated for teaching or any other occupation whatsoever, to receive a disability annuity of twenty dollars (\$20.00) per month for a period not to exceed sixty months: *Provided*, That no member shall be granted such annuity more than once, and no member of the fund having sufficient service to apply for a disability annuity under section 18 of this act shall be entitled to receive the disability annuity provided for in this section.

Monthly
disability
annuity.

SEC. 10. That section 23 of chapter 187 of the Laws of 1923 (section 5020 of Remington's Compiled Statutes of the State of Washington) be amended to read as follows:

Amends
§ 23, ch. 187,
Laws 1923.

Section 23. All original claims for retirement annuities, disability annuities, refunds to discharged members, and payments to beneficiaries, legatees or heirs of deceased members, shall be made in writing, in duplicate, on voucher forms to be furnished for that purpose, verified under oath by the claimant, and filed with the secretary of the fund, and shall be supported by such proof, by affidavit or otherwise, of the facts upon which the claim is based, as may be required by the rules and regulations adopted by the board of trustees. Upon the filing of any claim the secretary shall set the same down for hearing before the board of trustees at the next ensuing regular meeting of the board, or at a special meeting called for that purpose in case the board shall determine that an emergency exists, and notify the claimant of the date of the hearing, and shall, at such hearing, certify to the board the facts with reference to the years and months of service, of membership dues paid by, and previous payments made to, the member upon whose record the claim is based, as shown by the records in the office of the secretary.

Claims for
retirement.

Hearing.

SEC. 11. That section 24 of chapter 187 of the Laws of 1923 (section 5020 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends
§ 24, ch. 187,
Laws 1923.

Section 24. If at the hearing it shall appear to the board that the claim is based upon sufficient facts, but is not in proper form or the requisite proof is not offered, the hearing may be adjourned for such reasonable time as the board may determine. The final action of the board in allowing or rejecting any claim shall be by resolution of a majority of the members of the board and entered

Hearing
adjourned.

Action on
claim.

Payment.

Subsequent payments.

on the minutes, and in case the claim is allowed, the secretary at the expiration of ten days from the date of allowance, if no appeal is taken, shall send the original claim voucher to the state auditor who shall draw the necessary warrant on the state treasurer payable out of the retirement fund, deliver the same to the secretary of the fund, who shall enter the payment on the membership register and forward the warrant to the claimant. All subsequent payments of annuities shall be authorized by resolution of the board entered on the minutes after the proper vouchers signed and verified in duplicate by the annuitant, as may be required by the rules, have been submitted to the board, and the secretary shall, at the expiration of five days from date of authorization, if no appeal is taken, send the original voucher to the state auditor who shall draw the necessary warrant on the state treasurer payable out of the retirement fund and deliver the same to the secretary of the fund, who shall enter the payment on the membership register and forward the warrant to the claimant. On or before the fifth day of each month the secretary shall furnish to the state auditor a report, in triplicate, of all expenditures for the preceding month.

Adds § 28-a to ch. 187, Laws 1923.

SEC. 12. That chapter 187 of the Laws of 1923 (section 5020 of Remington's Compiled Statutes of Washington) be amended by adding a new section to follow section 28, to be known and designated as section 28-a, to read as follows:

Member of local fund admitted.

Section 28-a. On and after July 1, 1931, any member of a local teachers' retirement fund under the provisions of chapter 163 of the Laws of 1917 and amendments thereto, who shall leave the employment of a district maintaining such a fund and who shall cease to be a member of such local fund, and shall become and be regularly employed as a teacher, instructor, principal, supervisor, state,

county or city superintendent, in the public schools of this state, or as an assistant to any such teacher, instructor, principal, supervisor, or superintendent, may be admitted as a member of the state teachers' retirement fund under the provisions of this act, in the discretion of the board of trustees, by making application for such membership on forms furnished by the board of trustees: *Provided*, Applicant shall not be entitled to any credit for previous service except the equivalent of the credit for service to which applicant is entitled under the local fund, not exceeding ten years: *Provided, further*, Applicant shall be required to pay to the state fund the equivalent of all sums paid to the local fund.

Service
credit.

Passed the House March 7, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 116.

[H. B. 384.]

COSTS AND EXPENSES IN APPEALS FROM DECISIONS OF DEPARTMENT OF LABOR AND INDUSTRIES.

AN ACT relating to the Department of Labor and Industries; providing for the payment of costs and expenses, court costs and fees in appeals from decisions of the Division of Industrial Insurance to the joint board or to any court.

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

SECTION 1. Whenever any appeal is taken from any decision of the division of industrial insurance of the department of labor and industries to the joint board or to any court, all expenses and costs incurred therein by the department of labor and industries, including fees for expert medical testimony, court reporter costs and attorneys' fees, and all costs taxed against such department, shall be

paid one-half out of the medical aid fund and one-half out of the accident fund of the state treasury.

Passed the House March 6, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 117.

[H. B. 414.]

UNITED STATES GOVERNMENT CORNERS AND MONUMENTS.

AN ACT relating to and providing for the preservation, perpetuation and reestablishment of United States government corners, monuments and markers, and defining the duties of certain officers in relation thereto.

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

SECTION 1. It shall be the duty of the director of highways to fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter-section corners, meander corners, and witness markers, as originally established by the United States government survey, whenever any such original monuments or markers fall within the right of way of any state highway, and to aid in the reestablishment of any such corners, monuments or markers destroyed or obliterated by the construction of any state highway heretofore established, by permitting inspection of the records in the office of the state highway department.

SEC. 2. It shall be the duty of the county engineer of the respective counties, at the time of establishing, constructing, improving and/or paving any county road, to fix permanent monuments at the original positions of all United States government monuments at township corners, section corners,

Fixed on
state
highways.

Fixed on
county
roads.

quarter-section corners, meander corners, and witness markers, as originally established by the United States government survey, whenever any such original monuments or markers fall within the right of way of any county road, and to aid in the reestablishment of any such corners, monuments or markers destroyed or obliterated by the construction of any county road heretofore established, by permitting inspection of the records in the office of the county engineer.

Passed the House March 11, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 118.

[H. B. 254.]

STANDARD SIGNS FOR HIGHWAYS.

AN ACT relating to highways, authorizing the adoption of a standard for the construction and erection of signs thereon; prescribing the duties of certain authorities; specifying signs at certain places; providing the manner of enforcement; and repealing certain sections.

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

SECTION 1. The director of highways of the State of Washington is hereby authorized to adopt and designate a uniform standard for the construction, erection, and location of all signs, signals, signboards, and guide-posts, erected on the public highways of the State of Washington, that will furnish information to travelers regarding traffic regulations, directions, distances, and points of danger; and shall prepare plans and specifications of the authorized standard signs, signals, signboards, and guide-posts, designating suitable inscriptions thereon, and shall specify the materials, colors and designs that shall be used in the construction thereof.

Uniform
standard
to be
adopted.

Plans and
specifica-
tions.

Said plans and specifications shall be furnished on request to the board of county commissioners of each county and the governing body of each municipal corporation within the state. *Provided*, That all signs of metal material shall be made in the metal working plant of the state penitentiary.

State
highways.

County
highways.

Streets.

SEC. 2. (a) It shall be the duty of the director of highways of the State of Washington, the county commissioners or township supervisors of each county, and the governing body of each incorporated city and town, to construct, erect, and maintain, within their respective jurisdictions, suitable signs, signals, signboards, or guide-posts, of standard designs, on the state highways, principal county roads, principal township roads, and principal streets of cities and towns, at such places as the authorities having jurisdiction thereof deem necessary for the safety and information of the traveling public; except as hereinafter provided for saw buck crossing signs at railroad highway grade crossings, and railroad warning signs (approach signs) at new railroad highway grade crossings.

Railroad
crossings.

Signs.

Safety
devices.

(b) Any person, firm, corporation, or municipal corporation, building, owning, controlling, and/or operating a railroad that crosses a public highway at grade shall construct, erect and maintain at or near each point of crossing, or at such point as will meet the approval of the department of public works, a sign of the type known as the saw buck crossing sign with the lettering "Railroad Crossing" inscribed thereon, also a suitable inscription indicating the number of tracks; said sign must be of a standard design that will comply with the plans and specifications furnished by the director of highways. Additional safety devices and signs may be installed at any subsequent time, when required by the department of public works, as provided by laws regulating railroad highway grade crossings.

(c) Any person, firm, corporation, or municipal corporation, building a new railroad across an existing public highway at grade shall erect, under the supervision of the department of public works, railroad warning signs (approach signs) of a standard design which shall be located as designated in the plans and specifications furnished by the director of highways; said railroad warning signs (approach signs) shall be maintained by the authorities having jurisdiction of such highway.

New
railroad.

SEC. 3. Standard federal road markers shall be placed on state highways as requested by the department of agriculture of the United States. Directional signs showing distance and direction to each point of importance shall be placed at all crossings and intersections of state highways; and the principal crossings and intersections of county or township roads, county roads or township roads and state highways, and city streets and streets forming a part of the route of a state highway. Caution signs or signals shall be placed where practicable on all public highways at such points and in such manner as to advise the traveler of the proximity of a state highway, arterial street, or other dangerous or unusual conditions. Stop signs or slow signs, as the director of highways shall deem proper for the particular location shall be placed on all public highways, other than state highways, at the intersection of a state highway or street forming a part of the route of a state highway. Stop signs shall not be placed on state highways, or city streets forming a part of the route of a state highway, except as directed by the director of highways, or where traffic should be stopped at intervals by an approved signal device or traffic control light. Signs or signal devices prohibiting left turns, or which will in any manner lead traffic from its natural course, or will slow up, hinder, or delay traffic, shall not be placed

Federal
road
markers.

Directional
signs.

Caution
signs.

Stop, slow,
signs.

Left turn
signs.

Railroad
warning
signs.

Omitted on
application.

on state highways or streets forming a part of the route of the state highway except as may be directed or approved by the director of highways. Railroad warning signs (approach signs) of standard design shall be placed by the authorities having jurisdiction thereof, on the public highway near each existing railroad highway grade crossing and located in such manner as will at all times be visible from the roadway: *Provided*, That on written application of any person interested and upon investigation, there may be an exception to the placing of railroad warning signs (approach signs) by permission of the department of public works, where, within its jurisdiction, the department deems the erection of railroad warning signs (approach signs) inadvisable.

Department
of public
works,
hearing.

SEC. 4. Whenever any person, firm, corporation, municipal corporation, or local authorities, responsible for the erection and/or maintenance of railroad warning signs (approach signs) and/or saw buck crossing signs, shall fail, neglect, or refuse to erect railroad warning signs (approach signs) or erect and/or maintain saw buck crossing signs as required by law, it shall be the duty of the department of public works, upon complaint of the director of highways, or upon complaint of any party interested, or upon its own motion, to enter upon a hearing in the manner now provided by law for hearings with respect to railroad highway grade crossings, and to make and enforce proper orders for the erection and/or maintenance of suitable signs, signals, or warning devices: *Provided*, That this section shall not be construed to apply to railroad highway grade crossings within the corporate limits of cities authorized to frame their own charters.

Repeals
sections of
Rem. Comp.
Stat.

SEC. 5. That section 6303 of Remington's Compiled Statutes as amended by section 6303 of Remington's Compiled Statutes 1927 Supplement, and

sections 6304, 6305, 6306, 6307, and 6309 of Remington's Compiled Statutes are hereby repealed.

Passed the House March 11, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 119.

[H. B. 368.]

DECISIONS OF DEPARTMENT OF PUBLIC WORKS.

AN ACT relating to public service properties and utilities; providing for the regulation thereof; prescribing procedure in matters relating thereto, and amending Sections 10428 and 10429 of Remington's Compiled Statutes of Washington; repealing certain acts and declaring that this act shall take effect immediately.

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

SECTION 1. That section 10428 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 10428, Rem.
Comp. Stat.

Section 10428. Any complainant or any public service company affected by any order of the department of public works (save and except orders determining the amount of reparation and/or overcharge), and deeming said order to be contrary to law, may, within thirty days after the service of the order upon him, or it, apply to the chief justice of the supreme court of the State of Washington for a writ of review, for the purpose of having the reasonableness and lawfulness of said order inquired into and determined. Such writ shall be made returnable not later than thirty days from and after the date of the issuance thereof, unless upon notice to all parties affected a further time be fixed by the chief justice, and shall direct the department to certify its record in the case to the supreme court. The cause shall be heard by the court at such time subsequent to the return day as the court shall direct.

Orders of
department
subject to
review.

Writ
issued.

Returnable.

Record.

Said cause shall be heard by the court upon the record made before the department and certified to by said department and shall consist of a transcript of the testimony, together with all exhibits introduced or offered and rejected, and a transcript of the proceedings before the department. Briefs and abstract (where the statement of facts contains over 100 pages) shall be prepared, served and filed in conformity with the rules of the supreme court governing appeals, except that the time for the service and filing of the abstract and opening brief as provided in said rules shall run from the day of the issuance of the writ by the chief justice as hereinbefore provided. The general laws relating to appeals to the supreme court shall, so far as applicable and not in conflict with the provisions of this act, apply to writs of review taken under the provisions of this act. Upon such hearing the supreme court shall enter such judgment as it deems proper, and the court may, in its discretion, remand any cause which is reviewed by it to the department for further action.

Briefs,
abstracts.

Judgment.

Courts'
jurisdiction.

No court of this state (except the supreme court to the extent herein specified) shall have jurisdiction to review, reverse, correct or annul any order or decision of the department or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the department in the performance of its official duties: *Provided*, That the writs of mandamus and prohibition shall lie from the supreme court to the department in all proper cases.

Amends
§ 10429, Rem.
Comp. Stat.

SEC. 2. That section 10429, of Remington's Compiled Statutes be amended to read as follows:

Stay of
order.

Section 10429. The pendency of any writ of review shall not of itself stay or suspend the operation of the order of the department, but the supreme court in its discretion may restrain or suspend, in whole or in part, the operation of the department's

order pending the final hearing and determination of the suit.

No order so restraining or suspending an order of the department relating to rates, fares, charges, tolls, or rentals, or rules or regulations, practices, classifications or contracts affecting the same, shall be made by the supreme court otherwise than upon three days' notice and after hearing: *Provided, however,* That when any rate has been in force for any length of time exceeding one year, and such rate is advanced by the public service company, and the order of the department reinstates such prior rate, in whole or in part, no supersedeas shall be allowed in any case from such order pending the final determination of the cause by the supreme court.

Order of suspension, notice.

In case the order of the department under review is superseded by the court, it shall require a bond, with good and sufficient surety, conditioned that such company petitioning for such review shall answer for all damages caused by the delay in the enforcement of the order of the department, and all compensation for whatever sums for transportation, transmission or service any person or corporation shall be compelled to pay pending the review proceedings in excess of the sum such person or corporation would have been compelled to pay if the order of the department had not been suspended. Such bond may name the State of Washington as obligee therein for the benefit of whom it may concern, instead of naming any respondent or other party as obligee.

Bond.

The court may, in addition to or in lieu of the bond herein provided for, require such other or further security for the payment of such excess charges or damages as it may deem proper.

Additional security.

SEC. 3. That section 10430 of Remington's Compiled Statutes is repealed; that section 10441 of Remington's Compiled Statutes, insofar as it con-

Repeals § 10430 and as to conflict § 10441, Rem. Comp. Stat.

ficts herewith, and all other acts and parts of acts in conflict herewith, are hereby repealed.

Saving as
to pending
proceedings.

SEC. 4. This act shall not affect any proceeding or action pending in any court whatever at the time this act shall take effect.

Effective
immediately.

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

Passed the House March 7, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 120.

[S. B. 112.]

MOTOR VEHICLE LICENSES OF NONRESIDENTS.

AN ACT relating to the use of public highways, the licensing of motor vehicles, amending Chapter 96 of the Laws of 1921, as amended by Chapter 99, Laws of 1929.

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

Amends
§ 11, ch. 96,
Laws 1921;
ch. 99,
Laws 1929.

SECTION 1. That section 11 of chapter 96 of the Laws of 1921, as amended by chapter 99, Laws of 1929, be amended to read as follows:

Registration
for non-
residents not
required.

Section 11. Except as is herein provided for foreign corporations, the provisions of this act relative to the registration of motor vehicles and display of license numbers and licenses shall not apply to any motor vehicle or motorcycle owned by non-residents of this state if the owner thereof has complied with the law requiring the registration of motor vehicles or motorcycles or the names of the owners thereof in force in the state, foreign country or province, territory or federal district of his residence; and the registration number showing the initial or abbreviation of the name of such state, foreign coun-

try or province, territory or federal district, is displayed on such vehicle substantially as is provided elsewhere in this act: *Provided*, That the provisions of this section shall be operative as to a motor vehicle or motorcycle owned by a non-resident of this state only to the extent that under the laws of the state, foreign country or province, territory or federal district of his residence, like exemptions and privileges are granted to motor vehicles or motorcycles duly registered under the laws of and owned by residents of this state. If, under the laws of such state, foreign country or province, territory or federal district, motor vehicles or motorcycles owned by residents of this state, operating upon the highways of such state, foreign country or province, territory or federal district, are required to pay the registration fee and carry the license plates of such state, foreign country or province, territory or federal district, the motor vehicles or motorcycles owned by residents of such state, foreign country or province, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this act. Foreign corporations owning, maintaining or operating places of business in this state and using motor vehicles or motorcycles in connection with such places of business, shall comply with the provisions of this act insofar as the motor vehicles and motorcycles used in connection with such places of business are concerned.

Conditioned
on reci-
procity.

A non-resident within the meaning of this act shall be held and defined to mean a person temporarily sojourning within this state for a period of ninety days or less in any one year.

Non-resident
defined.

Passed the Senate February 23, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 121.

[S. B. 158.]

EXCISE TAX ON FISH.

AN ACT relating to excise taxes on fish, and amending Section 51a of Chapter 31 of the Laws of 1915.

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

SECTION 1. That section 51a of chapter 31 of the Laws of 1915, added by section 2 of chapter 63 of the Laws of 1921 (section 5704 of Remington's Compiled Statutes) be amended to read as follows:

Section 51a. There shall be paid to the treasurer of the State of Washington, for the salmon and other food and shell fish taken from its waters or from those over which it has jurisdiction, by the person, firm or corporation catching or taking the same, and for the salmon and other food fish taken in the waters of the Pacific Ocean off the western territorial limits of the State of Washington, by the person bringing the same into the State of Washington, the sums herein mentioned, which shall be in addition to the licenses and other fees provided by this act:

For each chinook salmon caught in the Columbia river district between the 1st day of January and the 26th day of August, both dates inclusive, eleven cents (11c);

For each chinook salmon caught in the Columbia river district from the 27th day of August to the 31st day of December, both dates inclusive, three and one-quarter cents ($3\frac{1}{4}c$);

For each chinook salmon caught in Grays Harbor or Willapa Harbor district, four cents (4c);

For each chinook salmon caught in Puget Sound district, seven and one-half cents ($7\frac{1}{2}c$);

For each dog or chum salmon caught, four-fifths of a cent ($\frac{4}{5}c$);

Amends
§ 51-a, ch. 31,
Laws 1915;
§ 2, ch. 63,
Laws 1921;
§ 5704, Rem.
Comp. Stat.

Catch tax
paid state
treasurer.

Specified.

For each humpback salmon caught, three-fourths of a cent ($\frac{3}{4}c$);

For each silver salmon caught, one and one-half cent ($1\frac{1}{2}c$);

For each sockeye salmon caught, two cents ($2c$);

For each steelhead salmon caught, four and one-third cents ($4\frac{1}{3}c$);

For each 100 pounds or fraction thereof of razor clams at the rate of eleven cents ($11c$) per 100 pounds;

For all clams and mussels of all varieties other than razor, at the rate of nine cents ($9c$) per 100 pounds;

For all crabs at the rate of six and one-half cents ($6\frac{1}{2}c$) per dozen;

For all shrimp at the rate of fifty-four cents ($54c$) per 100 pounds;

For all sea bass, at the rate of twenty-six cents ($26c$) per 100 pounds;

For all carp at the rate of two and one-half cents ($2\frac{1}{2}c$) per 100 pounds;

For all black cod at the rate of twenty-two cents ($22c$) per 100 pounds;

For all ling cod at the rate of thirteen cents ($13c$) per 100 pounds;

For all rock cod at the rate of thirty cents ($30c$) per 100 pounds;

For all cod fish, other than black, ling and rock, at the rate of nine cents ($9c$) per 100 pounds;

For all devil fish at the rate of twenty-six cents ($26c$) per 100 pounds;

For all flounders, at the rate of nine cents ($9c$) per 100 pounds;

For all halibut, at the rate of forty-three cents ($43c$) per 100 pounds;

For all herring, at the rate of four and one-half cents ($4\frac{1}{2}c$) per 100 pounds;

For all mackerel, at the rate of twenty-two cents ($22c$) per 100 pounds;

For all salt water perch, at the rate of twenty-six cents (26c) per 100 pounds;

For all red snapper, at the rate of nine cents (9c) per 100 pounds;

For all sable fish, at the rate of twenty-six cents (26c) per 100 pounds;

For all sand-dabs, at the rate of thirty-nine cents (39c) per 100 pounds;

For all shad, at the rate of ten cents (10c) per 100 pounds;

For all smelt caught in the Columbia river district, at the rate of fifty cents (50c) per 100 pounds;

For all smelt caught in the Puget Sound district, at the rate of fifty cents (50c) per 100 pounds;

For all sole, at the rate of thirteen cents (13c) per 100 pounds;

For each sturgeon caught in the Columbia river district, seventeen cents (17c);

For each sturgeon caught in Puget Sound, Grays Harbor or Willapa Harbor district, twenty-six cents (26c);

For all dolly varden trout, at the rate of fifty-five cents (55c) per 100 pounds;

For all food fish other than those listed, and all fish which may hereafter be classified as food fish by the board of fisheries, at the rate of ten cents (10c) per 100 pounds.

Payment of the foregoing tax for each and every fish taken or caught shall be made by the person taking or catching the fish unless the fish are sold to some licensed canner, wholesale fish dealer, broker, or person engaged in freezing, salting, smoking, kippering, or otherwise preserving fish, or unless the fish be sold to some other person, firm or corporation who is required under the laws of the State of Washington to be licensed in order to purchase fish in said state, and who by the terms of this act is made liable to the State of Washington for the payment

Payment by
person tak-
ing or
catching.

Exception.

of the catch taxes by this act provided. Payment shall be made for the fish caught or taken during the preceding four months, on March 31st, July 31st, and November 30th of each year.

In case such fish are sold, by the taker or catcher, to a canner, wholesale dealer, broker, or curer of fish, then and in that case the canner, wholesale dealer, broker, or curer of fish purchasing the same is hereby required to pay said catch tax to the state at the time of making the report of fish purchased during the four months' period preceding March 31, July 31, and November 30 of each year.

Canner,
wholesale
dealer,
curer to
pay.

It shall be prima facie evidence that fish were caught within the waters of the state when disposed of within the state by a person operating an appliance licensed under the provisions of this act.

Prima facie
evidence.

The purpose of this provision is to insure that any person taking any of the salmon or other food or shell fish from the waters of the State of Washington or those over which it has jurisdiction, or taking any salmon or other food fish from the waters of the Pacific Ocean off the western territorial limits of the State of Washington, shall pay to the state the catch tax by this act provided.

Purpose.

Passed the Senate March 5, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 122.

[S. B. 247.]

REAPPROPRIATION OF PERMANENT HIGHWAY FUND.

AN ACT reappropriating a certain sum from the permanent highway fund for the construction and maintenance of highways in counties composed entirely of islands and for the construction and maintenance of permanent highways in all other counties, and declaring that this act shall take effect immediately.

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

SECTION 1. For the completion of work already under contract, for new contracts, and for the construction and maintenance of highways in counties composed entirely of islands and for the completion of work already under contract, for new contracts and for the construction and maintenance of permanent highways in all other counties there is hereby re-appropriated from the permanent highway fund the sum of five hundred twenty-three thousand, eight hundred eleven dollars and seventeen cents (\$523,811.17), or so much thereof as may be necessary; the same being the unexpended balance of the permanent highway fund as shown by the state auditor's books on December 31st, 1930: *Provided, however,* That the amount above stated, together with the amount expended, shall not exceed the original appropriation made in 1929 for said purposes.

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 March 2, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 21, 1931.

Construction,
maintenance,
Island and
other
counties.

Permanent
highway
fund.

Appropriation.

Effective
immediately.

CHAPTER 123.

[S. B. 248.]

REAPPROPRIATION FROM LATERAL HIGHWAY FUND.

AN ACT reappropriating a certain sum from the lateral highway fund for the construction and maintenance of highways in counties composed entirely of islands and for the construction of lateral highways in all other counties, and declaring that this act shall take effect immediately.

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

SECTION 1. For the completion of work already Purpose.
under contract, for new contracts, and for the construction and maintenance of highways in counties composed entirely of islands and for the completion of work already under contract, for new contracts and for the construction of lateral highways in all other counties there is hereby re-appropriated from the lateral highway fund the sum of three million, three hundred forty thousand, four hundred ninety eight dollars and eight cents (\$3,340,498.08), or so Amount.
much thereof as may be necessary; the same being the unexpended balance of the lateral highway appropriation as shown by the state auditor's books on December 31st, 1930; *Provided, however,* That the amount above stated, together with the amount expended, shall not exceed the original appropriation made in 1929 for said purposes.

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

Passed the Senate March 2, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 124.

[H. B. 109.]

INHERITANCE TAXES; EXEMPTIONS.

AN ACT relating to the taxation of inheritances, and amending
Section 1 of Chapter 93 of the Laws of 1905.

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

Amends § 1,
ch. 93, Laws
of 1905; § 1,
ch. 51, Laws
of 1921;
§ 11218, Rem.
Comp. Stat.

SECTION 1. That section 1 of chapter 93 of the
Laws of 1905, as amended by section 1 of chapter 51
of the Laws of 1921 (section 11218 of Remington's
Compiled Statutes) be amended to read as follows:

Charitable
purposes,
exempted.

Section 1. All bequests and devises of property
within this state when the same are for one of the
following charitable purposes, namely, the relief of
the aged, indigent and poor people, maintenance of
sick or maimed, the support or education of orphans
or indigent children, and all bequests and devises
heretofore made to the State of Washington or to
any county, city, school district or other municipal
corporation therein for eleemosynary, charitable,
educational or philanthropic purposes, and all be-
quests and devises made to, or for the use of, schools
and colleges in the state, and to, or for the use of,
any non-sectarian organization, or association, or-
ganized and conducted in this state primarily and
chiefly for religious purposes, where such school,
college or non-sectarian organization or association
is supported in whole or in part by gifts, endow-
ments or charity, the entire income of which said
school or college, or non-sectarian organization or
association, after paying the expenses thereof, is de-
voted to the purposes of such institution and which
is open to all persons upon equal terms, shall be
exempt from the payment of any inheritance tax and
any property in this state which has been devised
or bequeathed for such purposes and upon which a

state inheritance tax is claimed or is owing is hereby declared to be exempt from the payment of such tax.

Passed the House February 19, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 125.

[H. B. 218.]

MATTRESSES.

AN ACT relating to public health and sanitation, defining mattresses, regulating the making, remaking and sale thereof, prohibiting the use of insanitary or unhealthy materials therein, providing for the proper labeling thereof, and for penalties for the violation thereof.

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

SECTION 1. The term "mattress" as used herein shall be construed to mean any quilted pad, comforter, mattress, mattress pad, hammock pad, bunk quilt, settees, couches, day beds, davenportes and overstuffed chairs, cushion or pillow stuffed or filled with wool, hair, cotton, cotton lintens, kapok, feathers or other soft material capable of use for sleeping or reclining purposes.

Term defined.

SEC. 2. No person, firm or corporation, by himself or by his agents, servants or employees shall employ and/or use in the making, remaking and/or renovating of any mattress any material of any kind that has been used in or has formed a part of any mattress used in or about any public or private hospital or institution for the treatment of persons suffering from disease or for or about any person having any infectious or contagious disease; or any material known as "shoddy", or material made in whole or in part from old or worn clothing, carpets and/or other fabrics or material previously used; or

Use of material prohibited.

Hospitals.

Shoddy material.

any other fabric or material from which shoddy is constructed, or any other material not herein specifically mentioned of which prior use has been made, unless any and all of said materials have been thoroughly sterilized and disinfected by a process approved by the state director of health.

Sale of remade mattress.

SEC. 3. No person, firm or corporation shall sell, offer for sale, deliver, rent, consign and/or have in his possession for the purpose of sale, delivery, and/or consignment any mattress made, remade and/or renovated in violation of the above provision.

Tag or label required.

SEC. 4. No person, firm or corporation shall sell or offer for sale either at wholesale or retail, or otherwise, repair or renovate, deliver, rent or consign or have in his possession with intent to sell, repair, renovate, deliver, rent or consign any mattress that does not bear thereon, plainly and indelibly stamped upon a muslin or linen tag, or label not smaller than three (3) inches square, securely sewed to the covering thereof, a statement as hereinafter provided.

Statement on tag.

SEC. 5. The statement required under the foregoing section shall be in words and form as follows:

MATERIALS USED IN FILLING.

Percentage of kinds of materials.....
Gross weight of materials, including covering.....pounds
Vendor
Address
This article is made in conformance with the requirements of Chapter, Laws of Washington, 19.....

Terms, "felt," "felted," "felted cotton," "felted linters."

SEC. 6. Whenever the term "felt" is used in any statement, said materials shall be in layers as processed by felting machines and it shall be indicated whether said felt is "felted cotton" or "felted linters".

"Floss."

SEC. 7. It shall be unlawful to use in any statement concerning any mattress the word "floss", or

words of like import, if there has been used in filling said mattress any materials which are not termed as "Kapok." "kapok".

SEC. 8. It shall be unlawful to use in the description hereinbefore provided for, any misleading term or designation or term or designation likely to mislead. Misleading statement.

SEC. 9. In the case of mattresses made from material and/or materials known as "second-hand materials" or "shoddy material" the form of statement provided for in section 5 hereof shall contain a heading, in type not smaller than twenty-four (24) point condensed Gothic type the words "SECOND HAND MATERIAL." "Second-hand materials."

SEC. 10. The state director of health shall have authority to prescribe, establish and enforce such rules and standards of grading, mixing and inspecting materials used in mattresses as will, in his judgment promote public health and sanitation. Rules for grading materials.

SEC. 11. The removal, alteration or defacement of any tag or label herein provided for shall constitute a gross misdemeanor. Removal of tag.

SEC. 12. Any mattress of which prior use has been made shall not be offered for sale unless it has been sterilized by a process approved by the director of health, who is hereby empowered to make regulations covering the processes or method used in sterilization. Filthy or soiled mattresses shall not be considered sterilized unless the fabric covering such mattresses be replaced by clean and new covering and then subjected to sterilization. Such mattresses shall bear a label similar to that provided for in section 5 hereof with the added words "STERILIZED MATERIAL." Prior use, sterilized.

SEC. 13. The state director of health shall have the right to condemn and seize and destroy any mat- Condemn, destroy.

tress which is found to be in violation of any of the provisions of this act or of any rule or regulation made pursuant thereto.

Tags,
furnished.

Price.

SEC. 14. The state director of health is hereby authorized to contract for the printing of the tags or labels required by the provisions of this act, and shall, upon application to him by any maker, remaker, renovator, or vendor, of any article covered by this act, furnish tags or labels in quantities of not less than 1,000 tags or labels, for which the applicant shall pay \$15.00 for each 1,000 of the same, except tags or labels to be used upon comforters, bunk quilts, cushions, and pillows, and upon which shall be printed in addition, "for use upon comforters, bunk quilts, cushions and pillows", shall be furnished in quantities of not less than 1,000 tags or labels, for which the applicant shall pay \$7.50 for each 1,000 of the same. The moneys so collected shall be paid over promptly to the state treasurer.

Separate
offenses.

SEC. 15. The unit for a separate and distinct offense in violation of this act shall be each and every mattress made, remade, renovated, sold, offered for sale, delivered, consigned, rented, or possessed with intent to sell, deliver, consign or rent, contrary to the provisions hereof.

Penalty.

SEC. 16. Any person or corporation violating the provisions of this act shall be guilty of a misdemeanor.

Enforcement
of act.

SEC. 17. The enforcement of the provisions of this act shall be under the supervision of the state director of health. Such officer and such persons as he may designate shall have access to any premises or any records held by any person containing any information pertaining to the article or material in question.

Invalid in
part, not to
affect
balance.

SEC. 18. If any section of this act shall be adjudged to be invalid or unconstitutional, such

adjudication shall not affect the validity of the act as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Passed the House March 6, 1931.

Passed the Senate February 27, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 126.

[H. B. 194.]

CONSOLIDATION OF BANKS AND TRUST COMPANIES.

AN ACT relating to the consolidation of banks, trust companies and national banking associations; declaring the procedure therefor; defining certain terms; defining the duties of certain officers in connection therewith; providing for the transfer and vesting of property rights in the consolidated bank; providing for and regulating the succession of the consolidated bank to all offices or appointments of the banks consolidating with it as executor, administrator, trustee or other fiduciary; providing for the liquidation of shares of stockholders dissenting.

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

SECTION 1. For the purposes of this act:

Definitions.

The term "bank" shall mean a bank or a bank and trust company organized under the laws of the State of Washington.

Bank.

The term "trust company" shall mean a trust company authorized under the laws of the State of Washington.

Trust company.

The term "association" shall mean a national banking association organized under the laws of the United States of America.

Association.

The term "consolidated bank" shall mean the bank, trust company or association under whose charter the consolidation is effected.

Consolidated bank.

The term "supervisor of banking" shall mean the supervisor of banking of the State of Washington.

Supervisor of banking.

Comptroller. The term "comptroller" shall mean the comptroller of the currency of the United States of America.

Consolidation authorized. SEC. 2. Any bank or trust company may, with the written approval of the supervisor of banking, be consolidated with another bank, trust company or association located in the same county, city or town under the charter of either, upon such terms and conditions as may lawfully be agreed upon by a majority of the board of directors of each bank, trust company or association participating in or proposing to participate in such consolidation.

Shareholders to ratify. SEC. 3. Before any agreement to consolidate entered into by the board of directors of any bank, trust company or association with any other bank, trust company or association shall be valid it shall be ratified by the affirmative vote of the shareholders of each such bank, trust company or association owning two thirds of the issued and outstanding capital stock of such bank, trust company or association at a meeting of the shareholders thereof duly called for that purpose.

Shareholders' meeting, notice of. SEC. 4. Notice of any meeting of the shareholders of any bank, trust company or association called for the purpose of confirming, ratifying or rejecting any agreement for consolidation with any other bank, trust company or association, unless notice of such meeting is waived in writing by all the shareholders of such bank, trust company or association, shall state the time and place of holding such meeting and the purpose for which it is called. A copy of such notice shall be sent by registered mail to each shareholder of record at least ten days prior to such meeting. *Provided, however,* That notice given by any association in the manner required by the Acts of Congress relating to the consolidation of such associations with state banks and

trust companies shall be deemed a compliance by such association with the requirements of this act relating to notice.

SEC. 5. The capital stock of the consolidated bank shall not be less than that required under existing laws of the State of Washington for the organization of a bank in the city or town where such consolidated bank is located, nor shall such consolidated bank engage in trust business if its capital be less than that required by existing laws to incorporate a trust company to be located in such city or town.

Capital
stock.

SEC. 6. Whenever any bank, trust company or association shall be consolidated with any other bank, trust company or association, the rights, interests and franchises of any bank, trust company or association joining in or party to such consolidation in and to every species of property, real, personal and mixed and choses in action thereto belonging, shall be deemed transferred to and vested in the consolidated bank without any deed, endorsement or other instrument of transfer, and the consolidated bank shall take, hold and enjoy the same and all rights of property, franchise and interests in the same manner and to the same extent as the same were held by such bank, trust company or association before consolidation.

Rights
transferred.

SEC. 7. The rights of creditors of a bank, trust company or association consolidated with another bank, trust company or association shall not be impaired by such consolidation, and all indebtedness and obligations, disclosed and undisclosed, of the bank, trust company or association consolidating shall be deemed to have been assumed by the consolidated bank, and any creditor of a bank, trust company or association joining in a consolidation shall have the same rights, remedies and procedure

Rights of
creditors.

against the consolidated bank for the collection or enforcement of his claim that he would have had against the bank, trust company or association before consolidation.

Trust
business,
succeeds.

SEC. 8. Whenever any bank, trust company or association shall consolidate with another bank, trust company or association the consolidated bank, if authorized to do trust business in the State of Washington, shall succeed to all rights, offices, authorities and appointments of the bank, trust company or association consolidating into or with it, as trustee, executor, administrator or in any other fiduciary capacity and shall execute the powers, duties, authorities and trusts pertaining thereto, and therein shall be vested with the same power and authority as the bank, trust company or association consolidated.

Right to
court con-
firmation.

SEC. 9. If any bank, trust company or association consolidating with another bank, trust company or association shall have been designated, named or nominated in any written instrument as executor, trustee or other fiduciary, and such designation or nomination require confirmation by any court, then the consolidated bank shall have the same right to be confirmed in such office, appointment or trust as the bank, trust company or association therein mentioned would have had but for such consolidation. *Provided, however,* That nothing herein shall be construed as requiring any court to confirm such consolidated bank in any office, appointment or trust, or as preventing any court from removing such consolidated bank from any office, appointment or trust to which it has succeeded by virtue of such consolidation, if such court shall deem such consolidated bank incapable of or disqualified from exercising such office, appointment or trust, or that its appointment to, succession to, or continuance in such office, appointment or trust would not be for the best

Revocation
of trust.

interest of the estate, interest or trust to which such office, appointment or trust pertains.

SEC. 10. Whenever any bank or trust company shall be consolidated with another bank, trust company or association under the charter of such other bank, trust company or association, the charter of the bank or trust company so consolidating under the charter of another bank, trust company or association shall be deemed revoked, and the supervisor of banking shall revoke any certificate of authority theretofore issued to it to do business and such certificate of authority shall not thereafter be revived or renewed.

Charter
revoked.

SEC. 11. Certified copies of the minutes of all meetings, proceedings and agreements entered into by the contracting parties in such consolidations shall be filed with the supervisor of banking.

Copies of
proceedings,
filed.

SEC. 12. Nothing in this act shall be construed as authorizing the consolidation of any bank or trust company with any national banking association, or the transfer to or vesting in the consolidated bank of any of the rights, interests, franchises and property of a national banking association, or as authorizing the employment against a consolidated bank consolidated under the charter of a national banking association of any remedy or procedure, when such consolidation, transfer, vesting or employment would be in contravention of the laws of the United States.

No consol-
idation in
violation of
U. S. laws.

SEC. 13. Whenever any consolidation of a bank or trust company with a bank, trust company or association has been effected and such consolidation has been approved as to any bank or trust company participating in such consolidation by the supervisor of banking, and as to any association participating therein by the comptroller, any shareholder of any bank or trust company participating in such con-

Dissenting
shareholder.

Notice of
dissent.

Value of
shares,
appraisal.

Appeal to
supervisor.

Cost of
appraisal.

solidation who has not voted for such consolidation may, within twenty days from the date of the approval thereof by the supervisor of banking, give notice in writing to the directors of the consolidated bank that he dissents from the plan of consolidation as adopted and approved, whereupon he shall be entitled to receive the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by the shareholder and one to be selected by the consolidated bank and the third to be selected by the two first chosen. In case the value as determined by such committee shall not be satisfactory to such shareholder, he may, within five days after being notified of the value as determined by such appraisal, appeal to the supervisor of banking who shall cause a reappraisal to be made by such committee, or by such other appraisers as he may select, and such reappraisal shall be conclusive and binding upon both the shareholder and the consolidated bank.

The consolidated bank shall pay the cost of appraisal and of the reappraisal if the reappraisal shall fix a value on said shares greater than the appraisal, otherwise said appealing shareholder shall pay the cost of such reappraisal. The amount of the value of such shares as determined by the appraisal or reappraisal if such reappraisal shall fix a value greater than the appraisal, shall be deemed a debt due from the consolidated bank to such shareholder and the certificate or certificates for shares held by such shareholder shall be immediately surrendered to the consolidated bank.

Passed the House February 28, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 127.

[H. B. 221.]

BANKS AND BANKING.

AN ACT relating to banks and banking; authorizing the acceptance by banks of drafts and/or bills of exchange drawn thereon; and amending Section 23 of Chapter 80 of the Laws of 1917 as amended by Section 8 of Chapter 209 of the Laws of 1919.

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

SECTION 1. That section 23 of chapter 80 of the Laws of 1917 as amended by section 8 of chapter 209 of the Laws of 1919 be amended to read as follows: Amends § 23, ch. 80, Laws of 1917; § 8, ch. 209, Laws of 1919.

Section 23. Upon the issuance of a certificate of authority to a bank, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power: Certificate issued.

(1) To adopt and use a corporate seal. Corporation. Powers. Seal.

(2) To have succession for the term of years mentioned in its articles of incorporation. Term.

(3) To make contracts. Contracts.

(4) To sue and be sued, the same as a natural person. Suits.

(5) To elect directors who, subject to the provisions of the corporation's by-laws, shall have power to appoint such officers as may be necessary or convenient, to define their powers and duties and to dismiss them at pleasure, and who shall also have general supervision and control of the affairs of such corporation. Elect directors.

(6) To prescribe by its stockholders by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors and officers elected or appointed, its stockholders convened for general or special meetings, its property transferred, its general business conducted and the Stock issue.

privileges granted to it by law exercised and enjoyed.

Promissory
notes.

(7) To discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt, to receive deposits of money and commercial paper, to lend money on real or personal security, to buy and sell bullion, coins and bills of exchange.

Bailee.

(8) To take and receive as bailee for hire upon terms and conditions to be prescribed by the corporation, for safekeeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, mortgages, securities and valuable paper of any kind and other valuable personal property, and to rent vaults, safes, boxes and other receptacles for safekeeping and storage of personal property.

Insurance
agent.

(9) If the bank be located in a city of not more than five thousand inhabitants, to act as insurance agent.

Drafts,
bills of ex-
change, six
months sight.

(10) To accept drafts or bills of exchange drawn upon it having not more than six months sight to run, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods, provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title to readily marketable staples. No bank shall accept, either in a foreign or a domestic transaction, for any one person, company, firm or corporation, to an amount equal at any one time in the aggregate to more than ten per centum of its paid up and unimpaired capital stock and surplus unless the bank is secured by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its

paid up and unimpaired capital stock and surplus. *Provided, however,* That the supervisor of banking, under such general regulations applicable to all banks irrespective of the amount of capital or surplus, as he may prescribe may authorize any bank to accept such bills to an amount not exceeding at any time in the aggregate one hundred per centum of its paid up and unimpaired capital stock and surplus: *Provided, further,* That the aggregate of acceptances growing out of domestic transactions shall in no event exceed fifty per centum of such capital stock and surplus.

(11) To accept drafts or bills of exchange drawn upon it, having not more than three months sight to run, drawn under regulations to be prescribed by the supervisor of banking by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies or insular possessions. Such drafts or bills may be acquired by banks in such amounts and subject to such regulations, restrictions and limitations as may be provided by the supervisor of banking. *Provided, however,* That no bank shall accept such drafts or bills of exchange referred to in this subdivision for any one bank to an amount exceeding in the aggregate ten per centum of the paid up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title or by some other adequate security, and that no such drafts or bills of exchange shall be accepted by any bank in an amount exceeding at any time the aggregate of one-half of its paid up and unimpaired capital and surplus: *Provided, further,* That compliance by any bank which is a member of the federal reserve system of the United States with the rules, regulations

Drafts, bills
of exchange,
three months
sight.

and limitations adopted by the federal reserve board thereof with respect to the acceptance of drafts or bills of exchange by members of such federal reserve system shall be a sufficient compliance with the requirements of this subdivision or paragraph relating to rules, regulations and limitations prescribed by the supervisor of banking.

Act
retroactive.

(12) This act is retroactive and the powers hereby conferred shall inure to the benefit of any bank now holding such certificate, the persons named in the articles of incorporation of said bank and their successors.

Passed the House March 2, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 128.

[H. B. 344.]

CONVEYANCE OF LANDS TO ANDREW NEWHALL AND SARAH NEWHALL.

AN ACT relating to and authorizing the conveyance of certain lands.

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

University of
Washington
lands.

SECTION 1. The University of Washington having ceased to use the lands hereinafter described, for the purposes for which the same were conveyed by the deed of Andrew Newhall and Sarah Newhall, his wife, dated the nineteenth day of April, 1910, and having no further use for such lands, the authority is hereby conferred upon the governor to reconvey, by quit claim deed, to Andrew Newhall and Sarah Newhall, his wife, the survivor of them, and their executors, administrators and assigns, the following tract, lot, or parcel of land, situate, lying and being in the county of San Juan, State of Wash-

ington, and particularly bounded and described as follows, to-wit: Beginning at a point 1065.96 feet south and 2329.58 feet east of the corner common to sections 11, 12, 13 and 14, township 35 north, range 3 west, W. M., and running thence north 20°30' east 229 feet to meander line; thence along meander line south 66°15' east 127 feet; south 49°30' east 85.80 feet; south 55°30' east 171.60 feet; south 45°30' east 101 feet; thence leaving meander line south 45°00' west 172 feet; north 50°30' west 164 feet; north 71° west 236 feet to place of beginning.

Description.

Passed the House March 2, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 129.

[H. B. 359.]

HIGHWAYS UNDER FEDERAL AID ROAD ACT.

AN ACT relating to funds received from the United States government under the provisions of the Federal Aid Road Act of July 11, 1916; providing for the acceptance and disposal thereof; making an appropriation; and declaring that this act shall take effect immediately.

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

SECTION 1. That the state treasurer be and he hereby is authorized and directed to place in the state treasury to the credit of the motor vehicle fund, any and all funds received from the United States government under the provisions of the Federal Aid Road Act, approved July 11, 1916, and all acts amendatory thereof.

Funds placed
in state
treasury.

SEC. 2. There is hereby appropriated out of the motor vehicle fund of the state treasury the sum of six million dollars (\$6,000,000.00), or so much

Appropriation.

thereof as may be necessary, for the biennium ending March 31, 1933, to be expended by the director of highways to pay that portion of the costs which have been actually incurred for construction and/or engineering upon state highways which the United States government has agreed to repay to the state under the provisions of the Federal Aid Road Act, approved July 11, 1916, and acts amendatory thereof.

Effective
immediately.

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 March 6, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 130.

[H. B. 408.]

APPROPRIATION FROM PERMANENT HIGHWAY FUND.

AN ACT making an appropriation for the construction and maintenance of permanent highways and highways in counties composed entirely of islands, and declaring this act shall take effect immediately.

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

SECTION 1. For the construction and maintenance of permanent highways in the several counties and for the construction and maintenance of highways in counties composed entirely of islands there is hereby appropriated from the permanent highway fund the sum of four million, one hundred thousand (\$4,100,000.00) dollars or so much thereof as may be necessary.

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

Passed the House March 7, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 131.

[H. B. 409.]

APPROPRIATION FROM LATERAL HIGHWAY FUND.

AN ACT making an appropriation for the construction of lateral highways and highways in counties composed entirely of islands, and declaring this act shall take effect immediately.

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

SECTION 1. For the construction of lateral highways in the several counties and for the construction and maintenance of highways composed entirely of islands there is hereby appropriated from the lateral highway fund of the state treasury the sum of five million, one hundred sixty-seven thousand (\$5,167,000.00) dollars or so much thereof as may be necessary, not however to exceed the amount placed in said lateral highway fund to the credit of the respective counties.

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

Passed the House March 7, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 132.

[H. B. 34.]

MUTUAL SAVINGS BANKS.

AN ACT relating to and regulating mutual savings banks, amending Section 3375 of and adding Sections 3354 A, 3364 A, 3369 A, 3375 A, 3375 B, 3375 C, 3375 D, 3375 E, 3379 A, 3379 B and 3379 C to Remington's Compiled Statutes of Washington and defining certain crimes.

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

SECTION 1. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3354 A to read as follows:

Adds § 3354A
to Rem.
Comp. Stat.

Section 3354 A. Any debt due a mutual savings bank on which interest is one year or more past due and unpaid, unless such debt be well secured and in course of collection by legal process or probate proceedings, shall be considered a bad debt, and shall be charged off of the books of such mutual savings bank. A judgment held by a mutual savings bank shall not be considered an asset of the corporation after two years from the date of its rendition, unless with the written permission of the supervisor of banking specifying an additional period: *Provided*, That time consumed by any appeal shall be excluded.

Debts, bad.

Judgment,
uncollected.

Adds § 3364A
to Rem.
Comp. Stat.

SEC. 2. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3364 A to read as follows:

Dishonest
employees.

Section 3364 A. Whenever the supervisor of banking shall find that any trustee, officer or employee of any mutual savings bank is dishonest, reckless or incompetent, or fails to perform any duty of his office, he shall notify the board of trustees of such mutual savings bank, in writing, of his objections to any such trustee, officer or employee, and such board shall within twenty days after receiving

such notification meet and consider such objections, first giving notice to the supervisor of banking of the time and place of such meeting. If the board shall find the objections to be well founded, such trustee, officer or employee shall be immediately removed.

SEC. 3. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3369 A to read as follows:

Adds § 3369A
to Rem.
Comp. Stat.

Section 3369 A. Neither the supervisor of banking nor any person connected with his office shall disclose any information obtained from any mutual savings bank to any person not connected with such office except to proper officials legally empowered to investigate criminal charges, or except as is otherwise required by law. Every person who shall violate any provision of this section shall forfeit his office or employment and shall also be guilty of a gross misdemeanor.

Disclosure of
information.

SEC. 4. That section 3375 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 3375, Rem.
Comp. Stat.

Section 3375. When the trustees, acting under the provisions of the preceding section, shall have paid the sums due respectively to all creditors and depositors, who, after such notice as the supervisor of banking shall prescribe, claim the money due and their deposits, the trustees shall make a transcript or statement from the books in the bank of the names of all depositors and creditors who have not claimed or have not received the balance of the credit due them, and of the sums due them, respectively, and shall file such transcript with the supervisor of banking and pay over and transfer all such unclaimed and unpaid deposits, credits and moneys to the supervisor of banking. The trustees shall then report their proceedings, duly verified, to the

Voluntary
liquidation.

Creditors.

Statement.

Court proceedings.

superior court of the county wherein the bank is located, and upon such report and the petition of the trustees, and after notice to the attorney general and the supervisor of banking, and such other notice as the court may deem necessary, the court shall adjudge the franchise surrendered and the existence of the corporation terminated, certified copies of which judgment shall be filed in the offices of the secretary of state, supervisor of banking and auditor of the county wherein the bank is located where the same shall be filed, and in the office of the secretary of state recorded.

Adds § 3375A to Rem. Comp. Stat.

SEC. 5. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3375 A to read as follows:

Consolidation, voluntary liquidation.

Section 3375 A. A mutual savings bank may for the purpose of consolidation or voluntary liquidation transfer its assets and liabilities to another mutual savings bank, by the affirmative vote or with the written consent of two-thirds of the whole number of its trustees, but only with the written consent of the supervisor of banking and upon such terms and conditions as he may prescribe. Upon any such transfer being made, or upon the liquidation of any such mutual savings bank for any cause whatever, or upon its being no longer engaged in the business of a mutual savings bank, the supervisor of banking 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 of banking shall certify the fact to the secretary of state, whereupon the corporation shall cease to exist and the secretary of state shall note the fact upon his records.

Assets, liabilities transferred.

Certificate of authority terminated.

In case of the consolidation with or voluntary liquidation of a mutual savings bank by another

mutual savings bank, as herein provided, any sums advanced by its incorporators, or others, to create or maintain its guaranty fund or its expense fund shall not be liabilities of such mutual savings bank unless the mutual savings bank, so assuming its liabilities shall specifically undertake to pay the same, or a stated portion thereof.

Guaranty
fund, ex-
pense fund.

SEC. 6. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3375 B to read as follows:

Adds § 3375B
to Rem.
Comp. Stat.

Section 3375 B. Whenever it shall appear to the supervisor of banking that any mutual savings bank is conducting its business in an unsafe manner or that it refuses to submit its books, papers or concerns to lawful inspection, or that any trustee or officer thereof refuses to submit to examination on oath touching its concerns, or that it has failed to carry out any authorized order or direction of the supervisor of banking, such supervisor may give notice to the mutual savings bank so offending or delinquent or whose trustee or officer is thus offending or delinquent to correct such offense or delinquency, and if such mutual savings bank fails to comply with the terms of such notice within thirty days from the date of its issuance, or within such further time as said supervisor of banking may allow, then the supervisor of banking may take possession of such mutual savings bank as in the case of insolvency.

Business
unsafe.

Examination
refused.

Notice.

Possession
by super-
visor.

SEC. 7. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3375 C to read as follows:

Adds § 3375C
to Rem.
Comp. Stat.

Section 3375 C. Whenever it shall appear to the supervisor of banking that any offense or delinquency referred to in the preceding section renders a mutual savings bank in an unsound or unsafe condition to continue its business, or that it has sus-

Unsound,
unsafe.

Suspended
payment,
possession by
supervisor.

pending payment of its obligations, or is insolvent, such supervisor of banking may take possession thereof without notice.

Liquidation.

Upon taking possession of any mutual savings bank, the supervisor of banking shall forthwith proceed to liquidate the business, affairs and assets thereof and such liquidation shall be had in accordance with the provisions of law governing the liquidation of insolvent banks and trust companies.

Adds § 3375D
to Rem.
Comp. Stat.

SEC. 8. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3375 D to read as follows:

Possession
by super-
visor, court
proceedings.

Section 3375 D. Within ten days after the supervisor of banking takes possession thereof, a mutual savings bank may serve notice upon such supervisor to appear before the superior court in the county wherein such corporation is located, at a time to be fixed by said court, which shall not be less than five nor more than fifteen days from the date of the service of such notice, to show cause why such corporation should not be restored to the possession of its assets. Upon the return day of such notice, or such further day as the matter may be continued to, the court shall summarily hear said cause and shall dismiss the same, if it be found that possession was taken by the supervisor of banking in good faith and for cause, but if it find that no cause existed for the taking possession of such corporation, it shall require the supervisor of banking to restore such mutual savings bank to the possession of its assets and enjoin him from further interference therewith without cause.

Notice.

Repossession
ordered.

Adds § 3375E
to Rem.
Comp. Stat.

SEC. 9. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3375 E to read as follows:

Receiver,
assignment.

Section 3375 E. No receiver shall be appointed by any court for any mutual savings bank, nor shall any assignment of any such bank for the benefit of

creditors be valid, excepting only that a court otherwise having jurisdiction may in case of imminent necessity appoint a temporary receiver to take possession of and preserve the assets of such mutual savings bank. Immediately upon any such appointment, the clerk of such court shall notify the supervisor of banking by telegram and mail of such appointment and the supervisor of banking shall forthwith take possession of such mutual savings bank, as in case of insolvency, and such temporary receiver shall upon demand of the supervisor of banking surrender up to him such possession and all assets which shall have come into the hands of such receiver. The supervisor of banking shall in due course pay such receiver out of the assets of such mutual savings bank such amount as the court shall allow.

Temporary receiver.

Supervisor notified.

SEC. 10. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3379 A to read as follows:

Adds § 3379A to Rem. Comp. Stat.

Section 3379 A. Every transfer of its property or assets by any mutual savings bank in this state, made in contemplation of insolvency, or after it shall have become insolvent, with the view to the preference of one creditor over another, or to prevent the equal distribution of its property and assets among its creditors, shall be void. Every trustee, officer or employee making any such transfer shall be guilty of a felony.

Transfer of assets when insolvent.

Felony.

SEC. 11. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3379 B to read as follows:

Adds § 3379B to Rem. Comp. Stat.

Section 3379 B. Every person who shall knowingly subscribe to or make or cause to be made any false statement or false entry in the books of any mutual savings bank, or shall knowingly subscribe to or exhibit any false or fictitious security, document or paper, with the intent to deceive any person

False entry in books.

False statements.

authorized to examine into the affairs of any mutual savings bank, or shall make or publish any false statement of the amount of the assets or liabilities of any such mutual savings bank shall be guilty of a felony.

Felony.

Adds § 3379C to Rem. Comp. Stat.

SEC. 12. That there be added to Remington's Compiled Statutes of Washington a new section to be known as section 3379 C to read as follows:

Conceal, destroy evidence.

Section 3379 C. Every trustee, officer, employee, or agent of any mutual savings bank who for the purpose of concealing any fact shall suppress any evidence against himself, or against any other person, abstracts, removes, mutilates, destroys or secretes any paper, book or record of any mutual savings bank, or of the supervisor of banking, or anyone connected with his office shall be guilty of a felony.

Felony.

Passed the House March 11, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 133.

[H. B. 388.]

COLUMBIA RIVER FISHING.

AN ACT relating to fisheries, and amending Section 3, Chapter 90, Laws of 1923, and adding a new section to Chapter 31, Laws of 1915.

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

Amends § 3, ch. 90, Laws of 1923.

SECTION 1. That section 3, chapter 90, Laws of 1923 be amended to read as follows:

Salmon, sturgeon.

Section 3. It shall be unlawful to take or fish for salmon or sturgeon or other anadromous or food fish in the Columbia river, its tributaries and in any of the waters or sloughs thereof, west of the north and south line between sections 14 and 15, township

2 north, range 15 east of the Willamette meridian and within three miles outside the mouth of the Columbia river, by any means whatever, between 12 o'clock noon on the first day of March and 12 o'clock noon on the first day of May and between 12 o'clock noon on the twenty-fifth of August and 12 o'clock noon on the tenth day of September, and between 6 o'clock p. m. on Saturday of each week and 6 o'clock p. m. of the Sunday following, from the first day of May to the twenty-fifth day of August, both dates inclusive, of each year: *Provided, however,* That any person may at any time take salmon or other anadromous food fish and/or game fish with hook and line, commonly called angling, and to consist of only one line held in the hand or attached to a rod so held to which may be attached not to exceed two (2) hooks, for the use of such person, or his family in any waters of the Columbia river within the fishing limits set out in this section, wherein the State of Washington has jurisdiction or concurrent jurisdiction: *Provided, further,* That no person shall take in any one day, or have in his possession at any one time, more than 25 salmon of a length of 10 inches or over, nor shall the aggregate take of such salmon in any one day exceed 20 pounds in weight and one salmon: *Provided, further,* That it shall be unlawful to take or have in his possession any salmon of a length of less than 10 inches.

Hook and
line.

Limit.

It shall be unlawful to take or fish for salmon or sturgeon or other anadromous or food fish for commercial purposes in the Columbia river between the north and south line dividing sections 14 and 15, township 2 north, range 15 east of the Willamette meridian, as extended across the Columbia river and a line easterly thereof where the 46th parallel north latitude crosses said Columbia river.

SEC. 2. That chapter 31 of the Laws of 1915 is hereby amended by adding thereto a new section to be known as section 51 B, to read as follows:

Adds § 51B
to ch. 31,
Laws of
1915.

Dip-bag net
license.

Smelt.

Section 51 B. There shall be paid for each dip-bag net license for the taking of eulachen, commonly called smelt, for commercial purposes in the Columbia river district, a fee of five dollars (\$5.00): *Provided, however,* That any one person may at any time take not to exceed twenty (20) pounds of eulachen, commonly called smelt, in any one day for the personal use of such person in areas where commercial fishing is permitted.

SEC. 3. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1931.

Passed the House March 6, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 134.

[H. B. 375.]

INHERITANCE TAXES.

AN ACT relating to taxation of inheritances and ascertaining, determining and collecting of such tax, and providing as to how the federal estate tax shall be deducted from estates, and providing for an inheritance tax on property transferred under powers of appointment, and providing for an exemption on property previously taxed, and providing for the absorption of the eighty per cent credit allowed under the federal state tax act, and providing for interest on money refunded in certain cases, and providing for the payment of the income on securities deposited in certain cases, and providing as to how the market value of real estate and the improvements thereon shall be determined, and providing a bond for payment of inheritance tax, and providing for certain exceptions and exemptions in certain cases, and amending Sections 11202 and 11213 of Remington's Compiled Statutes, and adding to Section 11201 of Remington's Compiled Statutes two new sections to be known as Sections 11201-B and 11201-C, and adding to Section 11202 of Remington's Compiled Statutes two new sections to be known as Sections 11202-A and 11202-B, and adding to Section 11210 of Remington's Compiled Statutes a new section to be known as Section 11210-A, and adding to Section 11211 of Remington's Compiled Stat-

utes a new section to be known as Section 11211-A, and adding to Section 11218 of Remington's Compiled Statutes a new section to be known as Section 11218-A, and amending Sections 1 and 2 of Chapter 202 of the Laws of 1929.

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

SECTION 1. That section 11201 of Remington's Compiled Statutes as amended by section 5 of chapter 205 of the Laws of 1929, be amended by adding thereto a new section to be known as section 11201-B to read as follows:

Amends § 5, ch. 205, Laws of 1929; adds § 11201-B to Rem. Comp. Stat.

Section 11201-B. In all estates the amount of the federal estate tax, as paid by the estate, shall be deducted as a claim or indebtedness against the estate.

Federal estate tax deducted.

SEC. 2. That section 11201 of Remington's Compiled Statutes as amended by section 5 of chapter 205 of the Laws of 1929, be amended by adding thereto a new section to be known as section 11201-C to read as follows:

Amends § 5, ch. 205, Laws of 1929; adds § 11201-C to Rem. Comp. Stat.

Section 11201-C. Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property, made either before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of the inheritance tax laws of the State of Washington in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will, except that where the donor was a resident and the donee, at the time the appointment takes effect, is a non-resident, the property to which the appointment relates shall be taxable as having been transferred in the estate of the donor.

Power of appointment exercised.

Deemed a transfer.

SEC. 3. That section 11202 of Remington's Compiled Statutes as amended by section 1 of chapter 205 of the Laws of 1929, be amended to read as follows:

Amends § 11202, Rem. Comp. Stat.; § 1, ch. 205, Laws of 1929.

Tax
imposed.

Section 11202. The inheritance tax shall be imposed on all estates subject to this and other inheritance tax acts of the State of Washington, at the following rates.

Rates.

If passing to or for the use of a father, mother, husband, wife, lineal descendant, stepchild, or lineal descendant of a stepchild, adopted child or lineal descendant of an adopted child of the decedent, or to a son-in-law or a daughter-in-law of the decedent, being in such relation, the tax shall be one per centum of any value not exceeding fifty thousand dollars; two per centum of any value in excess of fifty thousand dollars and not exceeding one hundred thousand dollars; three per centum of any value in excess of one hundred thousand dollars and not exceeding one hundred fifty thousand dollars; four per centum of any value in excess of one hundred fifty thousand dollars and not exceeding two hundred thousand dollars; five per centum of any value in excess of two hundred thousand dollars: *Provided, however,* That in the above cases, ten thousand dollars of the net value of any estate so passing shall be exempt from such tax when passing to the surviving spouse of the decedent, or to the father or mother of the decedent and five thousand dollars shall be exempt to each lineal descendant, each stepchild, each lineal descendant of a stepchild, each adopted child and each lineal descendant of an adopted child and each son-in-law or daughter-in-law of the decedent, such son-in-law or daughter-in-law being in such relation at the time of the death of said decedent, and each brother and sister of said decedent: *Provided, however,* There shall be exempt not less than \$10,000.00 from payment of inheritance tax in each estate, passing to lineal descendants, or adopted children or their lineal descendants or stepchildren or their lineal descendants, or sons-in-law or daughters-in-law, being in such relation.

\$10,000
exempted.

\$5,000
exempted.

If passing to or for the use of a sister, brother, uncle, aunt, nephew or niece, the tax shall be three per centum of any value not exceeding fifty thousand dollars; six per centum of any value in excess of fifty thousand dollars and not exceeding one hundred thousand dollars; eight per centum of any value in excess of one hundred thousand dollars and not exceeding one hundred fifty thousand dollars; ten per centum of any value in excess of one hundred fifty thousand dollars and not exceeding two hundred thousand dollars; twelve per centum of any value in excess of two hundred thousand dollars.

Lineal
descendants.

If passing to or for the use of collateral heirs beyond the third degree of relationship or to strangers to the blood, the tax shall be ten per centum of any value not exceeding fifty thousand dollars; twelve per centum of any value in excess of fifty thousand dollars and not exceeding one hundred thousand dollars; fifteen per centum of any value in excess of one hundred thousand dollars and not exceeding one hundred fifty thousand dollars; twenty per centum of any value in excess of one hundred fifty thousand dollars and not exceeding two hundred thousand dollars; twenty-five per centum of any value in excess of two hundred thousand dollars.

Collateral
heirs.

SEC. 4. That section 11202 of Remington's Compiled Statutes as amended by section 1 of chapter 205 of the Laws of 1929, be amended by adding thereto a new section to be known as section 11202-A to read as follows:

Amends § 1,
ch. 205, Laws
of 1929; adds
§11202-A to
Rem. Comp.
Stat.

Section 11202-A. All property transferred by a decedent to a father, mother, husband, wife, lineal descendant, stepchild or lineal descendant of a stepchild, adopted child or lineal descendant of such adopted child, son-in-law or daughter-in-law, being in such relation, or lineal descendant of such son-in-law or daughter-in-law, providing the same was

Transferred
to lineal
descendants.

Within
five years.

transferred to such decedent not more than five years prior to his death by another decedent of the class hereinabove described and a tax paid thereon to the State of Washington, shall be exempt: *Provided*, That the value of said property shall be taken as of the date of death of the first decedent: *Provided further, however*, That this exemption only applies to transfers upon which an inheritance tax was paid in the estate of the first decedent, and where the property so transferred and taxed has increased in value, the increase in value shall be taxed.

Exempt.

Property
identified.

Property exempted under this section must be identified as having been received from the first decedent or as having been acquired in exchange therefor, and the value of such property so exempted shall not be in excess of the value determined for the estate of the first decedent.

Amends § 1,
ch. 205, Laws
of 1929; adds
§ 11202-B to
Rem. Comp.
Stat.

SEC. 5. That section 11202 of Remington's Compiled Statutes, as amended by section 1 of chapter 205 of the Laws of 1929, be amended by adding thereto a new section to be known as section 11202-B to read as follows:

Federal
estate
tax credit,
effect of.

Section 11202-B. Where the tax imposed by the inheritance tax laws of the State of Washington is of a lesser amount than the maximum credit of eighty per cent of the federal estate tax allowed by the federal estate tax act, then the tax provided for by the said inheritance tax laws of the State of Washington shall be increased so that the amount of tax due the State of Washington shall be the maximum amount of the credit allowed under said federal estate tax act: *Provided*, That the said additional tax shall be paid out of the same funds as any ordinary charge against the estate.

No tax
imposed.

Where no tax is imposed by the inheritance tax laws of the State of Washington because of the exemptions thereunder and a tax is due the United

States under the federal estate tax act, then a tax shall be due the State of Washington equal to maximum amount of the credit allowed under said federal estate act.

Should the amount of tax imposed by the inheritance tax laws of the State of Washington increased by this act, be afterwards found to be more than the maximum credit allowed under the federal estate tax act, then any excess over and above the said maximum credit shall be refunded as provided by law.

Excess over maximum credit.

The executor or administrator of every decedent whose estate may be subject to the federal estate tax or to the inheritance tax laws of the State of Washington, shall file in the office of the supervisor of the inheritance tax and escheat division within twelve months after the death of such decedent, one copy of the federal estate tax return and inventory provided for in the federal estate tax act, and in like manner, one copy of all supplemental or amended returns and inventories filed with the federal government.

Federal estate tax inventory.

Said executor or administrator shall also file in the office of the supervisor of the inheritance tax and escheat division a copy of the corrected inventory and appraisal of the estate and the total amount of federal estate tax thereon, as finally determined by the federal government.

Corrected inventory.

SEC. 6. That section 11210 of Remington's Compiled Statutes be amended by adding thereto a new section to be known as section 11210-A to read as follows:

Adds § 11210-A to Rem. Comp. Stat.

Section 11210-A. Where refunds are allowed in inheritance tax and escheat cases by relief bills of the legislature, the amount of money received and held by the state treasurer, by way of inheritance tax or escheat, shall draw interest at the rate of two per centum per annum from the time of the receipt by the state treasurer of said money until the refund

Refunds in relief bills, interest allowed.

Deposits in lieu of cash.

thereof pursuant to the relief bills of the legislature: *Provided*, That in all inheritance tax cases where securities are deposited with the state treasurer in lieu of a cash payment and thereafter returned to the person or persons so depositing said securities with the state treasurer, the interest and income from said securities received by the state treasurer shall be paid over to said person or persons so depositing said securities.

Amends § 3, ch. 205, Laws of 1929; adds § 11211-A to Rem. Comp. Stat.

SEC. 7. That section 11211 of Remington's Compiled Statutes as amended by section 3, chapter 205 of the Laws of 1929, be amended by adding thereto a new section to be known as section 11211-A, to read as follows:

Market value of real estate, assessed value.

Section 11211-A. The market value of all real estate and the improvements thereon, of the estate of a deceased person, for the purpose of computing the inheritance tax, shall be the value of such real estate and improvements, as fixed and determined by the county assessor, board of county equalization, state tax commission, or state board of equalization and the valuation fixed by the appraisers shall be based upon the ratio of the assessed valuation to the actual value of the property, as fixed by the state board of equalization as provided by law.

Inventory to show.

The executor, administrator or trustee, in preparing the inventory in all probate cases shall insert, at the right of each real estate tract, the assessed valuation of such tract as hereinbefore determined and also the assessed valuation of the improvements thereon.

Amends § 11218, Rem. Comp. Stat.

SEC. 8. That section 11218 of Remington's Compiled Statutes be amended to read as follows:

Exemptions.

Section 11218. All gifts, bequests, devises and transfers of property situated within or under the jurisdiction of the State of Washington shall be exempt from the payment of any inheritance tax, when

the same are for one of the following charitable purposes, namely, the relief of the aged, indigent and poor people, maintenance of sick or maimed, the support or education of orphans or indigent children, and all gifts, bequests, devises and transfers of property made to the State of Washington, or to any county, incorporated city or town or school district therein, or to any public park or playground within the State of Washington, whether municipal or otherwise, and all gifts, bequests, devises and transfers made to any municipal corporation within the State of Washington for eleemosynary, charitable, educational or philanthropic purposes, and all gifts, bequests, devises and transfers made to schools and colleges in the state supported in whole or in part by gifts, endowments or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution and which is open to all persons upon equal terms, and any property in this state which has been given, devised, bequeathed or transferred for such purposes and upon which a state inheritance tax is claimed or is owing is hereby declared to be exempt from the payment for such tax: *Provided*, That all such gifts, bequests, devises and transfers be limited for use within the State of Washington.

Charitable purposes.

SEC. 9. That section 11218 of Remington's Compiled Statutes be amended by adding thereto a section to be known as section 11218-A.

Adds §11218-A to Rem. Comp. Stat.

Section 11218-A. All gifts, bequests, devises and transfers made to or for the use of any religious or non-sectarian organization or association, organized and conducted primarily and chiefly for religious purposes and not for profit, where such religious or non-sectarian organization or association is supported in whole or in part by gifts, endowments or charity, and where the entire income of such re-

Religious purposes, exempt.

ligious or non-sectarian organization or association, after paying the expenses thereof, is devoted wholly to the use of such organization or association, or for the educational, benevolent, protective or social departments growing out of, or related to, the religious work of such organization or association, shall be exempt from the payment of an inheritance tax: *Provided*, That all such gifts, bequests, devises and transfers be limited for use within the State of Washington.

Amends §1,
ch. 202, Laws
of 1929.

SEC. 10. That section 1, chapter 202, Laws of 1929, be amended to read as follows:

Personal
property.

Section 1. The tax imposed by chapter VIII of title LXXVIII of Remington's Compiled Statutes, and chapter VIII of title LXXVIII of Remington's Compiled Statutes, 1927 Supplement, in respect of personal property (except tangible personal property having an actual situs in this state) shall not be payable (1) if the transferor is a resident of a state or territory of the United States which at the time of the transfer did not impose a transfer tax or death tax of any character in respect of personal property of residents of this state (except tangible personal property having an actual situs in such state or territory) or (2) if the laws of the state or territory of residence of the transferor at the time of the transfer contained a reciprocal provision under which non-residents were exempted from transfer taxes or death taxes of every character in respect of personal property (except tangible personal property having an actual situs therein) provided the state or territory of residence of such non-residents allowed a similar exemption to residents of the state or territory of residence of such transferor. (3) In no case shall the provisions of this section apply to the intangible personal property within or under the jurisdiction of the State of Washington of non-resident decedents of a state

Reciprocal
provisions.

Intangible
personal
property.

or territory of the United States which does not impose an inheritance tax or a legacy or succession tax or a death tax of any character. (4) This section shall apply only to estates of decedents dying subsequent to June 13, 1929. For the purpose of this section the District of Columbia, Porto Rico and the Philippine Islands shall be considered territories of the United States.

Territory defined.

SEC. 11. That section 2, chapter 202, Laws of 1929, be amended to read as follows:

Amends § 2, ch. 202, Laws of 1929.

Section 2. When the inheritance tax and escheat division is determining inheritance tax, in the manner provided by law, on the succession to property from a decedent citizen resident of this state, if it is made to appear that an inheritance or succession tax has been assessed and paid in any other state, territory, district or possession of the United States, or foreign country on the succession to any part of such property of such estate located in or under the jurisdiction of this state, the court shall allow the successor by whom such inheritance tax has been paid, a credit of the amount so paid by him or in his behalf in such other state, territory, district or possession of the United States, or foreign country on that particular property, this credit to be applied on the tax assessed under the laws of this state, upon that particular property: *Provided, however,* That the amount of such credit so allowed shall in no case exceed the amount assessed or paid in this state on the succession of such successor in the said particular property so subject to inheritance tax elsewhere: *Provided, however,* That this section shall apply only to estates of decedents dying subsequent to June 13, 1929.

Decedent resident, tax paid outside state, credit.

Particular property.

Applies subsequent to June 13, 1929.

SEC. 12. The foregoing provisions in this act shall apply to all cases pending in the inheritance tax and escheat division at the time this act takes effect, except as hereinbefore provided.

Pending cases, applicable to.

Unconsti-
tutional in
part, not to
affect re-
mainder.

SEC. 13. That in case any part or portion of this act shall be held unconstitutional, such holding shall not affect the validity of this act as a whole nor any other part or portion of this act not adjudged unconstitutional, or any other act to which the same relates.

Passed the House March 11, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 135.

[H. B. 302.]

HIGHWAY REAPPROPRIATIONS.

AN ACT reappropriating certain sums from the motor vehicle fund for the purpose of construction, improvement, and/or maintenance of state highways, and declaring that this act shall take effect immediately.

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

Reappropriation \$5,991,-
698.85.

SECTION 1. That the sum of five million nine hundred ninety-one thousand six hundred ninety-eight dollars and eighty-five cents (\$5,991,698.85) from the motor vehicle fund, or so much thereof as may be necessary, be and the same is hereby reappropriated for completing and maintaining work already under contract, or in progress, and for new work on certain state roads hereinafter mentioned, the same being the unexpended balances of certain existing appropriations [appropriations] as shown by the state auditor's books on December 31, 1930, the said balances being reappropriated as follows:

Limited.

Provided, That no expenditure under authority of this act shall in any event exceed the amount of the unexpended balances shown by the state auditor's books for the respective items, and

Provided, further, That in case any allotment shall exceed the requirements of the respective section of highway, then, and in that event, the balance remaining of any such allotment is hereby appropriated for the engineering, right of way, maintenance, improvement and construction of any other section of primary state highway, and may be expended for such purpose:

Excess,
otherwise
used.

FROM THE MOTOR VEHICLE FUND.

State Road No. 1:		State Road No. 1.
Seattle-B. C. Line:		Seattle-B. C. Line.
Blanchard overhead bridge and approach.....	\$203,870.95	
Everett South, shoulder widening, construction	11,862.37	
Seattle-Vancouver:		Seattle- Vancouver.
Pioneer Curves, construction.....	12,860.15	
Vancouver-Salmon Creek, grading, shoulders and surfacing	12,500.00	
Bellingham-Austin Pass:		Bellingham- Austin Pass.
Summit-End of grade 1½ miles south, con- struction	30,594.53	
Warnick-Glacier, construction	123,508.08	
Bellingham-Warnick, location engineering....	3,425.91	
Bothell-Fall City:		Bothell- Fall City.
Redmond-Fall City, construction.....	15,692.57	
Redmond-Fall City, paving.....	98,239.22	
Seattle-Wenatchee:		Seattle- Wenatchee.
Snoqualmie Falls bridge.....	77,482.76	
State Road No. 3:		State Road No. 3.
Junction State Road No. 2-Columbia River:		Jct. State Road No. 2- Columbia River.
Teanaway-Bristol, grading	48,190.64	
Swauk Creek-Ellensburg City Wells, construc- tion	231,142.97	
Sunnyside-Prosser, construction	205,661.13	
Yakima River Bridge at Prosser.....	5,310.48	
Pasco-Walla Walla-Oregon State Line:		Pasco- Walla Walla- Oregon State Line.
Wallula Cut-off, construction.....	13,855.38	
Walla Walla-Asotin:		Walla Walla- Asotin.
Waitsburg Bridge, construction.....	19,830.00	
Pullman-Colfax-Spokane:		Pullman- Colfax- Spokane.
Spangle-Colfax—paving, grading and bridges..	13,971.69	
Spokane-Laurier:		Spokane- Laurier.
Dennison-Deer Park, construction.....	60,192.94	

State Road No. 4. Wilbur- Republic.	State Road No. 4—Tonasket-San Poil Highway: Wilbur-Republic: Columbia River-Cache Creek, bridges and sur- facing \$30,296.57 Cache Creek-Forest Boundary, location and right of way..... 6,392.51	
State Road No. 5. Renton- Yakima. Auburn- Tacoma.	State Road No. 5—National Park Highway: Renton-Yakima: Crystal Creek-Chinook Pass, construction..... 361,881.29 Oak Flats-Yakima, location and right of way.. 35,548.81 Auburn-Tacoma: Puyallup-Tacoma, right of way..... 30,000.00	
Junction State Road No. 1.	Junction State Road No. 1—Cayuse Pass-Elbe: Mossy Rock-Nesika, location engineering..... 2,000.00 Kosmos-Randle, location engineering..... 1,500.00 Divide-West Fork, engineering and construction 46,000.00	
State Road No. 6. Spokane- B. C. Line.	State Road No. 6—Pend Oreille Highway: Spokane-B. C. Line: Spokane County Line-Diamond Lake, right of way and grading..... 22,142.93 McCloud Creek Bridge and revisions, construc- tion 27,074.42	
State Road No. 7. Davenport- Vantage. Ellensburg- Vantage.	State Road No. 7—North Central Highway: Davenport-Vantage: Vantage-Burke, construction 162,532.12 Ellensburg-Vantage: Kittitas-Rock Canyon, right of way..... 10,000.00	
State Road No. 8. Vancouver- Maryhill.	State Road No. 8—North Bank Highway: Vancouver-Maryhill: Wing Creek-Prindle, construction..... 1,854.28 Stevenson-Nelson Creek, construction..... 71,634.28 Nelson Creek-Greer Creek, construction..... 43,969.36 Greer Creek-Wind River, construction..... 40,309.41 Snowden Road-Lyle, construction..... 164,023.51 Maryhill West, construction..... 171,813.07 Vancouver-Maryhill, betterment and reconstruc- tion 15,630.32	
Maryhill- Buena.	Maryhill-Buena: Goldendale Summit, construction..... 128,807.46 Maryhill East, location engineering..... 20,315.48 Toppenish-Simcoe Ridge, construction..... 50,417.77 Klickitat County-Simcoe Ridge, surfacing..... 39,684.56	
State Road No. 9. Olympia- Port Angeles- Port Town- send.	State Road No. 9: Olympia-Port Angeles-Port Townsend: Purdy Creek-Jct. State Road No. 14, construc- tion 144,313.03 North of Sunds Creek, construction..... 18,933.66	

State Road No. 9—Continued:		State Road No. 9.
Lilliwaup North, location and right of way...	\$3,884.96	
Hidden Cove Camp Revision, construction....	14,190.03	
Duckabush North, right of way.....	4,005.03	
End of pavement-Clallam Co. line, construction	92,554.39	
Port Angeles-Hoh River:		Port Angeles-Hoh River.
Port Angeles-Elwha River, construction.....	19,871.24	
Fairholm West, right of way.....	3,000.00	
Bogachiel River-Hoh River, construction.....	40,745.79	
Hoh River Crossing, location and bridges.....	9,717.35	
Perry Creek-Hoh River:		Perry Creek-Hoh River.
Montesano-Aberdeen, location engineering....	5,974.86	
East City Limits Aberdeen, one mile west, construction, right of way and engineering....	205,108.49	
Harlow Creek-Cedar Creek, location and surfacing	106,517.01	
Hoh Crossing Bridge.....	10,000.00	
Hoh River-Cedar Creek, construction.....	154,391.43	
Grand Mound-Elma:		Grand Mound-Elma.
Grand Mound-Elma, construction.....	24,720.68	
Elma East, location and right of way.....	4,322.76	
State Road No. 10—Chelan-Okanogan Highway:		State Road No. 10.
Wenatchee-Okanogan County Line:		Wenatchee-Okanogan County Line.
Orondo North, construction.....	19,948.89	
Wenatchee-Quincy:		Wenatchee-Quincy.
Trinidad-Quincy, location and right of way....	1,589.85	
State Road No. 11—Central Washington Highway:		State Road No. 11.
Pasco-Junction State Road No. 2:		Pasco-Junction State Road No. 2.
Lind East, bridge and grade construction.....	55,000.00	
Lind East, bridge and approaches, construction, (Chap. 225, Laws of 1929).....	15,624.21	
State Road No. 12:		State Road No. 12.
Chehalis-Astoria Ferry Landing:		Chehalis-Astoria Ferry Landing.
Chehalis-Walville, paving	140,089.22	
Walville-Astoria Ferry Landing, construction..	264,541.09	
Kelso-Johnson's Landing:		Kelso-Johnson's Landing.
Kelso-Johnson's Landing, construction.....	63,760.37	
State Road No. 13:		State Road No. 13.
Raymond-Junction State Road No. 9:		Raymond-Junction State Road No. 9.
Arctic-Pacific County Line, surfacing.....	8,622.83	
Arctic-Salmon Creek, grading.....	12,628.67	
State Road No. 14:		State Road No. 14.
Union River-Tidewater Creek, location and right of way.....	9,001.40	Union River-Tidewater Creek.
Port Orchard-South Colby-Manchester, construction	61,626.62	Port Orchard-South Colby-Manchester.

State Road No. 21.	State Road No. 21: Silverdale-Keyport, construction	\$58,937.51
Methow Valley Highway.	Methow Valley Highway: Winthrop to 3 miles east of Twisp, construction	123,799.45
Cascade Wagon Road.	Cascade Wagon Road: Marblemount East, construction.....	160,579.91
Miscel- laneous.	Miscellaneous: Asotin South, location and construction..... For maintenance of Stevens Pass Highway, construction and reconstruction..... From State Road No. 7 at Soap Lake via Grand Coulee to a connection with State Road No. 2, west of Coulee City.....	69,374.86 113,935.38 55,205.71
Pacific Highway. Lake Union Bridge.	Pacific Highway—City of Seattle-Lake Union Bridge right of way, street approaches, engineering and construction	971,931.74

Provided, That this appropriation shall be expended in conjunction with moneys furnished and deposited by the county of King and/or the city of Seattle, jointly or severally, in county and/or city depository banks in the city of Seattle, from time to time upon the demand of the director of highways by not less than sixty days' notice in writing, payable to the order of the state auditor upon vouchers signed by the director of highways, to the total amount of two million dollars (\$2,000,000.00), such bridge to be built under full charge, supervision and control of construction thereof, by the director of highways: *And provided further*, That it is hereby declared to be the purpose of the State of Washington to furnish and appropriate from the Motor Vehicle Fund in the state treasury to aid in the construction of such bridge a total sum of one million dollars (\$1,000,000.00), the balance of which as of December 31, 1930, is hereby reappropriated and no more, and that said sum shall be the full obligation of the State of Washington towards the construction, maintenance and operation of said bridge: *And provided further*, That any unexpended balance remaining after the completion of said bridge shall be applied by the director of highways for right of way, engineering and construction of the Aurora Avenue Highway ap-

Aurora
Avenue
Highway
approaches.

proaches to said bridge: *And provided further*, That the city of Seattle and county of King are hereby authorized to appropriate funds to aid in the establishment and construction of the Aurora Avenue Highway approaches to said bridge; *And provided further*, That said bridge and street approaches when constructed shall be operated and maintained by the city of Seattle or the county of King or both as is now or may be hereafter provided by law and without any expense or responsibility on the part of the State of Washington.

<p>Edison Avenue-Puyallup Avenue-Tacoma</p> <p>For the construction and improvement of the Pacific Highway in the city of Tacoma between Edison Avenue (South Tacoma Way) and Puyallup Avenue as located by the highway engineer; full control of construction, improvement and supervision shall be under the state highway engineer. Any funds needed above this amount shall be supplied by city of Tacoma. (This being the full amount to be appropriated by the state on this project.)</p>	<p>\$114,720.11</p>	<p>Edison Ave.- Puyallup Ave., Ta- coma.</p>
<p>Lake Samish Road, Skagit and Whatcom counties . . .</p> <p>For engineering, construction, reconstruction and betterment of Lake Samish Road in Skagit and Whatcom counties, to be expended under the direction of the state highway engineer.</p>	<p>81,916.35</p>	<p>Lake Samish Road.</p>
<p>Queets Bridge-Harlow Crossing</p>	<p>11,280.61</p>	<p>Queets Bridge-Har- low Cross- ing.</p>
<p>Everett City Limits-Broadway Street South . . .</p>	<p>43,308.44</p>	<p>Everett City Limits- Broadway Street South.</p>
<p style="text-align: center;">Total from Motor Vehicle Fund</p>	<p style="border-top: 1px solid black;">\$5,991,698.85</p>	

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

Effective immediately.

Passed the House March 12, 1931.
 Passed the Senate March 12, 1931.
 Approved by the Governor March 21, 1931.

CHAPTER 136.

[H. B. 272.]

LANDS FOR STATE PARK AT INTERNATIONAL
PEACE ARCH.

AN ACT relating to and authorizing the acquiring of certain lands for state park purposes, and making an appropriation.

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

Authoriza-
tion.

SECTION 1. The state park committee is hereby authorized to acquire by donation, purchase or condemnation, and to improve not to exceed thirty (30) acres of land adjoining the international boundary line at the international peace arch at Blaine, for a state park which shall be known and designated as the Sam Hill Memorial Park.

Appropriation.

SEC. 2. For the purpose of carrying out the provisions of this act, there is hereby appropriated from the state parks and parkways fund in the state treasury the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, but not exceeding the amount in the parks and parkways fund.

Passed the House February 27, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 21, 1931.

CHAPTER 137.

[H. B. 195.]

CONSTITUTIONAL AMENDMENT RELATING TO HARBORS
AND HARBOR AREAS.

AN ACT providing for the amendment of Section 1 of Article XV of the Constitution of the State of Washington relating to harbors and harbor areas.

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

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1932, there shall be submitted to the qualified electors of the state, for their approval or rejection, an amendment to section 1 of article XV of the constitution of the State of Washington, so that the same shall read when so amended as follows:

Submitted to electors in November, 1932.

Section 1, article XV of constitution.

Section 1. The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city, or within one mile thereof on either side. Any harbor line so located or established may thereafter be changed, relocated or re-established by the commission pursuant to such provision as may be made therefor by the legislature. The state shall never give, sell or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high water, and within not less than fifty feet nor more than two thousand feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to con-

trol the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

SEC. 2. The secretary of state shall cause the amendment in section 1 of this act to be published for three months next preceding said election in a weekly newspaper in every county where a newspaper is published throughout the state.

Secretary of
state to
publish.

Passed the House March 7, 1931.

Passed the Senate March 10, 1931.

Filed March 23, 1931, without approval of the Governor.

CHAPTER 138.

[H. B. 72.]

MOTOR VEHICLE LICENSES.

AN ACT relating to the use of public highways, the licensing of motor vehicles, amending Chapter 96 of the Laws of 1921 of the State of Washington as amended by Chapter 99 of the Laws of 1929, and providing penalties for violation thereof, and declaring an emergency.

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

SECTION 1. That section 5 of chapter 96 of the Laws of 1921 as amended (being section 6316 of Remington's Compiled Statutes of Washington) be further amended to read as follows:

Vetoed.

Section 5. Application for registration of a motor vehicle for license, or for duplicate license or plates, or correction or transfer of any license, shall be made on oath or affirmation to the director of licenses on blanks to be furnished by him. Such application shall be made by the owner of the vehicle, or his duly authorized agent, over the signature of such owner or agent on oath or affirmation that the statements therein are true. No notary public or other official administering such oath or

affirmation shall charge or collect any fee therefor. The application must show:

(1) True name and address of the owner of the vehicle.

(2) Trade name of the vehicle, model, year, type of body, factory number and motor number thereof, and whether or not the vehicle has been previously registered: *Provided*, In case the vehicle was not previously registered in the name of the applicant, the truth of the statements in this subdivision of this section required to be made in the application must also be signed and sworn to by the person, firm or corporation from whom the applicant acquired title to such vehicle, unless it shall be impossible to obtain such additional signature and/or oath, which fact shall be shown by affidavit attached to the application.

(3) Registration number, if any, assigned to such vehicle for the previous year, and if such vehicle was not registered in the previous year, the application must so state.

(4) The power to be used, whether electric, steam, gas or other power.

(5) The purpose for which said vehicle is to be used and the nature of the action requested.

(6) The rated carrying capacity of such vehicle, which in cases of autos for-hire, auto stages or auto stage trailers, shall be the adult seating capacity thereof and in cases of motor trucks or trailers shall be the rated capacity load as given by the manufacturer; *Provided*, That no license shall be issued on a truck or trailer for less than the rated carrying capacity as given by the manufacturer; *Provided, further*, That if the director of licenses is unable to obtain the rated carrying capacity of any particular make or model of truck or trailer he may, by general rules and regulations adopted and published from time to time, prescribe the method of ascertain-

Vetoed.

ing such rated carrying capacity and proof thereof by certificates, affidavit or otherwise.

(7) The weight of all motor vehicles propelled by gas, steam, electricity or fuel other than the liquid fuel upon the sale or use of which an excise tax is now or hereafter levied by the State of Washington.

(8) The maximum weight of the load desired at any time to be carried upon any motor truck or trailer, plus the gross weight of such truck or trailer. It shall be unlawful to operate upon any public highway in this state such truck or trailer when the combined weight of vehicle and load exceeds the combined weights set forth in such application, and/or permissible by other laws of this state, and any person convicted of a violation of this section shall be guilty of a misdemeanor.

(9) Such other information as shall be required by the director of licenses.

Vetoed.

(10) Application for dealer's license shall be made direct to the director of licenses upon blanks to be furnished by him, accompanied by the fee as hereinafter provided. Such application shall be made by the dealer or his authorized agent and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

(a) Name under which business is conducted.

(b) Location of business (street, city or town and county).

(c) Name and address of all owners or persons having an interest in the business, except that in case of a corporation the name and address of the two principal officers will be sufficient.

(d) Name and make of all new vehicles handled.

(e) Whether or not used cars are handled.

(f) A certificate to the effect that the applicant is a *bona fide* dealer in motor vehicles, with an established place of business at the location given, such

certificate to be signed by the chief of police or town marshal (if in an incorporated city or town).

(g) Such other information as shall be required by the director of licenses.

No application for registration shall be granted unless the applicant complies in all respects with this section and unless the application contains a full, true and correct statement of all information required by this section.

Any person making any false statement in any such application shall be guilty of a misdemeanor.

Vetoed.

SEC. 2. That section 3 of chapter 99 of the Laws of 1929 amending section 8 of chapter 96 of the Laws of 1921, section 6319, Remington's Compiled Statutes, be amended by striking the whole thereof and substituting therefor a new section 8 to read as follows:

Amends § 3, ch. 99, Laws of 1929; § 8, ch. 96, Laws of 1921; § 6319 Rem. Comp. Stat.

Section 8. In case of transfer, of the ownership of any motor vehicle, the right of possession of the license and number plates issued therefor shall pass to the purchaser or transferee and it shall be unlawful for the holder of said license to fail, neglect or refuse to endorse the license certificate and deliver it and/or such plates to the purchaser. Any person who shall fail, neglect or refuse to make such endorsement and delivery shall be guilty of a misdemeanor. In case endorsement and/or possession of the license certificate and/or plates for any reason cannot be had, the person entitled thereto by this section may set forth the facts by affidavit filed with his application for transfer, but it shall be unlawful for any person to operate such motor vehicle upon any public road or highway under such license until application for approval of such transfer shall have been made to the director of licenses in writing upon such form as he may prescribe and until a transfer fee of one dollar (\$1.00) and any other fees due or to become due the State of Washington by reason of

License transferred on transfer of ownership.

Endorsement of certificate.

Not obtainable, application.

Fee.

New license.

Change in classification.

Effective immediately.

the use to which such vehicle is thereafter put or to be put, shall have been paid in the same manner and at the same rate as provided for the original registration of such vehicle for such purpose; *Provided*, That after July first of any calendar year only one-half the seating or load fees, as the case may be, shall be collected; *And provided, further*, That in case of the loss or destruction, transfer or sale of any truck, bus, or trailer, taxi-cab or for-hire car, the owner thereof may retain the right to the load or seat fees to apply in licensing such vehicle as may be procured in replacement thereof. Upon receipt of an application for transfer of a license accompanied by such license and/or other documents of transfer herein referred to and the proper fee or fees, and when and if reasonably satisfied that the applicant is entitled to the transfer, the director of licenses shall issue to the applicant a new license certificate bearing the number of the plates issued for the then current calendar year, for the vehicle described therein, as the case may be, *Provided, further*, That in case of change in classification, new plates shall be issued accordingly, and an additional fee of one dollar (\$1.00) shall be paid and collected. Except as herein provided, the number plates issued to any motor vehicle shall be displayed thereon during the calendar year for which the same are issued.

SEC. 3. This act is necessary for the public health and safety and for the support of the state and its existing institutions and section 2 hereof shall take effect immediately.

Passed the House February 21, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor, except section 1, which is vetoed, March 21, 1931.

CHAPTER 139.

[S. B. 184.]

COUNTY OR COUNTY AND CITY JOINT HOSPITALS.

AN ACT relating to and regulating the maintenance and operation of hospitals for the care of persons suffering from disease, illness or infirmity, by counties and counties and cities jointly; and declaring that this act shall take effect immediately.

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

SECTION 1. Whenever any county or any county and city jointly, or two or more counties jointly shall have heretofore or shall hereafter establish a hospital or similar institution of two hundred, or more, beds, for the care of the sick, injured or infirm, under the provisions of chapter 174 of the Laws of the Extraordinary Session of 1925, and such hospital is, or shall hereafter be completed and ready for operation or shall have been already in operation, the board of county commissioners of the county in which such hospital or institution is located shall appoint as trustees for such hospital or institution six secular persons, two to be from each county commissioner district, and to be the persons nominated by the county commissioner elected from the respective districts. Said six trustees, together with the additional trustees, if any, and the general superintendent, hereinafter provided for, shall constitute a board of trustees for such hospital and institution with such powers and duties as are hereafter set forth. The members of the board of trustees first appointed shall be appointed for the respective terms of one, two, three, four, five and six years from and after the fifteenth day of January following their appointment, and until their successors are appointed and qualified; and thereafter their respective successors shall be appointed for

Hospital established.

County commissioners to appoint trustees.

Terms of office of trustees.

Established
by two or
more coun-
ties.

Trustees.

Term of
office.

terms of six years and until their successors are appointed and qualified. If the board of county commissioners is unable to determine by unanimous vote the respective terms of the first appointees, such terms shall be determined by lot. In case two or more counties have established or shall hereafter establish any such hospital jointly, the six members of the board of trustees shall be chosen as above provided from the county in which the hospital or institution is located; and each board of county commissioners of the other county or counties which contributed to the establishment of the hospital or institution shall appoint two additional members of the board of trustees. The regular term of each of the two additional members shall be six years and until their successors are appointed and qualified. Such additional members shall be residents of the respective counties from which they are appointed and shall otherwise possess the same qualifications as other trustees. The first term of office of the first appointees of any such additional members shall be fixed by the board of county commissioners of the county in which said hospital or institution is located, but shall not be for more than six years.

Trustee,
qualifica-
tions.

SEC. 2. No person shall be eligible for appointment as a trustee unless he is at least thirty-five years of age and shall have been a resident of the county commissioner district from which he is named and appointed, or of the county, if he is appointed as an additional trustee, for a period of at least two years immediately prior to such appointment. No trustee shall be actively engaged in the healing or nursing arts; and no person, except as *ex-officio* member, shall be eligible for appointment as a trustee who is a clergyman of any denomination or who holds or has held any office with pay during the period of two years immediately prior to such appointment in any office, department, or

branch of the county, township, city or town governments of the county from which such appointment is to be made.

SEC. 3. Any vacancy in the board of trustees, except that of an *ex-officio* member, shall be filled by appointment by the board making the original appointment, and such appointee shall hold office for the remainder of the term of the trustee in whose stead he is appointed. The board of county commissioners appointing a member of the board of trustees may by unanimous vote remove any trustee for misconduct or neglect of duty, but no such removal shall be made unless the board shall serve written notice upon the trustee, setting forth specifically the charges of misconduct or neglect of duty and fixing a time and place for hearing thereon at which the trustee charged shall be given full opportunity to be present, meet the charges and be heard in his own defense against the charges.

Vacancies
in board of
trustees.

Removal of
trustees.

SEC. 4. The first members of the board of trustees of such hospital or institution shall be appointed by the board of county commissioners within thirty days after this act takes effect in any county having such a hospital or institution, and thereafter within thirty days after such hospital or institution shall have been completed and be ready for operation. Within ten days after the appointment of the first members of the board of trustees, the appointees shall qualify by taking the usual oath of office required of county officers and shall meet and organize. The board of trustees shall elect from among the board membership a president and vice-president. The board of trustees shall meet upon the call of the president, or upon call signed by three members of the board and served upon all members. The call shall fix the time, place and purpose of the meeting. Any meeting may be adjourned from time

First trustees
appointed
within 30
days.

President,
vice-presi-
dent.

Meetings
of board.

Quorum. to time. A majority of the trustees shall constitute a quorum for the transaction of business.

Compensation of trustees. SEC. 5. No trustees, except the *ex-officio* member, shall receive any compensation or emolument whatever for services as trustee; nor shall any trustee have or acquire any personal interest in any lease or contract whatsoever, made by said county or board of trustees with respect to such hospital or institution.

Contracts.

Funds. SEC. 6. All funds received from the operation of such hospital or institution shall be paid into the county treasury of the county in which the same is located, but the board of trustees may provide for the payment into the city or county treasury of any city or other county which has contributed to the establishment of such hospital or institution of such portion of such funds as shall be just and equitable. All expenditures made for and on behalf of such hospital or institution shall be made from the county treasury of the county in which the hospital or institution is located, but such portion of such expenditures as the board shall determine to be just and equitable shall be paid from the county treasury or the city treasury of any other county or city which has contributed to the establishment of such hospital or institution.

Disposal.

Expenditures.

Warrants. Warrants for such expenditures shall be drawn by the county or city auditor or comptroller, as required by the board, upon vouchers approved by the board, or the secretary of the board under such regulations as the board may prescribe, and shall be paid from the treasury upon which the same are drawn.

Powers of board. SEC. 7. The board of trustees shall:

General supervision. (1) Have general supervision and care of such hospitals and institutions and the buildings and grounds thereof and power to do all and everything necessary to the proper maintenance thereof within the limits of the appropriations authorized.

(2) Employ and fix the salary of a general superintendent, who shall furnish a bond in such amount as may be fixed by the board and which shall be subject to approval of the board. The general superintendent shall become an *ex-officio* member and secretary of the board of trustees, and shall devote his entire time exclusively to the management of the hospital and institution and shall not engage in any other business or profession of any nature whatsoever, and shall not be qualified for appointment unless he shall have had not less than five (5) years of experience as superintendent of a general hospital. The general superintendent may be removed for misfeasance or malfeasance in the following manner: Written notice setting forth the specific acts constituting the charges shall be served upon the general superintendent, and the notice shall fix a time and place for hearing on the charges. At such hearing the general superintendent shall be given an opportunity to be present and meet the charges and be heard in his defense against the charges. The charges shall be heard before a tribunal consisting of the chairman of the board of county commissioners, the prosecuting attorney and the county auditor of the county in which the hospital or institution is situated.

Employ
general
superintend-
ent.

Qualifica-
tions of gen-
eral superin-
tendent.

Removal.

Charges.

Hearing.

Trial.

(3) Prepare, in accordance with the provisions of the county budget law and file with the county auditor or if the hospital has been established by more than one county, with the county auditor of each county, and if a city has contributed to the establishment of the hospital, with the official of the city charged by law with the preparation of the city budget, a detailed and itemized estimate, both of probable revenues from sources other than taxation and of all expenditures required from such county, or counties and city, as the case may be, by such hospital or institution for the ensuing fiscal year.

Budget.

Annual report.

(4) File during the first week in January of each year with the county commissioners of each county and the city council or governing body of any city contributing to the establishment of such hospital, a report covering the proceedings of the board with reference to such hospital, and a statement of all receipts and expenditures during the preceding calendar year.

Gifts.

(5) Have the power to accept property by gift, devise, bequest or otherwise for the use of such hospital or institution.

SEC. 8. The board of trustees may:

By-laws.

(1) Adopt by-laws and rules for its own guidance and for the government of the hospital or institution.

Nurses' school.

(2) Establish and maintain in connection with said hospital or institution a training school for nurses.

Isolation building.

(3) Establish as a department in connection with such hospital or institution a suitable building for the isolation and detention of persons afflicted with contagious diseases subject to quarantine.

Non-residents.

(4) Determine whether or not, and if so upon what terms, it will extend the privilege of the hospital or institution to non-residents of the county or counties establishing the same.

Tuberculosis.

(5) Operate said hospital or institution as a general hospital and provide as a department thereof suitable accommodations and means for the care of persons afflicted with tuberculosis.

Rules.

(6) Formulate rules and regulations for the government of tuberculosis patients and for the protection of other patients, nurses, and attendants from infection.

General superintendent, duties.

SEC. 9. The general superintendent shall be the chief executive officer of such hospital or institution and shall perform every and all administrative

services necessary to the efficient and economical conduct of such hospital or institution and the admission to and proper care of persons properly entitled to the services thereof as provided by law or by the rules and regulations of the board of trustees.

SEC. 10. Any hospital or institution maintained and operated under the provision of this act shall be subject to inspection by a duly authorized representative of the state department of health and any member of the board of county commissioners of the county or counties and governing officials of the cities by which the hospital has been established. Inspection.

SEC. 11. 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. Effective immediately.

Passed the Senate February 23, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 23, 1931.

CHAPTER 140.

[S. B. 60.]

MOTOR VEHICLES; LICENSE FEES AND GAS TAX.

AN ACT relating to motor vehicles; providing for and requiring fees for licenses therefor; providing and requiring the payment of excise taxes on fuel to be used thereby; and amending Section 15 of Chapter 96 of the Laws of 1921 (Section 6326 of Remington's Statutes), Section 2 of Chapter 173 of the Laws of 1921 as amended by Section 1 of Chapter [Chapter] 81 of the Laws of 1923 (Section 8328 of Remington's Compiled Statutes) and Section 2 of Chapter 81 of the Laws of 1923 (Section 8328-1 of Remington's Compiled Statutes), and declaring when this act shall take effect.

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

Amends § 15,
ch. 96, Laws
of 1921;
§ 6326, Rem.
Comp. Stat.

SECTION 1. That section 15 of chapter 96 of the Laws of 1921 (section 6326 of Remington's Compiled Statutes) be amended to read as follows:

Annual
license
fee, \$3.00.

For-hire.

Section 15. Except as otherwise specifically provided by law for the registration of each motor vehicle, there shall be paid and collected annually three dollars (\$3.00); and in addition thereto, for each for-hire care [car], auto stage or auto stage trailer, \$3.00 per seat for the seating capacity thereof; and for each truck or trailer fifty cents (50c) per hundred weight or fraction thereof for the maximum load to be carried thereon; and in case any such vehicle shall be propelled by steam or electricity, gas or other fuel upon which an excise tax on liquid fuel has not been provided by this act, an additional fee of fifty cents (50c) per hundred weight or fraction thereof of such vehicle's gross weight shall be paid and collected in lieu of such excise tax; *Provided*, That the fee for any truck or trailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house or similar machine or structure attached to and made a part thereof, shall be three dollars (\$3.00).

Annual fees for dealer's licenses, and fees for transfers, corrections or duplicate plates shall be paid and collected as follows: Dealers in motor cycles ten dollars (\$10.00), all other dealers fifty dollars (\$50.00); dealer's plates bearing the same number (except motor cycle) ten dollars (\$10.00); dealer's duplicate plates three dollars (\$3.00) each; transfer or correction of motor vehicle license one dollar (\$1.00) each.

It shall be unlawful for the owner or operator of any motor vehicle, truck or trailer not licensed annually for-hire to carry passengers therein for-hire.

SEC. 2. That section 2 of chapter 173 of the Laws of 1921 as amended by section 1 of chapter 81 of the Laws of 1923 (section 8328 of Remington's Compiled Statutes), be further amended to read as follows:

Section 2. That in addition to the taxes now provided for by law each and every distributor as defined in this act, who is now engaged or who may hereafter engage, in his own name or in the name of others, or in the name of his representatives or agents in this state, in the sale of liquid fuel as herein defined, shall not later than the fifteenth (15th) day of each calendar month render a sworn statement to the director of licenses of the State of Washington of all such liquid fuel sold by him or them in the State of Washington during the preceding month, and pay an excise tax of four cents per gallon on all liquid fuel so sold as shown by such statement in the manner and within the time hereinabove provided.

SEC. 3. That section 2 of chapter 81 of the Laws of 1923 (section 8328-1 of Remington's Compiled Statutes), be amended to read as follows:

Section 2. Every person, firm or corporation, including distributors who shall use liquid fuel for

Dealers.

For-hire not licensed.

Amends § 2, ch. 173, Laws of 1921; § 1, ch. 8, Laws of 1923; § 8328, Rem. Comp. Stat.

Distributors' liquid fuel tax, four cents.

Amends § 2, ch. 81, Laws of 1923; § 8328-1, Rem. Comp. Stat.

Users in motor vehicles.

the purpose of operating motor vehicles including motor trucks upon the public highways of the state, or the political subdivisions thereof, upon the sale or use of which liquid fuel the excise tax imposed by this chapter has not been theretofore paid, shall pay an excise tax of four cents per gallon upon all such liquid fuel so used, and, insofar as such liquid fuel is concerned, shall make the same reports and pay the same taxes as and be subject to all the other provisions of this chapter relating to distributors of liquid fuel: *Provided*, That any tourist or traveler coming into the state in a motor vehicle may transport for his own use, only, not more than twenty (20) gallons of liquid fuel at one time, and use the same for the purpose of operating such motor vehicle without the payment of said tax.

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 section 1 hereof shall be in force and effect on and after twelve o'clock midnight, December 31, 1931; and sections 2 and 3 shall be in force and effect on and after twelve o'clock midnight, March 31, 1931: *Provided*, That applications for motor vehicle licenses for the year 1932 at the schedule of fees and rates provided in section 1 hereof may be made on and after December 1, 1931 and annually thereafter on and after the 1st day of December for the next succeeding year: *Provided, further*, That nothing in this act contained shall be construed as amending, modifying or repealing chapter 88 of the Laws of Washington of 1929.

Passed the Senate February 12, 1931.

Passed the House March 12, 1931.

Approved by the Governor March 24, 1931.

CHAPTER 141.

[S. B. 167.]

FISHING LOCATIONS.

AN ACT relating to fisheries and amending Section 5679 of Remington's Compiled Statutes of the State of Washington, 1922, said Section 5679 being Section 27, of Chapter 31, of Session Laws of the State of Washington, for 1915, and which act is known as Fisheries Code.

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

SECTION 1. That section 5679 of Remington's Compiled Statutes of the State of Washington, 1922, and being section 27, chapter 31 of Fisheries Laws of the State of Washington, for 1915, known as the Fisheries Code, be, and the same hereby is amended to read as follows:

Amends
§ 5679, Rem.
Comp. Stat. ;
§ 27, ch. 31,
Laws of
1915.

Section 5679. Any person, firm or corporation occupying or desiring to occupy any fishing location where it may be lawful to construct a pound net, trap or set-net in the waters of the state, shall cause such location to be accurately surveyed by a competent civil engineer, unless a survey thereof has already been made, in which event such existing survey may be used, and shall cause a location map to be made of such location from the actual survey thereof, which shall contain a plat and description of said fishing location sufficient for its ascertainment and identification on the premises. It shall also contain a certificate by the claimant, or by his agent or attorney, stating that he claims the fishing location shown thereon, specifying the date and number of the license under which the same is held and containing the postoffice address of the claimant. Such map, with the certificate thereon, shall be filed in the office of the county auditor of the county in which such fishing location is situated, and a duplicate copy thereof in the office of the director of fisheries of the

Survey of
location.

Location
map.

Certificate
of claimant.

Filed.

Constitutes
notice of
occupancy.

State of Washington. From and after the date of filing in the office of the county auditor, such map shall constitute full and complete notice that such location is owned, held, occupied and claimed by the person, firm or corporation designated thereon as the claimant. It shall be the duty of the county auditor and the director of fisheries in whose offices any such map may be offered for filing to receive and keep the same on file. They shall also keep an index to all such maps, showing the hour and date of filing names of the claimants and serial number of the maps, in the order filed, all of which shall be indorsed on the maps when filed. No informality or omission on the part of such public officers shall impair or prejudice the right of any claimant of such fishing location.

Index to
filings.

Exclusive
right to
occupancy.

From and after filing such map the claimant of the location thereon shown, his heirs, administrators, successors and assigns shall have the exclusive right to hold, occupy and fish such location, to renew the license therefor, and to mortgage, sell and transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Location
under ex-
isting law.

It shall not be necessary to file any map or plat of any location heretofore made under existing laws in any case where any map has heretofore been filed: *Provided*, That all pound-nets, fish-trap, set-net, or other fishing locations heretofore made by locators or owners thereof in accordance with existing laws shall be unaffected and unimpaired by any of the provisions of this section, and any location legal when established shall continue valid under the provisions of this act, and the locators or owners of such previously established locations shall continue to occupy, own, hold and enjoy the same, and may mortgage, sell, transfer and lease the same, with the right to renew their licenses therefor in the same

manner and with the same legal effect as though said locations had been established under the provisions of this act. Any person, firm or corporation being the owner, holder or occupant of any trap or pound-net location in the Columbia River, Grays Harbor, or Willapa Harbor, shall, within ninety days after this act takes effect, file with the auditor of the county in which their said locations are situated, a location map as hereinbefore provided in this section, and a copy of the same in the office of the director of fisheries of the State of Washington.

Columbia
River, Grays
Harbor,
Willapa
Harbor.

From and after filing such map the claimant of the location thereon shown, his heirs, administrators, successors and assigns shall have the exclusive right to hold, occupy and fish such location, to renew the license therefor, and to mortgage, sell, lease and transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Exclusive
right.

Provided, however, That where a map or plat has been filed as hereinabove specified and the location has not been abandoned and is still occupied or used by the original owner, his heirs, administrators, executors, successors or assigns, the present owner and/or holder of said location, his heirs, administrators, executors, successors and assigns, may move the location of said pound net, trap or set net a distance of not to exceed one hundred feet in any direction from the original location: *Provided, however,* That in so doing the new location shall not interfere with the present lawful end or lateral passageway of any adjoining pound net, trap or set net in the same waters; and the new location shall leave at least an end passageway of at least 30 feet and a lateral passageway of at least 900 feet between the amended location and all other pound net traps, or set nets theretofore located in the same waters.

Location
moved.

That in order to move or change said location the original owner, his heirs, administrators, executors,

Change in
location.

Amended
map.

successors and/or assigns, may file an amended map or plat showing the new or amended location, and which amended map or plat shall be filed as is in this section hereinabove provided for the filing of a map or plat; and upon the filing of said amended map or plat it shall have the same force and effect as did and does the filing of the original location of a pound net, trap or set net, and shall have the same effect and have the same priority as the original map or plat of location.

Vetoed.

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

Passed the Senate March 5, 1931.

Passed the House March 10, 1931.

Approved by the Governor, except section 2, which is vetoed, March 23, 1931.

CHAPTER 142.

[S. B. 163.]

INCORPORATION OF INSURANCE COMPANIES.

AN ACT relating to the incorporation of insurance companies, and amending Section 85 of Chapter 49 of the Laws of 1911.

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

SECTION 1. That section 85 of chapter 49 of the Laws of 1911, pages 223 to 226, as amended by section 1 of chapter 107 of the Laws of the Extraordinary Session of 1925, pages 161 to 164, (section 7130 of Remington's Compiled Statutes) be amended to read as follows:

Section 85. The following number of citizens of the United States, two-thirds of which number shall be residents of the State of Washington, may incorporate a company as follows: For a stock company,

Amends § 85,
ch. 49, Laws
of 1911; § 1,
ch. 107, Ex.
Laws of
1925; § 7130,
Rem. Comp.
Stat.

Incorporators,
number.

not less than five; for a mutual company, not less than ten; for an organization on the plan known as "Lloyds," not less than twenty; for an organization of "Inter-Insurers," not less than twenty-five; for one or more of the purposes specified in section 7128 by making and subscribing written articles of incorporation in quadruplicate and acknowledging the same before an officer authorized to take acknowledgment of deeds, and after having the same approved by the commissioner, by filing one of such articles in the office of the secretary of state, another in the office of the insurance commissioner, another in the office of the auditor of the county in which the principal office of the company is to be located, and retaining the fourth in the possession of the company, which articles shall state:

First. The names and addresses of the incorporators.

Second. The name of the company.

Third. (a) The object for which the company is formed; (b) whether it is a stock or mutual company, and if a mutual company, whether it will insure on the cash premium or assessment plan; (c) the class or classes of risks wherein it will make insurance, according to the divisions made in this act.

Fourth. (a) If a stock company, the amount of the capital stock, the number of shares and the par value thereof which shall be not less than ten dollars each; (b) if it be a mutual company, the minimum and maximum liability of its members or policyholders for the payment of losses occurring under its policies, which liability shall be not less than two nor more than six times the amount of the premium usually charged by solvent stock insurance companies for insuring like or similar risks for the same term, and if that premium is not known, then the premium used shall be according to either the

Articles.

Filing.

Contents.

Names of incorporators.

Name of company.

Objects.

Stock company.

“Dean” schedule or the “Universal Mercantile” schedule for fire risks, and such schedule for other class or classes of risks as may be approved by the commissioner:

Term of
existence.

Fifth. The time of its existence, not to exceed fifty years: *Provided*, That this limit of existence shall not apply to any life insurance company.

Number of
trustees.

Sixth. The number of trustees or directors, which shall not be less than five, and their names and addresses, who shall manage the affairs of the company for such length of time, not less than two nor more than six months as may be designated in such articles of incorporation.

Principal
place of
business.

Seventh. The name of the city or town in which the principal place of business of the company is to be located in this state, and in what country or countries it intends to transact business.

Amendments.

Amendments may be made to the articles of incorporation of a stock company, by a majority vote of its trustees or directors, and the vote or written assent of two-thirds of the capital stock of the company, and, if a mutual company, by the majority vote of its trustees or directors and the vote or written assent of two-thirds of the members or policy-holders of such company. If the written assent of two-thirds of the capital stock of a stock company, or members or policy-holders of a mutual company has not been obtained, then the vote of the said stock, or of said members may be taken, at any regular meeting of the stockholders or members called for that purpose in the manner provided in the by-laws of such company for special meetings of stockholders or members.

Certified.

The president and secretary of said company shall certify said amendments in quadruplicate under the seal of said company to be correct, and shall file and keep the same as in the case of original articles of incorporation and from the time of filing

said amendments such company shall have the same powers, and the stockholders thereof shall be subject to the same liabilities as if said amendment had been embraced in the original articles of incorporation. A policy-holder in a mutual insurance company has the same character of interest and occupies the same relation to the company as the stockholder has and occupies to a stock insurance company.

Policy-holder in mutual company.

Nothing in this section shall be construed to cure or amend any defect existing in any articles of incorporation in that such articles did not set forth the matter required to make the same valid at the time of filing, nor to cure or amend any defect in the execution thereof. The time of existence of such company shall not be extended by amendments beyond the time fixed in the original articles of incorporation.

Existing defects not cured.

No such company shall take the name of a domestic company theretofore organized, nor that of an alien or foreign company admitted to this state, nor one so nearly resembling that or either as to be misleading. The expenses of incorporation and organization, including the placing of the capital stock of any such company incorporated after January 1, 1911, shall not exceed seven and one-half per centum of the par value of the stock actually sold.

Misleading name.

Passed the Senate March 11, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 24, 1931.

CHAPTER 143.

[S. B. 253.]

HIGHWAY APPROPRIATIONS.

AN ACT relating to public highways, making appropriations from the Motor Vehicle Fund and the Highway Safety Fund for the location, rights of way, engineering, maintenance, improvement, construction and paving thereof, and the construction or purchase of bridges, prescribing the powers and duties of certain officers in relation thereto, and declaring that this act shall take effect immediately.

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

SECTION 1. For the location, right of way, engineering, maintenance, improvement, construction and/or paving of the respective state highways hereinafter specified, and the construction or purchase or condemnation of bridges, and maintenance and/or improvement of streets in cities and towns, there is hereby appropriated out of the motor vehicle fund and the highway safety fund in the state treasury, for the biennium ending March 31st, 1933, the respective amounts hereinafter specified for the respective highways and purposes specified: *Provided*, That, after the awarding of the contract for or completion of the project specified any allotment shall exceed the requirement, then, and in that event, the balance remaining of any such allotment may be only expended for the maintenance, engineering, construction, improvement and/or paving on the same highway: *Provided, further*, That such overages when so expended shall be charged to the project, purpose and/or location where expended: *And provided, further*, That all the appropriations hereinafter set forth shall be expended under the direction of the director of highways, except the amounts appropriated for cities and towns.

Purposes.

Excess over requirement.

Director of highways to expend.

HIGHWAY AND SECTION STATE ROAD NO. 1— PACIFIC HIGHWAY.	State Road No. 1.
BRITISH COLUMBIA LINE-SEATTLE:	
Dakota Creek-Blaine, 20' pavement.....	\$49,000.00
British Columbia Line South, Peace Portal Drive	23,000.00
Ferndale North, 4' pavement widening.....	18,500.00
Chuckanut and 12th St. Bridges in the City of Bellingham	75,000.00
Clayton Bay, overhead crossing of interurban....	45,000.00
Fisher's Slough Bridge and approaches (Milltown)	15,000.00
Island School-East Stanwood, engineering and right of way, grading.....	180,000.00
Stillaguamish River Bridge, Pilchuck River Bridge, and 3 T-Beam bridges.....	420,000.00
Snohomish River Bridge to 19th Avenue, Everett, shoulder widening, paving and engineering....	15,000.00
Beverly Park Road—King County line, east 20' pavement strip.....	395,000.00
Miscellaneous location	10,000.00
B. C. Line-Seattle, betterment and reconstruction.	42,200.00
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Total British Columbia Line-Seattle.....	\$1,287,700.00
SEATTLE TO PIERCE COUNTY LINE:	
Betterment and reconstruction	\$4,510.00
KING-PIERCE CO. LINE TO THURSTON-LEWIS CO. LINE:	
Olympia-Nisqually, shoulder widening.....	\$29,850.00
Nisqually South, location and engineering.....	29,850.00
King County Line-Lewis County Line, betterment and reconstruction.....	9,300.00
	<hr/>
Total Pierce and Thurston counties.....	\$69,000.00
THURSTON COUNTY LINE TO OREGON STATE LINE:	
Forest to C. C. C. Railway crossing, right of way.	\$2,000.00
Rice's Park to Yates' Corner, paving.....	95,000.00
Thurston County Line to Interstate Bridge, relo- cation	30,500.00
Woodland Bridge south, engineering, right of way and construction.....	20,000.00
Thurston County Line-Vancouver, betterment and reconstruction	40,800.00
Interstate Bridge, betterment and reconstruction.	13,700.00
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Total Thurston County Line-Oregon State Line	\$202,000.00
BELLINGHAM-AUSTIN PASS:	
Deming to Maple Falls, engineering, right of way and construction	\$135,000.00
Bellingham-Austin Pass, light oil.....	15,000.00

Bellingham-Austin Pass.	BELLINGHAM-AUSTIN PASS—Continued:	
	Bellingham-Austin Pass, heavy oil.....	\$26,000.00
	Nooksack Bridge protection, to be matched by Whatcom County.....	2,500.00
	Bellingham-Austin Pass, betterment and recon- struction	27,700.00
	Bellingham-Austin Pass, snow removal	12,000.00
	Total Bellingham-Austin Pass.....	\$218,200.00
	Total State Road No. 1.....	\$1,781,410.00

State Road
No. 2.**STATE ROAD NO. 2—SUNSET HIGHWAY.**

Bethell-Fall City.	BOTHELL-FALL CITY:	
	Redmond-Fall City 20' pavement.....	\$132,000.00
	Bothell-Fall City, betterment and reconstruction.	25,520.00
	Bothell-Fall City, light oil.....	5,000.00
	Hollywood-Bothell, engineering, right of way and construction	100,000.00
	Total Bothell-Fall City.....	\$262,520.00

Seattle-
Snoqualmie
Pass.

	SEATTLE-SNOQUALMIE PASS:	
	Seattle-Renton, 1-20' strip pavement.....	\$76,000.00
	North Bend-Summit, armor coat.....	25,000.00
	Seattle-Snoqualmie Pass, betterment and recon- struction	22,650.00
	Seattle-Snoqualmie Pass, snow removal.....	34,000.00
	Total Seattle-Snoqualmie Pass.....	\$157,650.00

Snoqualmie
Pass-Blewett
Pass.

	SNOQUALMIE PASS-BLEWETT PASS:	
	Snow Shed-Lake Keechelus.....	\$7,500.00
	Snoqualmie Pass-Teanaway, armor coat.....	28,000.00
	Mt. Home-Blewett Pass, oiling.....	15,000.00
	Snoqualmie Pass-Blewett Pass, betterment and re- construction	93,000.00
	Snoqualmie Pass-Blewett Pass, snow removal....	20,000.00
	Total Snoqualmie Pass-Blewett Pass.....	\$163,500.00

Blewett
Pass-
Wenatchee.

	BLEWETT PASS-WENATCHEE:	
	Wenatchee River Bridge.....	\$95,000.00
	Austin revision and bridge approaches.....	57,000.00
	Carey Corners revision	21,000.00
	Cashmere-Peshastin Creek to Jct. of Stevens Pass, paving	37,000.00
	Blewett Pass to Wenatchee, betterment and recon- struction	39,000.00
	Blewett-Ingalls Creek, light oil.....	6,000.00
	Total Blewett Pass-Wenatchee.....	\$255,000.00

WENATCHEE-WILBUR:

End of pavement-Orondo, armor coat.....	\$11,000.00
Orondo-Waterville, engineering	5,000.00
Farmer-Coulee, engineering	4,000.00
Hartline-Wilbur, engineering	10,000.00
Coulee-West, right of way, grading, surfacing, oiling	34,500.00
Wilbur-West, right of way, grading and surfacing	105,000.00
Wilbur bridge	7,000.00
Wenatchee-Wilbur, betterment and reconstruction	29,000.00

Wenatchee-Wilbur.

Total Wenatchee-Wilbur

\$205,500.00

SPOKANE-WILBUR:

Great Northern Undercrossing (50%)	\$30,000.00
Reardan-Davenport (paving gaps and town) 20' pavement and engineering.....	39,050.00
Davenport-Rocklyn Road right of way, grading and surfacing	66,300.00
Rocklyn-Creston, engineering, right of way, grading and surfacing and oiling.....	100,000.00
Creston-Wilbur, engineering, right of way, grading and surfacing, oiling	150,000.00
Davenport-Telford, 20' pavement, engineering, right of way.....	57,000.00
Davenport-Wilbur, seal coat, oiling.....	20,000.00
Maple Street-Spokane West, location and engineering	7,500.00
Spokane-Wilbur, betterment and reconstruction..	13,500.00

Spokane-Wilbur.

Total Spokane-Wilbur

\$533,350.00

SPOKANE-IDAHO STATE LINE:

Dishman-Idaho State Line, oiling shoulders.....	\$1,500.00
Spokane-Dishman, double track paving.....	131,000.00

Spokane-Idaho State Line.

Total Spokane-Idaho State Line.....

\$132,500.00

Total State Road No. 2

\$1,710,020.00

STATE ROAD NO. 3—INLAND EMPIRE HIGHWAY.

State Road No. 3.

JUNCTION STATE ROAD NO. 2-COLUMBIA RIVER:

Teanaway-Ellensburg, engineering, grading, surfacing and oiling.....	\$155,000.00
Ellensburg-Yakima, grading, 20' concrete pavement and bridges	1,249,000.00
Yakima North, First Street Bridge.....	62,000.00
Yakima River Bridge approach, grading, surfacing and oiling	40,000.00
Yakima Union Gap, engineering and right of way, grading and paving.....	106,000.00

Junction State Road No. 2-Columbia River.

Junction
State Road
No. 2-Colum-
bia River.

JUNCTION STATE ROAD NO. 2-COLUMBIA RIVER—Continued:

Sunnyside-Prosser, paving 20' concrete.....	\$290,000.00
Kiona-End of pavement, armor coat	12,000.00
Columbia River Bridge, vicinity of Pasco, pur- chase on or before July 1, 1931, or construc- tion, \$100,000 from the Motor Vehicle Fund, balance not to exceed \$500,000 is hereby appro- priated from the Highway Safety Fund.....	600,000.00
Junction State Road No. 2, Columbia River, bet- terment and reconstruction	63,000.00
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Total Junction State Road No. 2, Columbia River	\$2,577,000.00

Pasco-Walla
Walla-Ore-
gon State
Line.

PASCO-WALLA WALLA-OREGON STATE LINE:

Pasco-Wallula, armor coat.....	\$18,000.00
Wallula Cut-off, engineering, right of way and grading	85,000.00
Wallula-Touchet, engineering, right of way, grad- ing and surfacing and oiling.....	170,000.00
Touchet-Lowden, paving	175,000.00
Pasco-Walla Walla-Oregon State Line, betterment and reconstruction	5,500.00
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Total Pasco-Walla Walla-Oregon State Line...	\$453,500.00

Walla Walla-
Asotin.

WALLA WALLA-ASOTIN:

Dayton-Pomeroy, Walla Walla vicinity, engineering and right of way.....	\$16,000.00
Dayton from Third Street North, engineering, right of way construction and paving.....	193,000.00
New Hope-Pomeroy, armor coat, oiling	26,000.00
Pomeroy-Clarkston, armor coat, oiling.....	21,000.00
Pataha-Stember Creek, oiling.....	20,000.00
Asotin South, engineering, right of way and con- struction	124,000.00
Walla Walla-Asotin, betterment and reconstruc- tion	26,000.00
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Total Walla Walla-Asotin	\$426,000.00

Dodge-Cen-
tral Ferry.

DODGE-CENTRAL FERRY:

Dodge-Central Ferry, armor coat oiling, better- ment and reconstruction.....	\$22,000.00
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Total Dodge-Central Ferry.....	\$22,000.00

Central
Ferry-
Spokane.

CENTRAL FERRY-SPOKANE:

Spokane-Larsung Hill gaps, paving 20'.....	\$14,000.00
Spokane County Line-Colfax, engineering, right of way, and paving 20'.....	270,500.00

CENTRAL FERRY-SPOKANE—Continued:		Central Ferry- Spokane.
Colfax North, right of way, grading and surfacing, bridges and oiling.....	\$53,500.00	
Spokane-Colfax, betterment and reconstruction...	17,000.00	
Cooper Street in Colfax-South, engineering, right of way, grading and surfacing.....	50,000.00	
Colfax-Central Ferry, engineering and betterment and reconstruction	12,500.00	
Central Ferry-Dusty, seal coat oiling.....	20,000.00	
	<hr/>	
Total Central Ferry-Spokane	\$437,500.00	
SPOKANE-LAURIER:		Spokane- Laurier.
Spokane-Whitworth, engineering, right of way, grading and paving.....	\$186,000.00	
Dennison-Deer Park, oiling	7,200.00	
Deer Park-Chewelah, seal coat oiling.....	32,000.00	
Loon Lake-Chewelah, engineering	5,000.00	
Chewelah-Colville, engineering	5,000.00	
Colville vicinity, engineering, right of way and construction	47,000.00	
Colville-Laurier, engineering, betterment and re- construction and oiling	130,500.00	
Spokane-Laurier, betterment and reconstruction..	10,000.00	
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Total Spokane-Laurier	\$422,700.00	
COLFAX-PULLMAN:		Colfax- Pullman.
Colfax-Parvin Road, right of way, grading and sur- facing	\$40,000.00	
Colfax-Pullman, betterment and reconstruction...	3,000.00	
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Total Colfax-Pullman	\$43,000.00	
Total State Road No. 3.....	\$4,381,700.00	
INLAND EMPIRE HIGHWAY—EASTERN ROUTE.		Inland Em- pire High- way-Eastern Route.
JUNCTION STATE ROAD NO. 3, IDAHO STATE LINE:		Junction State Road No. 3-Idaho State Line.
Palouse City Bridge.....	\$10,000.00	
Jct. State Road No. 3, Palouse, engineering, right of way, grading and surfacing.....	135,000.00	
Jct. State Road No. 3, Pullman, oiling.....	36,000.00	
Pullman-Idaho State Line, right of way, grading, surfacing, bridges and oiling.....	203,750.00	
Pullman-Colton, repair old road.....	10,000.00	
Colton-Idaho State Line, seal coat oiling.....	9,000.00	
Junction State Road No. 3, Idaho State Line, bet- terment and reconstruction	16,000.00	
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Total Inland Empire Highway, Eastern Route	\$419,750.00	

State Road
No. 4.

STATE ROAD NO. 4, SAN POIL HIGHWAY.

Tonasket-
Republic.

TONASKET-REPUBLIC:

Okanogan River Bridge	\$35,000.00
Tonasket East, betterment and reconstruction....	35,000.00
Tonasket-Republic, heavy oil.....	80,000.00
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Total Tonasket-Republic	\$150,000.00

Republic-
Wilbur.

REPUBLIC-WILBUR:

Republic-Cache Creek, engineering, right of way and construction	\$191,000.00
Forest Boundary South, engineering, right of way and construction	62,000.00
Columbia River to Jct. State Road No. 2, better- ment and reconstruction.....	25,000.00
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Total Republic-Wilbur	\$278,000.00
Total State Road No. 4.....	\$428,000.00

State Road
No. 5.

STATE ROAD NO. 5—NATIONAL PARK HIGHWAYS.

Renton-
Chinook
Pass.

RENTON-CHINOOK PASS:

White River Bridge at Kent, engineering, right of way, bridge	\$25,000.00
Connection at City of Auburn, engineering, paving, bridge	40,000.00
Enumclaw-Park Entrance, engineering, right of way, grading, surfacing, bridges.....	355,000.00
Renton-Chinook Pass, light oil	12,000.00
Renton-Chinook Pass, heavy oil.....	40,000.00
Renton-Chinook Pass, betterment and reconstruc- tion	25,820.00
Renton-Chinook Pass, snow removal.....	5,000.00
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Total Renton-Chinook Pass	\$502,820.00

Chinook
Pass-
Yakima.

CHINOOK PASS-YAKIMA:

Morse Creek-Summit, engineering, surfacing....	\$30,000.00
End of Pavement-Summit, engineering, oiling....	110,000.00
Carmack Bridge-Oak Flat, grading, surfacing and bridges	100,000.00
Yakima-Nelson Bridge, engineering, right of way, grading and paving 20' concrete.....	128,000.00
Chinook Pass-Yakima, betterment and reconstruc- tion	40,000.00
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Total Chinook Pass-Yakima.....	\$408,000.00

KING COUNTY LINE-TACOMA:

Puyallup-Tacoma, right of way, grading, bridges..	\$118,250.00	
King County Line-Tacoma, betterment and recon- struction	7,200.00	
	<hr/>	
Total King County Line-Tacoma.....	\$125,450.00	

King County
Line-
Tacoma.

TACOMA-RAINIER NATIONAL PARK:

Fogels Store-Alder, shoulder widening.....	\$13,130.00	
Tacoma South, paving.....	79,275.00	
Tacoma-Rainier National Park, betterment and re- construction	5,900.00	
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Total Tacoma-Rainier National Park.....	\$98,305.00	

Tacoma-
Rainier
National
Park.

**JUNCTION STATE ROAD NO. 1-CHINOOK PASS AND KOS-
MOS-ELBE:**

Mossy Rock-Ajlune, engineering, right of way, grading and surfacing.....	\$66,000.00	
Riffe-Nesika, engineering, right of way, grading and surfacing	129,000.00	
Divide-Morton, engineering, right of way, grading and surfacing	120,000.00	
Mill Creek-Mayfield, light oil.....	2,000.00	
Mayfield-Ajlune, light oil.....	8,400.00	
Ajlune-Riffe, light oil.....	2,000.00	
Riffe-Nesika Bridge, light oil.....	6,300.00	
Nesika Bridge-Kosmos, light oil.....	4,800.00	
Kosmos-Morton, light oil.....	5,000.00	
Morton-Divide, light oil.....	8,000.00	
Divide-Elbe, light oil	6,000.00	
Clear Fork-Pierce County Line, engineering, loca- tion	8,000.00	
Ohanapecosh Connection to Park Line, construc- tion	220,000.00	
Jct. State Road No. 1, Chinook Pass and Kosmos- Elbe, betterment and reconstruction.....	55,250.00	
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Junction
State Road
No. 1-Chin-
ook Pass
and Kosmos-
Elbe.

Total Jct. State Road No. 1, Chinook Pass and Kosmos-Elbe	\$640,750.00
Total State Road No. 5	\$1,775,325.00

STATE ROAD NO. 6—PEND OREILLE HIGHWAYS.

Connection to State Road No. 3 at Whitworth 20' paving	\$93,000.00
Peone Creek-Mead-Spokane, revision, right of way, betterment and reconstruction and construction..	75,000.00
Newport vicinity, engineering, right of way and con- struction	144,000.00

State Road
No. 6.

Pend Oreille Park-Sacheen Lake-Usk, location and engineering	\$5,000.00
Jared-Ruby, undercrossing and approach.....	7,500.00
Ione-Metaline, engineering, right of way and construction	51,000.00
Spokane-British Columbia Line, engineering, right of way, betterment and reconstruction and construction	227,300.00
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Total State Road No. 6	\$602,800.00

STATE ROAD NO. 7—CENTRAL WASHINGTON HIGHWAY.

State Road No. 7.

DAVENPORT-GRANT COUNTY LINE:

Davenport-Grant County Line.

Lamona-Odessa, grade separation, engineering, right of way and construction.....	\$97,000.00
Davenport-Grant County Line, armor coat.....	40,000.00
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Total Davenport-Grant County Line..... \$137,000.00

Lincoln-Grant County Line to Vantage-Adrian revision	\$18,000.00
Marlin-Burke, armor coat.....	68,000.00
Vantage-Burke, grading and surfacing, oiling....	130,000.00
Lincoln County Line-Vantage, betterment and reconstruction	10,000.00
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Total Lincoln-Grant County Line to Vantage.. \$226,000.00

Ellensburg-Vantage.

ELLENSBURG-VANTAGE:

Ellensburg-Vantage, armor coat.....	\$30,000.00
Ellensburg-Vantage, betterment and reconstruction	8,000.00
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Total Ellensburg-Vantage

Total State Road No. 7

STATE ROAD NO. 8—NORTH BANK HIGHWAY.

State Road No. 8.

VANCOUVER-YAKIMA COUNTY LINE:

Vancouver-Yakima County Line.

East Reserve Street Vancouver East, engineering	\$5,000.00
Washougal-Prindle, guard rail, grading.....	20,000.00
Prindle-Stevenson, guard rail, grading.....	10,000.00
Stevenson-Wind River, guard rail, grading.....	10,000.00
Wind River to Collins, engineering, right of way and construction	216,028.00
Cooks-Underwood, location engineering.....	10,000.00
Lyle to Grand Dalles, engineering, right of way and construction	550,000.00
Grand Dalles to Museum, surfacing.....	84,000.00
Wishram Hill-Maryhill, engineering, grading and surfacing	60,000.00
Maryhill-Goldendale Junction, engineering.....	4,000.00

VANCOUVER-YAKIMA COUNTY LINE—Continued:

		Vancouver- Yakima County Line.
Washougal-Wind River, road mix oil.....	\$66,000.00	
Wind River-Underwood, penetration oil.....	34,500.00	
Underwood-Snowden, road mix oil.....	26,000.00	
Snowden Road-Maryhill Junction, penetration oil.	30,000.00	
Maryhill-End of Pavement-Goldendale, road mix oil	14,000.00	
Goldendale-Klickitat County Line, road mix oil...	42,600.00	
Vancouver-Yakima County Line, betterment and reconstruction	113,200.00	
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Total Vancouver-Yakima County Line.....	\$1,295,328.00	

KLICKITAT-YAKIMA COUNTY LINE-JUNCTION STATE ROAD
No. 3:

		Klickitat- Yakima County Line- Junction State Road No. 3.
Toppenish-Dry Creek, right of way, grading and surfacing	\$30,000.00	
Dry Creek-Klickitat County Line, engineering and surfacing	28,000.00	
Toppenish-Klickitat County Line, oiling.....	59,000.00	
Klickitat County Line-Junction State Road No. 3, betterment and reconstruction	10,000.00	
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Total Klickitat-Yakima County Line—Junction State Road No. 3.....	\$127,000.00	
Total State Road No. 8.....	\$1,422,328.00	

STATE ROAD NO. 9—OLYMPIC HIGHWAY.

OLYMPIA-PORT ANGELES-PORT TOWNSEND:

		State Road No. 9.
		Olympia- Port Angeles-Port Townsend.
Purdy Creek-Junction State Road No. 14.....	\$45,750.00	
Hoodsport-Jefferson County Line, riprap and guard rail	11,930.00	
Jefferson County Line-Sequim, engineering, right of way and construction.....	43,400.00	
Duckabush-Lake Hooker, engineering, right of way construction and bridges.....	100,000.00	
Discovery Bay-Port Townsend, engineering and paving	160,000.00	
Sequim West, engineering, right of way and con- struction	12,930.00	
Clallam County Line-Crocker Lake, engineering, right of way	16,900.00	
Shelton-Discovery Bay, light oil.....	40,000.00	
Olympia-Port Angeles-Port Townsend, betterment and reconstruction	75,450.00	
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Total Olympia-Port Angeles-Port Townsend...	\$506,360.00	

Port Angeles-Hoh River.	PORT ANGELES-HOH RIVER:	
	Fairholm West	\$97,200.00
	Beaver Creek, grading and wall.....	29,850.00
	Sol Duc River-Bogachiel River.....	15,900.00
	Port Angeles-Hoh River, oiling.....	51,450.00
	Port Angeles-Hoh River, betterment and reconstruction	70,450.00
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	Total Port Angeles-Hoh River.....	\$264,850.00
Hoh River-Perry Creek.	HOH RIVER-PERRY CREEK:	
	Hoh River-Queets River, engineering, right of way and construction	\$20,700.00
	Hoquiam North, engineering, right of way and construction	64,840.00
	Montesano-Aberdeen, engineering, right of way and construction	345,120.00
	Aberdeen City Limits, west, right of way and construction	95,000.00
	Hoh River-Hoquiam, oiling.....	34,500.00
	Hoh River-Perry Creek, betterment and reconstruction	37,450.00
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	Total Hoh River-Perry Creek.....	\$597,610.00
Grand Mound-Elma.	GRAND MOUND-ELMA:	
	Thurston County Line-Gibson Creek, engineering, right of way and construction.....	\$143,970.00
	Rochester-Elma, oiling	11,000.00
	Rochester west, paving.....	101,580.00
	Grand Mound-Elma, betterment and reconstruction	1,000.00
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	Total Grand Mound-Elma.....	\$257,550.00
	Total State Road No. 9	\$1,626,370.00
State Road No. 10.	STATE ROAD NO. 10—CHELAN-OKANOGAN HIGHWAY.	
Quincy-Wenatchee.	QUINCY-WENATCHEE:	
	Wenatchee-Rock Island, engineering and right of way	\$50,000.00
	Wenatchee-Quincy, armor coat oiling.....	35,000.00
	Wenatchee-Quincy, betterment and reconstruction	7,500.00
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	Total Quincy-Wenatchee	\$92,500.00
Wenatchee-Okanogan County Line.	WENATCHEE-OKANOGAN COUNTY LINE:	
	Orondo North, grading and surfacing.....	\$140,000.00
	Chelan-Chelan Falls, heavy oil.....	4,000.00
	Wenatchee-Okanogan County Line, armor coat... ..	45,000.00
	Wenatchee-Okanogan County Line, betterment and reconstruction	45,000.00
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	Total Wenatchee-Okanogan County Line.....	\$234,000.00

CHELAN-OKANOGAN COUNTY LINE TO BRITISH COLUMBIA
LINE:

Chelan-
Okanogan
County Line
to British
Columbia
Line.

Pateros-Brewster, right of way.....	\$15,000.00
Omak-Tonasket, heavy oil.....	65,000.00
Brewster-Oroville, location, engineering.....	7,500.00
Omak-Oroville, betterment and reconstruction....	16,500.00

Total Chelan-Okanogan County Line to British Columbia	\$104,000.00
Total State Road No. 10.....	\$430,500.00

STATE ROAD NO. 11—COLUMBIA BASIN HIGHWAY.

State Road
No. 11.

SPOKANE-FRANKLIN COUNTY LINE:

Spokane-Cheney, engineering, right of way, grad- ing, paving	\$151,000.00
Maple Street Spokane-Cheney, location, engineer- ing	7,500.00
Four Lakes-Cheney, armor coat	4,600.00
Tyler-Lind, armor coat.....	55,000.00
Tyler-Grade separation and approaches.....	56,650.00
Six miles south Lind-Franklin County Line, armor coat, oiling	15,400.00
Spokane-Franklin County Line, engineering.....	10,000.00

Total Spokane-Franklin County Line.....	\$300,150.00
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PASCO-ADAMS COUNTY LINE:

Pasco-
Adams
County Line.

Pasco-Adams County Line, armor coat oiling.....	\$40,000.00
Eltopia-Connell, location and right of way.....	5,000.00
Pasco-Adams County Line, betterment and recon- struction	4,000.00

Total Pasco-Adams County Line.....	\$49,000.00
Total State Road No. 11.....	\$349,150.00

STATE ROAD NO. 12—OCEAN BEACH HIGHWAY.

State Road
No. 12.

CHEHALIS-ASTORIA FERRY:

Chehalis-
Astoria
Ferry.

Chehalis-Scollard, engineering, location for bridge	\$2,000.00
Northern Pacific undercrossing (near Pe Ell)....	40,000.00
Chehalis River Bridge (at Pe Ell).....	35,000.00
Pe Ell vicinity, engineering, right of way and con- struction	75,000.00
Raymond East, paving.....	38,000.00
Raymond East to connection in Raymond (½ strip)	22,000.00
Raymond connection in South Bend, engineering, right of way and construction.....	99,000.00
Ilwaco-Point Ellice, armor coat.....	7,500.00
Raymond-Chehalis, oiling	14,700.00

Chehalis-Astoria Ferry.

CHEHALIS-ASTORIA FERRY—Continued:

Chehalis-Astoria Ferry, betterment and reconstruction	\$91,625.00
Total Chehalis-Astoria Ferry	\$424,825.00

Kelso-Johnson's Landing.

KELSO-JOHNSON'S LANDING:

Coal Creek-Cathlamet, guard rail, grading	\$50,000.00
Cathlamet-Skamokawa, engineering, right of way and construction	6,000.00
Skamokawa to Deep River, construction	170,000.00
Longview-Cathlamet, oil	17,000.00
Kelso-Johnson's Landing, betterment and reconstruction	65,600.00
Total Kelso-Johnson's Landing	\$308,600.00
Total State Road No. 12	\$733,425.00

State Road No. 13.

STATE ROAD NO. 13—WILLAPA-GRAYS HARBOR HIGHWAY.

Cosmopolis-Pacific County Line.

COSMOPOLIS-PACIFIC COUNTY LINE:

Cosmopolis South, grading, surfacing and right of way	\$192,300.00
Cosmopolis-Pacific County Line, oiling	11,300.00
Cosmopolis-Pacific County Line, betterment and reconstruction	5,000.00
Total Cosmopolis-Pacific County Line	\$208,600.00

Grays Harbor-Pacific County Line to Raymond.

GRAYS HARBOR-PACIFIC COUNTY LINE TO RAYMOND:

Raymond Bridge and Approaches	\$181,000.00
Raymond-Grays Harbor County Line, oil	7,000.00
Raymond-Grays Harbor County Line, betterment and reconstruction	14,000.00
Total Grays Harbor-Pacific County Line to Raymond	\$202,000.00
Total State Road No. 13	\$410,600.00

State Road No. 14.

STATE ROAD NO. 14—NAVY YARD HIGHWAY.

Tidewater Creek-Port Orchard, right of way, grading, and surfacing	\$148,950.00
Belfair West, engineering and right of way	24,870.00
Jct. State Road No. 9 to Gig Harbor to Harper, surfacing and oiling	194,190.00
State Road No. 14, betterment and reconstruction	27,150.00
Total State Road No. 14	\$395,160.00

STATE ROAD NO. 21.		State Road No. 21.
Kitsap Lake North revisions, engineering, right of way, grading and surfacing.....	\$51,700.00	
Port Gamble west and southwesterly via Four Cor- ners and Poulsbo, engineering, right of way, grad- ing and surfacing.....	154,870.00	
State Road No. 21, oiling.....	48,460.00	
State Road No. 21, betterment and reconstruction...	34,600.00	
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Total State Road No. 21.....	\$289,630.00	
STATE ROAD NO. 22.		State Road No. 22.
DAVENPORT-KETTLE FALLS:		Davenport- Kettle Falls.
Cedonia-Bissell, engineering, right of way and con- struction	\$75,000.00	
Davenport-Kettle Falls, betterment and reconstruc- tion	20,000.00	
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Total State Road No. 22.....	\$95,000.00	
CASCADE WAGON ROAD.		Cascade Wagon Road.
Marblemount-Summit, Marblemount East.....	\$200,000.00	
METHOW VALLEY HIGHWAY.		Methow Valley High- way.
Pateros-Carlton, location and engineering.....	\$12,000.00	
Pateros-Carlton, right of way, grading and construc- tion	115,000.00	
Pateros-Carlton, betterment and reconstruction....	30,000.00	
Pateros-Twisp, heavy oil.....	60,000.00	
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Total Methow Valley Highway.....	\$217,000.00	
STEVENS PASS HIGHWAY.		Stevens Pass Highway.
Gold Bar to Leavenworth, engineering, right of way and construction	\$500,000.00	
Everett-Jct. State Road No. 2, maintenance, better- ment and reconstruction.....	150,000.00	
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Total Stevens Pass Highway.....	\$650,000.00	
STATE ROAD NO. 1—LAKE SAMISH HIGHWAY.		State Road No. 1.
Burlington-Bellingham, engineering, right of way, con- struction and maintenance.....	\$354,700.00	

State Road
No. 5.

STATE ROAD NO. 5.

Auburn westerly to State Road No. 1, engineering
and paving \$115,000.00

Enumclaw-Fairfax vicinity, to Rainier National Park
to a connection with government road under con-
struction in northeast corner of said park..... \$200,000.00

Branch
State Road
No. 1.

For right of way, engineering, paving and construc-
tion on Branch of State Road No. 1, from junction
with State Road No. 2, near south city limits of
Seattle to junction with State Road No. 1, near
Duwamish in King County..... \$185,000.00

Vetoed.

{ Improvement and construction, seawall and retaining
wall Railroad Avenue, Madison Street to Bay
Street, City of Seattle..... \$400,000.00

Snohomish-
Cathcart
Heights-
Bothell.

Snohomish-Cathcart Heights-Bothell, to be expended
in Snohomish County, under full control of Di-
rector of Highways, engineering, betterments, con-
struction and reconstruction..... \$50,000.00

Old Pacific
Highway.

Old Pacific Highway Milwaukee Crossing to Fife
(Valley Road) reconstruction and repair..... \$50,000.00

For such survey, examination, estimates and report
by Director of Highways as may be necessary to
determine the feasibility and cost of a highway be-
ginning at Ferry Landing in Port Blakeley by
most feasible route to Agate Pass in Kitsap
County \$10,000.00

State Road
No. 10.

STATE ROAD NO. 10.

Brewster southerly to a connection with State Road
No. 2 between Coulee and Baird, engineering, grad-
ing and surfacing and right of way..... \$150,000.00

State Road
No. 22.

STATE ROAD NO. 22.

Marcus-Northport, location, engineering, right of way
and construction \$226,500.00

Maryhill-
vicinity
Plymouth.

MARYHILL-VICINITY PLYMOUTH.

Location, engineering, right of way and construction \$250,000.00

KENNEWICK-PLYMOUTH.

Betterment and reconstruction.....	\$51,000.00	Kennewick-Plymouth.
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From State Road No. 7 at Soap Lake in Grand Coulee to connection State Road No. 2 near Coulee City E R/W C.....	\$100,000.00	Soap Lake.
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Moran State Park-Mt. Constitution, engineering, construction, betterment	\$40,000.00	Moran State Park.
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Republic-Curlew, engineering, right of way and construction	\$25,000.00	Republic-Curlew.
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Skinville cut-off vicinity of Ilwaco, engineering, construction, right of way.....	\$18,000.00	Skinville cut-off.
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Vashon Island from vicinity of Center south to Ferry landing at Tallequah.....	\$60,000.00	Vashon Island.
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Reconnaissance—Survey Ellensburg West to State Road No. 5.....	\$1,000.00	Ellensburg west.
Vantage Ferry East to Idaho State Line, location, engineering	\$25,000.00	

PRIMARY STATE HIGHWAYS.

Maintenance, road signs, construction and operation of bridges	\$3,000,000.00	Primary State Highways. Maintenance.
Emergencies (unforeseen damages to highways and bridges)	\$250,000.00	Emergencies.
Maintenance of streets in cities and towns in accordance with chapter 163, Laws of 1929.....	\$181,880.00	Maintenance cities and towns.
For the relief of Lincoln and Ferry Counties.....	\$10,000.00	Relief.
For the relief of Benton County Drainage District..	\$1,476.50	
For the relief of Mary E. Swanstrom (Seattle tide land certificate)	\$5,686.32	
For the relief of Ames Development Co. (Seattle tide land certificate)	\$4,266.01	
For the relief of Frances Crossman (burned pear tree)	\$35.01	
For the relief of William Coggins (damage to orchard by fire)	\$1,809.00	

For the relief of Donovan-Allen (for local improvement in front of state warehouse in Everett)....	\$372.00
For the relief of G. H. Wightman (for right of way on State Road No. 3).....	\$966.00

Director of highways report 1933 legislature.

SEC. 2. The director of highways shall prepare and submit to the legislature at its convening in regular biennial session in 1933 an itemized detailed report showing the expenditures of money from the allotment for each item specifically mentioned in section one, setting forth the contract or project, federal and state road number, section of road, county, miles, type of construction, contractor, contract price, final estimate, the unexpended and unobligated balances of each item.

Effective immediately.

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

Passed the Senate March 12, 1931.

Passed the House March 12, 1931.

Approved by the Governor, except the item vetoed, March 24, 1931.

CHAPTER 144.

[H. B. 364.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase and improvement of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for emergencies, and for purposes specified in certain acts of Congress, and for sundry civil expenses of the state government, and for miscellaneous purposes, for the fiscal biennium beginning April 1, 1931, and ending March 31, 1933, except as otherwise provided, 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 and improvement of land and erection of buildings, including necessary salaries and wages incident thereto.

"Capital outlay," defined.

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," defined.

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

"Operations," defined.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any of the moneys in the several funds in the state treasury hereinafter named for

Purposes of appropriation.

the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase and improvement of land and construction of buildings, and improvements for the various state institutions, and for emergencies, and for 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, 1931, and ending March 31, 1933, except as otherwise provided.

FROM THE GENERAL FUND.

Governor.	FOR THE GOVERNOR:		
Office.	Governor's Office:		
	Salaries and wages and operations ...	\$53,000.00	
Investigation.	Investigation purposes, to be disbursed on vouchers approved by the Governor:		
	Salaries and wages and operations .	18,000.00	
Extradition.	Extradition ex- penses	16,000.00	
	(Sub-total for Gov- ernor's Office...	\$87,000.00)	
Mansion.	FOR THE GOVERNOR'S MANSION:		
	Maintenance and fur- nishings of every kind, to be disbursed on vouchers ap- proved by the Gov- ernor	12,500.00	
	Total for the Gover- nor	-----	\$99,500.00
Lieutenant governor.	FOR THE LIEUTENANT GOVERNOR:		
	Salary	\$2,400.00	
	Operations	1,200.00	
	Total for the Lieu- tenant Governor..	-----	\$3,600.00

FOR THE SECRETARY OF STATE:

Salaries and wages...	\$41,000.00		Secretary of state.
Operations	7,000.00		
Sub-total	—————	\$48,000.00	
Printing expert		4,800.00	Printing expert.
Printing, advertising and mailing initiative and referendum measures and constitutional amendments (including necessary clerical help)		26,400.00	Initiative, referendum and constitutional amendments.
Total for Secretary of State		—————	\$79,200.00

FOR THE STATE TREASURER:

Salaries and wages...	\$40,000.00		State treasurer.
Operations	10,900.00		
Sub-total	—————	\$50,900.00	

FROM MOTOR VEHICLE FUND.

Salaries and wages...	\$23,200.00		Motor vehicle fund.
Operations	1,100.00		
Sub-total	—————	\$24,300.00	

FROM HIGHWAY SAFETY FUND.

Salaries and wages (extra clerks during license rush)		\$10,000.00	} Vetoed.

FROM FISHERIES FUND.

Salaries and wages...	\$16,000.00		Fisheries fund.
Operations	2,650.00		
Sub-total	—————	\$18,650.00	
Total for State Treasurer		—————	\$103,850.00

FROM THE GENERAL FUND.

FOR THE STATE AUDITOR:

General Office:			State auditor.
Salaries and wages.	\$70,800.00		
Operations	10,200.00		
Sub-total	—————	\$81,000.00	

FROM THE FISHERIES FUND.

Salaries and wages.	\$2,800.00		Fisheries fund.
Operations	200.00		
Sub-total	—————	\$3,000.00	

FROM THE GENERAL FUND.

State auditor.	FOR THE STATE AUDITOR—Continued:		
Division of municipal corporations.	Division of Municipal Corporations:		
	Salaries and wages.	\$21,040.00	
	Operations	4,260.00	
	Sub-total	—————	\$25,300.00
	Total for State Auditor	—————	\$109,300.00
Attorney general.	FOR THE ATTORNEY GENERAL:		
	Salaries and wages...	\$87,000.00	
	Operations	24,000.00	
	Sub-total	—————	\$111,000.00
Printing records, etc., railroad tax suits.	For printing briefs and records on appeal in railroad tax suits...	\$27,500.00	
Other tax litigation.	Other tax litigation...	12,500.00	
Vetoed. }	Savings and loan litigation	15,000.00	
	Sub-total	—————	\$55,000.00
	Total for Attorney General	—————	\$166,000.00
Superintendent of public instruction.	FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		
	Salaries and wages...	\$74,575.00	
	Operations	31,425.00	
	Sub-total	—————	\$106,000.00
Publications.	To publish the Washington State Manual and other publications required by law		\$6,000.00
	Total for Superintendent of Public Instruction	—————	\$112,000.00
Commissioner of public lands.	FOR THE COMMISSIONER OF PUBLIC LANDS:		
	Salaries and wages...	\$140,125.00	
	Operations	57,750.00	
	Total for Commissioner of Public Lands	—————	\$197,875.00
Insurance commissioner.	FOR THE INSURANCE COMMISSIONER:		
	Salaries and wages...	\$122,000.00	
	Operations	37,500.00	
	Total for Insurance Commissioner	—————	\$159,500.00
Supreme court.	FOR THE SUPREME COURT:		
	Salaries and wages...	\$169,265.00	
	Operations	6,735.00	
	Total for the Supreme Court	—————	\$176,000.00

FOR THE SUPREME COURT REPORTER:		Supreme court re- porter.
Salaries and wages...	\$16,000.00	
Operations	6,400.00	
Total for Supreme Court Reporter... _____		\$22,400.00
FOR THE SUPERIOR COURT JUDGES:		Superior court judges.
Salaries and wages...	\$249,000.00	
Operations	7,000.00	
Total for Superior Court Judges _____		\$256,000.00
FOR LEGISLATIVE EXPENSE:		Legislative expense.
For printing, indexing, binding and editing Session Laws, Senate and House Journals, other legislative printing, and binding public documents of the twenty-second session	\$16,300.00	
For indexing Senate and House Journals..	700.00	
Total for legislative expense	_____	\$17,000.00
FOR THE STATE CAPITOL COMMITTEE:		State capitol committee.
Salaries and wages...	\$5,400.00	
Operations	4,600.00	
Total for State Capi- tol Committee _____		\$10,000.00
FROM THE CAPITOL BUILDING CONSTRUCTION FUND.		
Lighting system for capitol grounds	\$20,000.00	Lighting.
Sprinkling system for capitol grounds	18,000.00	Sprinkling.
Planting lawn and shrubby	17,000.00	Lawn.
Total	_____	\$55,000.00
FROM THE GENERAL FUND.		
FOR THE STATE BOARD OF EDUCATION:		State board of education.
Salaries and wages...	\$12,000.00	
Operations	3,000.00	
Total for State Board of Education	_____	\$15,000.00

State board
vocational
education.

FOR THE STATE BOARD FOR VOCATIONAL EDUCATION:

Salaries and wages...	\$16,820.00	
Operations	6,950.00	
Total for State Board for Vocational Edu- cation	_____	\$23,770.00

U. S. voca-
tional educa-
tion fund.

FROM THE UNITED STATES VOCATIONAL
EDUCATION FUND.

To be expended in ac-
cordance with the
provisions of acts
of Congress approved
February 23, 1917,
and February 5, 1929,
providing for the pro-
motion and develop-
ment of vocational
education

		\$209,028.49
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Teachers'
retirement
fund.

FROM THE TEACHERS' RETIREMENT FUND.

FOR THE TEACHERS' RETIREMENT FUND:

Salaries and wages...	\$14,760.00	
Operations	2,677.00	
Sub-total	_____	\$17,437.00

Annuities,
awards,
refunds.

For the payment of an-
nuities, awards and
refunds as provided
by law

	\$240,000.00	
Total from Teachers' Retirement Fund.	_____	\$257,437.00

FROM THE GENERAL FUND.

State board
of equaliza-
tion.

FOR THE STATE BOARD OF EQUALIZATION:

Operations		\$1,200.00
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State finance
committee.

FOR THE STATE FINANCE COMMITTEE:

Salaries and wages...	\$1,100.00	
Operations	800.00	
Total for State Fi- nance Committee .	_____	\$1,900.00

State board
of law
examiners.

FOR THE STATE BOARD OF LAW EXAMINERS:

Salaries and wages...	\$6,650.00	
Operations	1,700.00	
Total for State Board of Law Examiners	_____	\$8,350.00

FOR THE STATE LAW LIBRARY:

Salaries and wages... \$15,840.00
 Operations 8,860.00
 Total for State Law
 Library _____

State law
 library.

\$24,700.00

FOR THE STATE LIBRARY:

Salaries and wages... \$11,000.00
 Operations 4,000.00
 Total for State Li-
 brary _____

State
 library.

\$15,000.00

FOR THE DEPARTMENT OF AGRICULTURE:

Salaries and wages... \$372,760.00
 Operations 187,240.00

Dept. of
 agriculture.

(Provided that ex-
 penditures for seed,
 nursery, hay, grain
 and other commodity
 inspection services
 shall not exceed fees
 heretofore or here-
 after collected there-
 for.)

Sub-total _____ \$560,000.00

Washington State Fair
 (From State Fair
 Fund until exhaust-
 ed, balance from the
 General Fund.)

Washington
 State Fair.

Salaries and wages. \$23,440.00
 Operations 16,560.00

Sub-total _____ \$40,000.00

Total for Depart-
 ment of Agricul-
 ture _____

\$600,000.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:

Salaries and wages... \$162,000.00
 Operations 31,000.00

Dept. of con-
 servation and
 development.

Sub-total _____ \$193,000.00

FROM THE RECLAMATION REVOLVING FUND.

Reclamation Division:

Salaries and wages. \$11,000.00
 Operations 4,540.00

Reclamation
 division.

Sub-total _____ \$15,540.00

Hydrographic survey..

10,000.00

Hydro-
 graphic
 survey.

Total for Department
 of Conservation
 and Development. _____

\$218,540.00

Dept. of
efficiency.

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF EFFICIENCY:

General Office:

Salaries and wages.	\$60,420.00	
Operations	14,580.00	
Sub-total	—————	\$75,000.00

FROM THE HIGHWAY SAFETY FUND.

Highway
patrol.

Highway Patrol Division:

Salaries and wages.	\$287,600.00	
Operations	256,062.00	
Sub-total	—————	\$543,662.00

FROM THE GENERAL FUND.

Division of
banking.

Division of Banking:

Salaries and wages.	\$99,720.00	
Operations	40,280.00	
Sub-total	—————	\$140,000.00

Industrial
loan.

Industrial Loan:

Salaries and wages and operations (not to exceed fees col- lected)		\$1,000.00
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Division of
savings and
loan.

Division of Savings and Loan:

Salaries and wages.	\$50,300.00	
Operations	13,850.00	
Sub-total	—————	\$64,150.00

Total for Depart- ment of Efficiency	—————	\$823,812.00
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FROM THE FISHERIES FUND.

Dept. of
fisheries and
game.

FOR THE DEPARTMENT OF FISHERIES AND GAME:

Division of Fisheries:

Salaries and wages.	\$234,000.00	
Operations	107,000.00	
Sub-total	—————	\$341,000.00
Capital outlays		50,000.00

FROM THE OYSTER RESERVE FUND.

Oyster
reserves.

Improvement and Protection of Oyster Reserves:

Salaries and wages.	\$5,250.00	
Operations	2,750.00	
Sub-total	—————	\$8,000.00

(Sub-total Division of Fisheries ...	—————	\$399,000.00)
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FROM THE GAME FUND.

FOR THE DEPARTMENT OF FISHERIES AND GAME—Continued:

Division of Game and Game Fish:

Dept. of
fisheries and
game.

Salaries and wages.	\$132,500.00	
Operations	97,500.00	
Sub-total	—————	\$230,000.00

Biological Survey:

Biological
survey.

Salaries and wages.	\$9,500.00	
Operations	2,500.00	
Sub-total	—————	\$12,000.00

Capital outlays		10,000.00
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New Game Bird Farm:

Game bird
farm.

Salaries and wages.	\$3,550.00	
Operations	6,450.00	
Capital outlays	13,000.00	
Sub-total	—————	\$23,000.00

(Sub-total, Game Division		\$275,000.00)
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Total for Depart- ment of Fisher- ies and Game...	—————	\$674,000.00
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FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF HEALTH:

Dept. of
health.

Salaries and wages...	\$50,250.00	
Operations	23,050.00	
Sub-total	—————	\$73,300.00

For maternal and child hygiene (Salaries and wages and op- erations).		\$8,000.00
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Maternal
and child
hygiene.

FROM THE FISHERIES FUND.

Salaries and wages...	\$10,000.00	
Operations	5,000.00	
Sub-total	—————	\$15,000.00
Total for the Depart- ment of Health...	—————	\$96,300.00

FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:

Dept. of
labor and
industries.

Salaries and wages...	\$330,000.00	
Operations	110,000.00	
Sub-total	—————	\$440,000.00

FROM THE MEDICAL AID FUND.

Dept. of labor and industries.	FOR THE DEPARTMENT OF LABOR AND INDUSTRIES—Continued:		
	Salaries and wages...	\$135,000.00	
	Operations	50,000.00	
	Sub-total	_____	\$185,000.00
Claims and awards.	Claims and awards and other expenses provided by law.....		\$3,000,000.00

FROM THE ACCIDENT FUND.

Claims and awards.	Claims and awards and other expenses provided by law.....		\$9,000,000.00
	Total for Department of Labor and Industries .	_____	\$12,625,000.00

FROM THE GENERAL FUND.

Dept. of licenses.	FOR THE DEPARTMENT OF LICENSES:		
	General Office:		
	Salaries and wages.	\$44,200.00	
	Operations	28,550.00	
	Sub-total	_____	\$72,750.00
Blue sky.	Blue Sky Enforcement (Securities Act):		
	Salaries and wages.	\$20,000.00	
	Operations	8,500.00	
	Sub-total	_____	\$28,500.00

FROM THE HIGHWAY SAFETY FUND.

	Salaries and wages...	\$19,000.00	
	Operations	28,000.00	
	Sub-total	_____	\$47,000.00

FROM THE MOTOR VEHICLE FUND.

	Salaries and wages...	\$105,000.00	
	Operations	257,000.00	
	Sub-total	_____	\$362,000.00
	Total for Department of Licenses	_____	\$510,250.00

FROM THE PUBLIC SERVICE REVOLVING FUND.

Dept. of public works.	FOR THE DEPARTMENT OF PUBLIC WORKS:		
	Salaries and wages...	\$207,000.00	
	Operations	65,000.00	
	(Expenditures from above not to exceed fees heretofore or hereafter collected)		
	Total for Department of Public Works	_____	\$272,000.00

FROM THE GENERAL FUND.

FOR THE REAL ESTATE DIRECTOR:

Salaries and wages...	\$9,750.00		Real estate director.
Operations	3,000.00		
Total for Real Estate Director	_____	\$12,750.00	

FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:

General Office:			Tax commission.
Salaries and wages.	\$79,000.00		
Operations	10,000.00		
Sub-total	_____	\$89,000.00	

FROM THE CURRENT SCHOOL FUND.

For the exclusive purpose of carrying out the provisions of Senate Bill No. 26.....	\$67,000.00	} Vetoed.
For the exclusive purpose of carrying out the provisions of Senate Bill No. 27.....	\$33,000.00	

FROM THE GENERAL FUND.

INHERITANCE TAX AND ESCHEAT DIVISION:

Salaries and wages...	\$48,000.00		Inheritance tax and escheat division.
Operations	5,000.00		
Sub-total	_____	\$53,000.00	
Total for Tax Commission	_____	\$242,000.00	

FOR THE DEPARTMENT OF BUSINESS CONTROL:

General Office:			Dept. of business control.
Salaries and wages.	\$76,000.00		
Operations	14,000.00		
Sub-total	_____	\$90,000.00	
Capitol Buildings and Grounds:			Capitol building and grounds.
Salaries and wages.	\$150,000.00		
Operations	70,000.00		
Sub-total	_____	\$220,000.00	
Parole and Transportation Department:			Parole and transportation.
Salaries and wages.	\$47,000.00		
Operations	61,500.00		
Sub-total	_____	\$108,500.00	
Deportation of Alien and Non-Resident Insane:			Deportation of insane.
Salaries and wages.	\$7,000.00		
Operations	25,500.00		
Sub-total	_____	\$32,500.00	

FOR THE DEPARTMENT OF BUSINESS CONTROL—Continued:

State School for Girls:			Dept. of business control.
Salaries and wages.	\$45,000.00		
Operations	60,675.00		School for girls.
Sub-total	<u> </u>	\$105,675.00	
Barn		\$500.00	
		<u> </u>	
(Total for State School for Girls		\$106,175.00)	
		<u> </u>	

Northern State Hospital:			Northern state hos- pital.
Salaries and wages.	\$255,000.00		
Operations	392,900.00		
Sub-total	<u> </u>	\$647,900.00	
Replacement of pipe line		10,000.00	Pipe line.
Clearing of land....		8,000.00	Clearing land.
Carpenter shop and equipment		3,000.00	Carpenter shop.
		<u> </u>	
(Total Northern State Hospital..		\$668,900.00)	

Washington State Penitentiary:			State penitentiary.
Salaries and wages.	\$116,770.00		
Operations	387,500.00		
Sub-total	<u> </u>	\$504,270.00	
New cell block and equipment		330,000.00	New cell block.

FROM THE PENITENTIARY REVOLVING FUND.

Salaries and wages.	\$50,000.00		
Operations	50,000.00		
Sub-total	<u> </u>	\$100,000.00	
Industrial operations:			Industrial operations.
Salaries and wages	\$45,000.00		
Operations	305,000.00		
Sub-total	<u> </u>	\$350,000.00	
New industries (salaries and wages and op- erations)		50,000.00	New industries.
(Total Peniten- tiary, all funds		\$1,334,270.00)	

FROM THE GENERAL FUND.

Washington State Reformatory:			State re- formatory.
Salaries and wages.	\$97,780.00		
Operations	209,000.00		
Sub-total	<u> </u>	\$306,780.00	

Dept. of
business
control.

FOR THE DEPARTMENT OF BUSINESS CONTROL—Continued:

FROM THE REFORMATORY REVOLVING FUND.

State
reformatory.

Washington State Reformatory:

Industrial
operations.

Operations	\$25,000.00	
Industrial operations (including salaries and wages)	200,000.00	
Sub-total		\$225,000.00
(Total for Reform- atory, all funds...		\$531,780.00)

FROM THE GENERAL FUND.

Soldiers'
home and
colony.

State Soldiers' Home and Colony:

Salaries and wages.	\$80,400.00	
Operations	119,600.00	
Sub-total		\$200,000.00

Training
school.

State Training School:

(From C. E. P. and R. I. Current Fund until exhausted, balance from Gen- eral Fund)		
Salaries and wages.	\$100,000.00	
Operations	114,420.00	
Sub-total		\$214,420.00

FROM THE GENERAL FUND.

Shop row
building.

Shop row building and equipment....		30,000.00
(Total, Training School, all funds		\$244,420.00)

Veterans'
home.

Washington Veterans' Home:

Salaries and wages.	\$104,000.00	
Operations	195,000.00	
Sub-total		\$299,000.00

Hospital
building.

Completion of hos- pital building and equipment		30,000.00
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Boiler house.

Boiler house exten- sion and boiler...		13,500.00
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Old hospital.

Remodeling old hos- pital		10,000.00
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(Total Veterans' Home, all funds		\$352,500.00)
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FOR THE DEPARTMENT OF BUSINESS CONTROL—Continued:

Western State Hospital:		Western state hospital.
Salaries and wages.	\$299,000.00	
Operations	490,550.00	
Sub-total	—————	\$789,550.00
Total for the Department of Business Control		\$6,170,045.00

FROM THE MOTOR VEHICLE FUND.

FOR THE DEPARTMENT OF HIGHWAYS:

Office of Director:		Dept. of highways.
Salaries and wages.	\$380,000.00	
Operations	98,500.00	
Sub-total	—————	\$478,500.00
District Offices:		District offices.
Salaries and wages.	\$238,000.00	
Operations	127,000.00	
Sub-total	—————	\$365,000.00
Capital outlays....	157,320.00	Capital outlays.
Total for Highway Department	—————	\$1,000,820.00

FROM THE FUNDS DESIGNATED.

FOR THE UNIVERSITY OF WASHINGTON:

From the University Current Fund until exhausted, balance from the University of Washington Fund:		University of Washington.
Salaries and wages.	\$3,127,000.00	
Operations	408,901.00	
Sub-total	—————	\$3,535,901.00
From the University of Washington Fund:		
Improvements to Grounds and Roadways	14,000.00	Grounds and roadways.
From the University of Washington Building Fund:		
New laboratory and/or classroom and/or office building or buildings.....	460,000.00	New buildings.
Total for University of Washington	—————	\$4,009,901.00

State college.	FOR THE STATE COLLEGE OF WASHINGTON:		
	From the Agricultural College Current and Scientific School Current Funds until exhausted, balance from the Washington State College Fund:		
	Salaries and wages.	\$1,472,116.64	
	Operations	389,789.36	
	Sub-total	—————	\$1,861,906.00
	From the Washington State College Fund:		
Puyallup experiment station.	Puyallup Experiment Station:		
	Salaries and wages	\$42,600.31	
	Operations	48,170.85	
	Sub-total	—————	\$90,771.16
Apiculture.	Apiculture		\$4,000.00
Cranberry investigation.	Cranberry investigation		10,000.00
Prosser experiment station.	Prosser Experiment Station:		
	Salaries and wages	\$17,323.48	
	Operations	9,375.00	
	Sub-total	—————	\$26,698.48
Smith-Lever fund.	For amount to secure Smith-Lever Fund from U. S. Government for Agricultural Extension Work and for experiment station work:		
	Salaries and wages	\$84,272.29	
	Operations	13,894.76	
	Sub-total	—————	\$98,167.05
	From the College Fund:		
	Salaries and wages..	\$247,137.00	
	Operations	255,880.50	
Field house.	Completion of first floor, mezzanine and balcony in field house	12,350.00	
Seed house.	Seed house	5,000.00	
Farm buildings.	Farm buildings ...	2,550.00	
Refunds, replacements.	Refunds and replacements	52,292.50	
	Sub-total	—————	\$575,210.00

FOR THE STATE COLLEGE OF WASHINGTON—Continued:

(From Federal Funds):

From the Adams Fund	\$30,000.00
From the Capper-Ketcham Fund.....	51,790.26
From the Hatch Fund	30,000.00
From the Morrill Fund	100,000.00
From the Purnell Fund	120,000.00
From the Smith-Lever Fund	154,242.42

To be expended in accordance with the purposes, terms, provisions and conditions of the respective acts of Congress for the endowment and granting of money to agricultural colleges and experiment stations

\$486,032.68

Totals for State College

\$3,152,785.37

State college.

Federal funds.

Acts of Congress, agricultural colleges and experiment stations.

FOR THE BELLINGHAM STATE NORMAL SCHOOL:

From the Bellingham Normal School Fund:

Salaries and wages..	\$478,105.00
Operations	63,400.00

Total for Bellingham State Normal School.....

\$541,505.00

Bellingham state normal school.

FOR THE CHENEY STATE NORMAL SCHOOL:

From the Cheney Normal School Fund:

Salaries and wages..	\$369,378.00
Operations	61,963.00
Sub-total	\$431,341.00

Temperature control system for administration building.

3,000.00

New pump

3,500.00

Sewer system

8,000.00

Unit ventilation system for auditorium

3,500.00

Total for Cheney Normal School..

\$449,341.00

Cheney state normal school.

Temperature control system.

New pump.

Sewer system.

Auditorium ventilation.

FOR THE ELLENSBURG STATE NORMAL SCHOOL:

From the Ellensburg

Normal School Fund \$284,500.00

Ellensburg state normal school.

Ellensburg
state normal
school.

FOR THE ELLENSBURG STATE NORMAL SCHOOL—Continued:

From the Normal School

Current Fund	\$83,000.00	
Salaries and wages..	311,000.00	
Operations	56,500.00	
Sub-total	—————	\$367,500.00

From the Ellensburg Normal School Fund:

Steam
tunnel
system.

Completion of steam tunnel system	\$2,800.00	
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Training
school.

Remodeling training school	4,745.00	
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Steam plant.

Steam plant	4,250.00	
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Sub-total	—————	\$11,795.00
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Total for Ellens-
burg Normal

School	—————	\$379,295.00
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FROM THE GENERAL FUND.

Military
dept.

FOR THE MILITARY DEPARTMENT:

Salaries and wages....	\$193,800.00	
Operations	136,200.00	
Total for Military Department	—————	\$330,000.00

State
historical
society.

FOR THE WASHINGTON STATE HISTORICAL SOCIETY:

Salaries and wages....	\$12,250.00	
Operations	1,750.00	
Total for Washing- ton State Histori- cal Society	—————	\$14,000.00

Capitol bldg.
construction
fund.

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Bond
retirement.

For Bond Retirement and Interest.....	\$836,500.00
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FROM THE GENERAL FUND.

Spanish war
veterans'
graves.

For Care of Graves, Spanish War Veterans.....	\$200.00
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Insanity
court costs.

For Court Costs in Insanity Cases (including de- ficiencies)	\$2,000.00
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Criminal
costs.

For Criminal Cost Bills (including deficiencies)..	\$20,000.00
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FROM THE CURRENT SCHOOL FUND.

Current
school fund.

To Carry Out Provisions of Sec. 4935, Rem. Comp. Stat.	\$9,000,000.00
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FROM THE FOREST RESERVE FUND.

Federal
forest re-
serve moneys.

For Distribution of Moneys Received from the Fed- eral Government from Forest Reserves as Pro- vided by Chap. 185, Laws of 1907.....	\$350,000.00
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FROM THE HARBOR IMPROVEMENT FUND.

Harbor Imp. fund.

For Distribution in Accordance with Chapters 168, 169, and 170, Laws of 1913, Based on Receipts.. \$225,000.00

FROM THE GENERAL FUND.

For Tuberculosis Hospitals (including deficiency) \$340,000.00 Tuberculosis hospitals.

FROM THE VETERANS' COMPENSATION BOND RETIREMENT FUND.

Veterans' Comp. bond retirement.

For Bond Retirement and Interest..... \$4,675,000.00

FROM THE GENERAL FUND.

For the Payment of Warrants Drawn for Emergency Purposes Approved During the Biennium April 1, 1931, to March 31, 1933, Pursuant to Sec. 10, Chap. 9, Laws of 1925, as Amended by Sec. 6, Chap. 162, Laws of 1929..... \$250,000.00
Emergency warrants.

FROM THE PARKS AND PARKWAY FUND.

FOR THE STATE PARKS COMMITTEE:

State parks committee.

Salaries and wages.... \$35,000.00 } Vetoed.
Operations 14,750.00 }
Capital outlays 50,000.00 } Vetoed.

Total for State Parks Committee \$99,750.00

FROM THE VETERANS' COMPENSATION BOND RETIREMENT FUND.

FOR STATE FINANCE COMMITTEE:

State finance committee.

For bond retirement and interest in accordance with the provisions of House Bill No. 156... \$3,000,000.00

Veterans' bond retirement.

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

Passed the House March 12, 1931.

Passed the Senate March 12, 1931.

Approved by the Governor, except of the items vetoed, March 24, 1931.

CHAPTER 145.

[H. B. 399.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making appropriations and reappropriations for the construction of buildings, for maintenance and for sundry expenses at the various state institutions, schools, and state offices, for the relief of certain individuals, corporations, counties and municipalities, and for purposes specified in certain acts of congress, and for miscellaneous purposes for the biennium beginning April 1, 1931, and ending March 31, 1933, except as otherwise provided and providing this act shall take effect immediately.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any monies in the several funds of the state treasury hereinafter named for the construction of buildings, for maintenance and for sundry expenses at the various state institutions, schools, and state offices, for the relief of certain individuals, corporations, counties and municipalities, and for purposes specified in certain acts of congress, and for miscellaneous purposes for the biennium beginning April 1, 1931, and ending March 31, 1933, except as otherwise provided: *Provided, however,* That no sum herein appropriated for the relief of any individual or corporation shall be paid, or warrant therefor issued by the state auditor, unless and until such person or corporation shall file with the state auditor an itemized verified voucher covering and receipting for all claims against the state in regard to, or arising out of, the matter specified in such voucher.

SEC. 2. The words "capital outlays," as used herein, include the purchase and improvement of land and erection of buildings.

Purposes of appropriation.

"Capital outlays," defined.

SEC. 3. The word "operations," as used herein, includes salaries and wages of officers and employees, and all expenses necessary for supplies, material, services and maintenance of the various institutions, departments and offices of the state government, including necessary traveling expenses: "Operations," defined.

FROM THE GENERAL FUND.

FOR THE EASTERN STATE HOSPITAL:		Eastern
Chapel and auditorium building and equipment—		state hos-
reappropriation	\$56,566.53	pital, reap-
		ropriation.
FOR THE WESTERN STATE HOSPITAL:		Western
Combination dairy warehouse and feed barn and		state hos-
equipment—reappropriation	\$23,980.00	pital, reap-
		ropriation.
FOR THE WASHINGTON STATE PENITENTIARY:		Washington
Addition to storehouse—reappropriation.....	\$1,724.72	state penit-
		entiary, reap-
		ropriation.
FOR THE WASHINGTON STATE REFORMATORY:		Washington
Kitchen, mess hall, auditorium, hospital and bakery		state reform-
—reappropriation	\$62,508.29	atory, reap-
		ropriation.

FROM THE FOREST DEVELOPMENT FUND.

FOR THE PAYMENT OF INTEREST ON FOREST DEVELOPMENT		Forest de-
BONDS	\$772.72	velopment
		bonds.

FROM THE GENERAL FUND.

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		Superintend-
Deficiency, printing state courses of study.....	\$6,000.00	ent of
		public in-
		struction,
		deficiency.
FOR THE TRAVELING LIBRARY:		Traveling
Deficiency, operations	\$842.98	library,
		deficiency.
FOR THE DEPARTMENT OF AGRICULTURE:		Dept. of
Deficiency, eradication of bovine tuberculosis.....	\$10,000.00	agriculture,
		deficiency.
FOR THE WASHINGTON STATE PENITENTIARY:		Washington
Deficiency, trusty building.....	\$35,000.00	state
Deficiency, women's ward building.....	\$63,500.00	penitentiary,
		deficiency.
FOR THE STATE SOLDIER'S HOME AND COLONY:		State sol-
Deficiency, well drilling.....	\$2,000.00	dier's home
		and colony,
		deficiency.

FROM THE PERMANENT HIGHWAY FUND.

FOR THE GENERAL FUND—Deficiency, interest on war-		Permanent
rants drawn for emergency purposes.....	\$147.58	highway
		fund,
		deficiency.

FROM THE GENERAL FUND.

Decoy Williams.	FOR DECOY WILLIAMS, (refund amount deposited in the state treasury in error).....	\$48.05
Costs in insanity cases, deficiency.	FOR THE STATE AUDITOR, court costs in insanity cases—deficiency	\$958.00
Extradition expenses, deficiency.	FOR THE GOVERNOR'S OFFICE: Extradition expenses for biennium 1929-1931—deficiency	\$4,229.79
Vetoed.	{ FOR SKAGIT COUNTY: Special road assessment against state lands for improvement of Guemes Island Road No. 12, unpaid balance of assessment.....	\$235.81
Seattle, tide lands.	FOR THE CITY OF SEATTLE: Seattle tide lands, et al.....	\$20,626.40
Spokane city.	FOR THE CITY OF SPOKANE: Allendale addition and Sec. 16-25-43 E et al.....	\$1,375.91
Wenatchee.	FOR THE CITY OF WENATCHEE: Lot 12, block 10, Wenatchee park.....	\$9.99
Yakima county.	FOR YAKIMA COUNTY: Drainage district No. 32..... \$1,251.01 Yakima-Benton irrigation district..... 22.04 Outlook irrigation district..... 102.58 Total for Yakima county.....	\$1,375.63
Cowlitz county.	FOR COWLITZ COUNTY: Diking district No. 15, N½ of SW¼, Sec. 16, Twp. 8-3W.....	\$508.10
Wahkiakum county.	FOR WAHKIAKUM COUNTY: Diking district No. 1, Sec. 24, Twp. 8, range 6 W..... \$3,150.57 Diking district No. 4, Sec. 16, Twp. 9, range 6 W..... 1,491.11 Total for Wahkiakum county.....	\$4,641.68
Skagit county.	FOR SKAGIT COUNTY: Diking district No. 5, part SW¼ of SW¼ of SE¼, Sec. 36-36-2E..... \$23.94 Diking district No. 15, E½ of NW¼, Sec. 16-33-3E. 341.48 Diking district No. 1, lots 3 and 4, Sec. 36-34-3E. 9.72 Drainage district No. 14, Sec. 16-35-3E, et al. 397.79 Drainage district No. 15, Sec. 36-34-3E... 10.58 Total for Skagit county.....	\$783.51

FOR JEFFERSON COUNTY:		Jefferson county.
Chimacum drainage district No. 1, Sec. 36-39-1 W.	\$202.41	
FOR GRAYS HARBOR COUNTY:		Grays Harbor county.
Drainage district No. 4, Sec. 16-17-9W... \$1,031.97		
Weed district No. 1, part Sec. 16-17-7W.. 40.50		
Total Grays Harbor county.....	\$1,072.47	
FOR ISLAND COUNTY:		Island county.
Drainage district No. 3, Sec. 33-33-1E.....	\$113.69	
FOR BENTON COUNTY:		Benton county.
Sunnyside irrigation district Sec. 36-10-26E.....	\$2,158.62	
FOR THE CITY OF BELLINGHAM:		Bellingham.
Block 42, et al, New Whatcom tide.....	\$32.10	
FOR THE CITY OF WENATCHEE:		Wenatchee.
Lot 12, block 10, Wenatchee park.....	\$126.32	
FOR KLICKITAT COUNTY:		Klickitat county.
White Salmon irrigation district Sec. 36-3-10E.....	\$280.20	
FOR THE CITY OF OLYMPIA:		Olympia.
Local improvement district No. 283, lots 5 and 8, block 75, Sylvester's addition	\$2,781.87	
Local improvement district No. 112, lots 5 and 8, block 75, Sylvester's addition	53.84	
Local improvement district No. 417, lots 5, 6, 7, 8, block 32, Sylvester's addition	\$1,744.74	
Total for the City of Olympia.....	\$4,580.45	
FOR THE CITY OF BELLINGHAM:		Bellingham.
Local improvement district No. TS32, Bellingham normal school property.....	\$2,195.47	
FOR THE CITY OF PULLMAN:		Pullman.
Local improvement district No. 36, State College property	\$2,763.63	
FOR KING COUNTY:		King county.
Drainage district assessments, 1, 2, 3, 4, Blk. 2, Cross addition to Kent.....	\$14.80	
FOR THE CITY OF BELLINGHAM:		Bellingham.
Local improvement district No. 924, and TS 33, lots 38-39, Blk. 4, Squalicum park plat.....	\$66.59	
FOR THE CITY OF WENATCHEE:		Wenatchee.
Local improvement district No. 129, lots 8, 9, 10, 12, 13, Columbia Br. Add.....	\$72.59	

FOR THE CITY OF SEATTLE:

Squires Lakeside addition et al.....	\$1,162.63	
District 3240 et al.....	1,457.65	
Total City of Seattle		\$2,620.28

FOR THE CITY OF SEATTLE:

Seattle tide lands, Lake Union shore lands, Hillman City addition, et al.....		\$9,728.65
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FOR THE CITY OF SPOKANE:

Sec. 16-25-43E and Allendale addition		\$86.40
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FOR KING COUNTY:

Drainage district No. 1, et al.....		\$5,313.61
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FOR THURSTON COUNTY:

Drainage improvement district No. 7 of Thurston and Lewis counties.....		\$1,239.27
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Vetoed.

FOR WHATCOM COUNTY:

Drainage district No. 5.....	\$2.62	
Road district No. 31	70.51	
Total for Whatcom county		\$73.13

FOR YAKIMA COUNTY:

Summitview, Cowitchee and Tieton road improvement district	\$313.96	
Sunnyside Valley irrigation district....	4,150.10	
Nob Hill and Ahtanum road district....	389.22	
Drainage district No. 27.....	1.72	
Drainage district No. 41.....	596.20	
Total		\$5,451.20

FOR CLARK COUNTY:

Drainage district No. 5.....	\$30.70	
Manor road No. 7	128.00	
Total for Clark county.....		\$158.70

William Baines.

FOR THE RELIEF OF WILLIAM BAINES, executor of the estate of C. H. Neal, deceased. (For state share of salary while acting as judge of the superior court, warrants issued but not cashed).....		\$162.30
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Mary J. Jones.

FOR THE RELIEF OF MARY J. JONES, repayment for money paid for shore lands on Pine Lake, said lands hav- ing been by the court determined to have not been owned by the State of Washington.....		\$710.40
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Treasurer
Wahkiakum
county.

FOR THE TREASURER OF WAHKIAKUM COUNTY, for the re- lief of diking district No. 1.....		\$93.00
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FOR THE RELIEF of the following persons for money paid for tide lands for which the state could not give title:		Relief certain persons.	
LESLIE RAY STOTTS.....	\$173.40		
R. F. BARNARD.....	16.30		
P. F. NORMAN.....	12.60		
H. W. DAWLEY.....	27.70		
Total	—————	\$230.00	
FOR TIETON WATER USERS ASSOCIATION:		Tieton water users ass'n.	
Delinquent water rate charges on state lands in sec- tion 36, Twp. 13 N, range 17 E and section 16, Twp. 14 N, range 17 E, Tieton division, Yakima project		\$5,425.70	
FOR THE STATE LAND COMMISSIONER:		} Vetoed.	
For the completion of the surveys and plats of the harbors and tide lands at Everett, Ilwaco and Port Angeles			\$8,000.00
FOR THE TREASURER OF PIERCE COUNTY:			
For local improvement assessments levied against Tacoma tide lands and against lots 34 to 37, block 26, SE, Tacoma.....		\$43.56	
FOR THE DEPARTMENT OF AGRICULTURE:		} Vetoed.	
For the payment of bounties, April 1, 1931, to March 31, 1933, for the destruction of predatory animals			\$20,000.00
JUDGMENTS:		Judgments.	
CHAIN BELT COMPANY	\$1,196.00		
(Chain Belt Company vs. State of Washington No. 12748)			
A. S. CAMERON STEAM PUMP WORKS.....	\$393.50		
(A. S. Cameron Steam Pump Works vs. State of Washington No. 12739)			
INGERSOLL-RAND COMPANY	\$3,475.22		
(Ingersoll-Rand Company vs. State of Washing- ton No. 12740)			
UNITED STATES RUBBER COMPANY.....	\$11,051.00		
(United States Rubber Company vs. State of Washington No. 12744)			
STANDARD SANITARY MANUFACTURING COMPANY	\$1,900.25		
(Standard Sanitary Manufacturing Co. vs. State of Washington No. 12770)			
R. & J. DICK COMPANY, INC.....	\$513.00		
(R. & J. Dick Co., Inc. vs. State of Wash. No. 12946)			
COLGATE-PALMOLIVE-PEET Co.	\$1,029.80		
(Colgate-Palmolive-Peet Co. vs. State of Wash. No. 13307)			

Judgments.	JUDGMENTS—Continued:	
	THE CUDAHY PACKING COMPANY.....	\$1,146.05
	(The Cudahy Packing Co. vs. State of Wash. No. 12727)	
	THE CHAS. H. LILLY Co.....	\$378.23
	(The Chas. H. Lilly Co. vs. State of Wash. No. 12790)	
	FOX FILM CORPORATION.....	\$1,359.09
	(Fox Film Corporation vs. State of Wash. No. 13356)	
	UNITED ARTISTS CORPORATION.....	\$265.00
	(United Artists Corp. vs. State of Wash. No. 13357)	
	PARKE, DAVIS & COMPANY.....	\$936.16
	(Parke, Davis & Co. vs. State of Wash. No. 13385)	
	BUSH & LANE PIANO COMPANY.....	\$408.40
	(Bush & Lane Piano Co. vs. State of Wash. No. 13385)	
	KELLEY-SPRINGFIELD TIRE COMPANY.....	\$1,275.50
	(Kelley-Springfield Tire Co. vs. State of Wash. No. 12755)	
	MACKAY RADIO AND TELEGRAPH COMPANY.....	\$1,080.99
	(MacKay Radio & Tel. Co. vs. State of Wash. No. 13021)	
	GENERAL ELECTRIC COMPANY.....	\$13,851.85
	(General Electric Co. vs. State of Wash. No. 12405)	
	PACIFIC MUTUAL LIFE INS. Co.....	\$514.72
	(Pacific Mutual Life Ins. Co. vs. State of Wash. No. 13620)	
	METRO-GOLDWYN-MAYER DISTRIBUTING CORPORATION..	\$142.50
	(Metro-Goldwyn-Mayer Distributing Corp. vs. State of Wash. No. 13649)	
	BRUNSWICKE-BALKE-COLLENDER COMPANY.....	\$562.74
	(Brunswick-Balke-Collender Co. vs. State of Wash. No. 13650)	
	AMERICAN RADIATOR COMPANY.....	\$759.95
	(American Radiator Co. vs. State of Wash. No. 13651)	
	W. R. GRACE & COMPANY.....	\$2,772.55
	(W. R. Grace & Co. vs. State of Wash. No. 12877)	
	DODWELL & COMPANY.....	\$336.38
	(Dodwell & Co. vs. State of Wash. No. 13010)	
	UNION OIL COMPANY OF CALIFORNIA.....	\$3,285.35
	(Union Oil Co. of Calif. vs. State of Wash. No. 12771).	

JUDGMENTS—Continued:

Judgments.

MITSUBISHI SHOJI KAISHA, LTD.....	\$251.27
(Mitsubishi Shoji Kaisha, Ltd. vs. State of Wash. No. 13452)	
E. I. DUPONT DE NEMOURS COMPANY.....	\$10,508.00
(E. I. DuPont De Nemours Co. vs. State of Wash. No. 13204)	
SMITH AND STROUT, INC.....	\$18.00
(Smith & Strout, Inc. vs. State of Wash. No. 12810)	
GEO. H. BURR, CONRAD & BROOM, INC.....	\$18.00
(Geo. H. Burr, Conrad & Broom, Inc. vs. State of Wash. No. 12816)	
RICHARDS & BLUM.....	\$18.00
(Richards & Blum vs. State of Wash. No. 12811)	
FERRIS & HARDGROVE.....	\$18.00
(Ferris & Hardgrove vs. State of Wash. No. 12812)	
BOND & GOODWIN & TUCKER, INC.....	\$18.00
(Bond & Goodwin & Tucker, Inc. vs. State of Wash. No. 12813)	
BANCAMERICA BLAIR CORPORATION.....	\$18.00
(Bancamerica Blair Corp. vs. State of Wash. No. 12814)	
BAILLARGEON, WINSLOW & Co.....	\$18.00
(Baillargeon, Winslow & Co. vs. State of Wash. No. 12815)	
WM. P. HARPER & SON.....	\$18.00
(Wm. P. Harper & Son vs. State of Wash. No. 12809)	
MACMASTER, IRELAND & Co., INC.....	\$4,252.45
(MacMaster, Ireland & Co., Inc. vs. State of Wash. No. 12857)	
CONTINENTAL OIL COMPANY.....	\$2,645.66
(Continental Oil Co. vs. State of Wash. No. 12742)	
THE BARROW CORPORATION.....	\$1,203.47
(The Barrow Corporation vs. State of Wash. No. 12794)	
CRANE COMPANY	\$3,818.30
(Crane Co. vs. State of Wash. No. 12761)	
ERIE CITY IRON WORKS.....	\$1,024.58
(Erie City Iron Works vs. State of Wash. No. 12825)	
WESTINGHOUSE ELECTRIC MANUFACTURING Co.....	\$7,903.07
(Westinghouse Electric Mfg. Co. vs. State of Wash. No. 12772)	

Judgments.

JUDGMENTS—Continued:

WESTINGHOUSE LAMP Co.....	\$1,277.96
(Westinghouse Lamp Co. vs. State of Wash. No. 12773)	
HALSEY, STUART & Co.....	\$814.45
(Halsey, Stuart & Co. vs. State of Wash. No. 12804)	
UNITED CIGAR STORES COMPANY OF AMERICA.....	\$1,444.17
(United Cigar Stores Co. of America vs. State of Wash. No. 13168)	
TROJAN POWDER Co.....	\$378.27
(Trojan Powder Co. vs. State of Wash. No. 12763)	
E. M. CHENEY ET UX.....	\$29.93
(State of Wash. vs. E. M. Cheney et ux. No. 12586)	
ALBERT PICHETTE	\$57.05
(State of Wash. vs. Albert Pichette No. 21851)	
ROY G. HULBERT ET UX.....	\$58.52
(State of Wash. vs. Roy G. Hulbert et ux. No. 21449)	
THE PACIFIC TELEPHONE AND TELEGRAPH Co.....	\$2,411.38
(The Pac. Tel. & Tel. Co. vs. State of Wash. No. 12682)	
GREAT NORTHERN RAILWAY COMPANY.....	\$401.50
(Gr. No. Ry. Co. vs. State of Wash. Bal. on 11646-11440 account of error computing interest)	
C. P. HARTVEDT.....	\$52.71
(C. P. Hartvedt vs. State of Wash. Bal. Acct. court costs omitted from 1929 appropriation, page 657)	
W. B. SATTERTHWAIT	\$18.78
(State of Wash. ex rel. W. B. Satterthwait vs. Secretary of State No. 21933)	
STANDARD OIL Co.....	\$3,225.37
(Standard Oil Co. vs. State of Wash. No. 12728)	
STANDARD OIL COMPANY OF CALIFORNIA	\$7,156.14
(Standard Oil Co. of Calif. vs. State of Wash. No. 12729)	
FORD MOTOR COMPANY.....	\$3,830.59
(Ford Motor Co. vs. State of Wash. No. 13232)	
UNION BAG & PAPER CORPORATION.....	\$1,349.41
(Union Bag & Paper Corp. vs. State of Wash. No. 13433)	
THE PULLMAN Co.....	\$5,907.53
(The Pullman Co. vs. State of Wash. No. 12754)	

JUDGMENTS—Continued:

	Judgments.
ERNEST JOHNSON	\$109.05
(State of Wash. vs. Ernest Johnson, Cowlitz Co. 210)	
C. MCFARLAND	\$77.18
(State of Wash. vs. C. McFarland, Grant Co. 22360 Supreme Court)	
HARVEY HOWARD	\$41.35
(State vs. Harvey Howard, Whitman Co. 22067, Supreme Court)	
JOHN PAVELICH	\$123.69
(State of Wash. vs. John Pavolich, Spokane Co. 21167, Supreme Court)	
ROSS VENNIR	\$126.71
(State vs. Ross Vennir, Spokane Co. 22564, Supreme Court)	
FIDELITY & CASUALTY CO. OF N. Y.....	\$235.36
(State vs. Fidelity & Casualty Co. of New York, Spokane Co. 20072 Supreme Court)	
VINCENT BRABEC	\$74.85
(State vs. Vincent Brabec, Lewis Co. 13395)	
C. O. LINDER.....	\$129.12
(State vs. C. O. Linder, Spokane Co. 22184, Supreme Court)	
UNION BAG & PAPER CORP.....	\$1,370.20
(Union Bag & Paper Corp. vs. State of Wash. No. 13541)	
MARIE CARR	\$359.27
(State vs. Marie Carr, Spokane Co. No. 22735 & 22737 Supreme Court)	
THE TEXAS Co.....	\$3,533.84
(The Texas Co. vs. State of Wash. No. 13331)	
AMERICAN SMELTING & REFINING Co.....	\$1,519.20
(Am. Smelting & Refining Co. vs. State of Wash. No. 12833)	
THE BOOKSTORE, INC. ET AL.....	\$84.60
(State vs. Bookstore et al., No. 12795)	
MARY JARVEY	\$111.49
(Spokane Co. No. 22039 Supreme Court)	
FROM THE MOTOR VEHICLE FUND.	
BROWNELL & SLOCUM.....	\$4,100.40
(Brownell & Slocum vs. State No. 13393)	
P. C. WALESBY.....	\$4,056.38
(Walesby Const. Co. vs. State No. 13742)	

FROM THE GENERAL FUND.

Pend Oreille county.	FOR PEND OREILLE COUNTY.....	\$75.62
Vetoed.	FOR SKAGIT COUNTY: To correct error in previous payment of local improvement assessment on E½ of NW¼ of Sec. 16, Twp. 33, 3E, district No. 15	\$132.00
	FOR M. R. SMITH LUMBER AND SHINGLE Co.: For refund of fees paid for which no service was given	\$302.50
Jas. M. McConahey.	FOR JAS. M. MCCONAHEY: For services rendered the director of licenses during a previous biennium.....	\$75.00
C. G. Hage.	FOR C. G. HAGE: For refund of electrician's license fee erroneously collected	\$45.00
Texas Co.	FOR THE TEXAS COMPANY: For supplies furnished during a previous biennium	\$19.33
Milo B. Plont.	FOR MILO B. PLONT: For canceled Military Fund warrant No. 36951.....	\$24.50
Clayton H. Houck.	FOR CLAYTON H. HOUCK: For canceled Military Fund warrant No. 35724....	\$16.00
Thomas C. Betterton.	FOR THOMAS C. BETTERTON: For lost Military Fund warrant No. 43185.....	\$15.00
Chester S. Betterton.	FOR CHESTER S. BETTERTON: For lost Military Fund warrant No. 43576.....	\$22.50
Leonard G. McMahan.	FOR LEONARD G. MCMAHAN: For canceled Vets. Comp. Warrant No. 44771.....	\$90.00
Mrs. Anna C. Horr.	FOR MRS. ANNA C. HORR: For unclaimed dividend on Northern Bank and Trust Co. which escheated to the Permanent School Fund	\$59.67
Dollar Transportation & Cab Co.	FOR DOLLAR TRANSPORTATION & CAB Co.: For refund of duplicate payment of filing fees on bonds	\$255.00
Sundry persons.	FOR SUNDRY PERSONS: For supplies furnished the department of Business Control during a previous biennium	\$180.88
Yakima city.	FOR THE CITY OF YAKIMA: For local improvement assessments on lots 1 to 6 incl., Blk. 53, Yakima addition.....	\$399.81

FOR ABRAHAM J. COHN, as administrator of the estate of David H. Cohn, deceased:		Abraham J. Cohn.
Refund of overpayment of inheritance tax.....	\$215.17	
FOR SANDIA SHEDIN as administratrix of the estate of Herman Ericson, deceased.....	\$15.46	Sandia Shedín.
FOR LIZZIE NELSON, as executrix of the estate of Hans U. Nelson, deceased:		Lizzie Nelson.
Refund of overpayment of inheritance tax.....	\$36.00	
FOR ALBERTO ALFANI, as administrator of the estate of Giovanni Zenoni, deceased:		Alberto Alfani.
Refund of inheritance tax paid.....	\$48.43	
FOR JOSIAH HACK:		Josiah Hack.
Dividends from liquidation Northern Bank and Trust Co., escheated to state, February 18, 1929	\$22.79	
FOR SUNDEY PERSONS:		Sundry persons.
For supplies and services furnished the Military Dept. during a previous biennium as per vouchers on file with state auditor.....	\$78.32	
FOR SUNDRY PERSONS:		Sundry persons.
For supplies and services furnished the Dept. of Agriculture during a previous biennium, as per vouchers on file with the state auditor.....	\$95.07	
FOR THE EDIPHONE COMPANY:		Ediphone Company.
For refund of discount wrongfully held.....	\$10.00	
FROM THE GAME FUND.		
FOR PREDATORY ANIMAL BOUNTIES, deficiency.....	\$15,000.00	Predatory animal bounties, deficiency.
FROM THE GENERAL FUND.		
FOR PREDATORY ANIMAL BOUNTIES, deficiency.....	\$15,000.00	
FROM THE RECLAMATION REVOLVING FUND.		
FOR COLUMBIA BASIN SURVEY.....	\$15,000.00	} Vetoed.
FROM CAPITOL BUILDING CONSTRUCTION FUND.		
FOR COMPLETION OF SOLDIERS' MONUMENT, reappropriation	\$30,000.00	Soldiers' monument.
FOR BUILDING BASE FOR SOLDIERS' MONUMENT	\$15,000.00	Base for same.
FROM THE GENERAL FUND.		
TO CARRY OUT PROVISIONS of chap. 217, Laws of 1929, reappropriation	\$1,150.00	Ch. 217, Laws of 1929.

FROM THE GENERAL FUND.

Refund of corporation licenses.	FOR REFUND OF CORPORATION LICENSES:		
	GENERAL PAINT CORPORATION.....	\$900.00	
	HOOKEE ELECTROCHEMICAL Co.....	930.00	
	SIMONDS SAW & STEEL Co.....	435.00	
	INTERNATIONAL DOLLAR STORES HOLDING Co.,.....	510.00	
	SEARS ROEBUCK & Co.....	3,795.00	
	FOX RIVER BUTTER Co. INC.....	105.00	
	HOOD RUBBER PRODUCTS Co.....	270.00	
	J. C. PENNEY Co. INC.....	725.00	
	FRIGIDAIRE CORPORATION	20.00	
	CROWN WILLAMETTE PAPER Co.....	930.00	
	PACIFIC FRUIT EXPRESS Co.....	1,245.00	
	AMERICAN FRUIT GROWERS INC.....	1,235.00	
	NATIONAL BISCUIT Co.....	1,930.00	
	KOELLER Co.	195.00	
	DELCO LIGHT Co.....	10.00	
	TROY LAUNDRY MACHINERY Co. INC.....	145.00	
	WASHINGTON LIQUID GAS Co.....	70.00	
	SINGER SEWING MACHINE Co.....	430.00	
	PITTSBURGH PLATE GLASS Co.....	2,885.00	
	REGINA CORPORATION	710.00	
	CRUCIBLE STEEL Co. OF AMERICA.....	2,230.00	
	INDEPENDENT TRUCK Co.....	260.00	
	POSTAL TELEGRAPH-CABLE Co.....	15.00	
	CHAS. R. MCCORMICK LUMBER Co.....	440.00	
	WILLAPA VALLEY TEL. Co.....	20.00	
	Total		\$20,440.00

Vetoed.	}	FOR THE COMMISSIONER OF PUBLIC LANDS:	
		Survey and establishment of harbor lines, resurvey of existing tide lands and survey and platting of additional tide lands of the first class at Port Townsend	\$5,000.00

FROM THE WASHINGTON STATE COLLEGE FUND.

Ediphone Company.	FOR THE EDIPHONE COMPANY:	
	For refund of discount wrongfully held.....	\$20.00

FROM THE MOTOR VEHICLE FUND.

Sundry persons.	FOR SUNDRY PERSONS:	
	For supplies and services furnished the Highway Dept. during a previous biennium, as per vouch- ers on file with the state auditor.....	\$2,165.00

FROM THE HIGHWAY SAFETY FUND.

Sundry persons.	FOR SUNDRY PERSONS:	
	For supplies and services furnished the Highway Patrol Dept. during a previous biennium, as per vouchers on file with the state auditor.....	\$25.95

FROM THE FISHERIES FUND.

FOR SUNDRY PERSONS:

For seals killed during a previous biennium..... \$18.00 Seals killed.

FROM THE GAME FUND.

FOR RIGNEY HILL GARAGE:

For supplies and service during a previous biennium \$31.45 Rigney Hill garage.

FOR STANDARD OIL COMPANY OF CALIFORNIA:

For gas furnished during a previous biennium.... \$5.75 Standard Oil Company of California.

FROM THE PERMANENT HIGHWAY FUND.

FOR FRANK ATKINSON:

For canceled Permanent Highway Fund warrants numbered 16316 and 16320..... \$18.44 Frank Atkinson.

FROM THE ACCIDENT RESERVE FUND.

FOR MRS. THEO. GOLDMEYER, GUARDIAN:

For cancelled Accident Reserve Fund warrant No. 33134 \$15.00 Mrs. Theo. Goldmeyer.

FROM THE RECLAMATION REVOLVING FUND.

FOR H. E. BOSS:

For losses in connection with the White Bluffs-Hanford state land settlement project..... \$1,000.00 H. E. Boss.

FROM THE FISHERIES FUND.

FOR ERNA BROWN:

For fish tax refund..... \$224.89 Erna Brown.

FROM THE GENERAL FUND.

FOR J. A. JOHNSON:

For contribution to drainage ditch draining section 36, Twp. 39 N., range 1 E..... \$100.00 } Vetoed.

FOR WILLIAM GALLANGER:

For indemnity, tuberculosis cow..... \$25.00 William Gallanger.

FROM THE GAME FUND.

FOR PIONEER PACKING COMPANY:

Judgment: Pioneer Packing Co. vs. Jack Winslow, County Game Warden of Grays Harbor County, No. 27238, Supreme Court..... \$161.94 Pioneer Packing Co.

FROM THE FISHERIES FUND.

JUDGMENT:

FOR VICTOR JOHNSON, ET AL..... \$116.80 Victor Johnson.
(Victor Johnson et al. vs. State Supervisor of Fisheries, King County, No. 221262)

FROM THE MOTOR VEHICLE FUND.

Albert L. Ham.	FOR ALBERT L. HAM, ET AL.....	\$56.61
	(State of Wash. vs. Albert L. Ham et al.)	
S. P. & S. Ry.	SPOKANE, PORTLAND & SEATTLE RAILWAY.....	\$17,840.08
	(Spokane, Portland & Seattle Ry. vs. State of Wash. No. 12150)	
Geo. F. Breslin.	GEO. F. BRESLIN and KATHERINE L. BRESLIN.....	\$2,064.00
	(Geo. F. and Katherine L. Breslin vs. State, No. 12436)	

FROM CAPITOL BUILDING CONSTRUCTION FUND.

R. L. Blankenship, et ux.	FOR R. L. BLANKENSHIP ET UX.....	\$4,225.16
	(R. L. Blankenship et ux. vs. State of Wash., No. 13354)	
	FOR R. L. BLANKENSHIP ET UX.....	\$24.10
	(R. L. Blankenship et ux. vs. State of Wash. and C. L. Creelman, No. 12843)	

FROM THE GENERAL FUND.

Tax refunds to counties.	FOR THE STATE'S PORTION OF TAXES REFUNDED BY COURT ORDERS:	
	ADAMS COUNTY	\$14.75
	COWLITZ COUNTY	4,703.55
	GRAYS HARBOR COUNTY	1,256.31
	KITSAP COUNTY	5,811.88
	KLICKITAT COUNTY	742.43
	LINCOLN COUNTY	5,025.94
	PACIFIC COUNTY	508.28
	PEND OREILLE COUNTY	119.68
	SEAGIT COUNTY	7,539.98
	SPOKANE COUNTY	28,508.39
	THURSTON COUNTY	744.74
	WAHKIAKUM COUNTY	66.00
	WHATCOM COUNTY	26,152.58
	YAKIMA COUNTY	17,174.96
	DOUGLAS COUNTY, for state's portion of taxes remitted by Douglas County on lands sold by the state to sundry per- sons under contract of sale, said con- tracts having been subsequently can- celled	8,519.33
	COLUMBIA COUNTY	3,186.48
	GARFIELD COUNTY	2,659.16
	Total of tax refunds.....	\$112,734.44
Cowlitz county.	For State's portion of taxes refunded by Court order, for Cowlitz County.....	\$1,288.49
Skamania county.	For State's portion of taxes refunded by Court order, for Skamania County.....	\$589.12

For Lincoln County, refund of Court costs erroneously paid in the case of State of Washington vs. Dewey Tribolet	\$226.21	Lincoln county.
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FROM THE MOTOR VEHICLE FUND.

For the relief of Mrs. Kate Heidinger.....	\$61.15	Mrs Kate Heidinger.
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FROM THE GENERAL FUND.

For the Department of Labor and Industries for the use and benefit of Walter Moss, to be paid at the rate of \$50.00 per month.....	\$1,200.00	Dept. labor and industries. Walter Moss.
For the use and benefit of John W. Fishback, to be paid at the rate of \$50.00 per month.....	\$1,200.00	John W. Fishback.
For the relief of C. R. Strong Pickle Works (redemption of State Warrant No. 378,054).....	\$14.02	C. R. Strong Pickle Works.
For cooperation with United States Biological Survey in the employment of professional hunters to destroy predatory animals in farm areas.....	\$25,000.00	U. S. Biological Survey.

FROM THE FISHERIES FUND.

For the relief of Stuart Davis (funds advanced to defray State's expenses in Oregon boundary dispute, arising through the question of jurisdiction over fish traps in the Columbia River, north of Sand Island)	\$6,514.67	Stuart Davis.
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FROM THE GENERAL FUND.

For the relief of A. M. Larson.....	\$41.04	
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FROM THE RECLAMATION REVOLVING FUND.

Refunding Bond purchases, Richland Irrigation District	\$300,000.00	} Vetoed.
Refunding Bond purchases, Oroville-Tonasket Irrigation District	450,000.00	
Refunding Bond purchases, Sunnyside Irrigation District	108,000.00	
Lake Irrigation District Bond purchases.....	100,000.00	
Refunding Bond purchases, Lake Chelan Reclamation District	240,000.00	
Kittitas Land Settlement and contracts and Bond purchases	400,000.00	Kittitas land settlement.

Total\$1,598,000.00

The foregoing appropriations to be expended for the purposes specified, or so much thereof as may be necessary or advisable at the discretion of the Director of Conservation and Development.

FROM THE STATE FAIR FUND.

State fair.	FOR THE WASHINGTON STATE FAIR: (Not to exceed receipts).....	\$10,000.00
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FROM THE ELLENSBURG NORMAL SCHOOL FUND.

Ellensburg normal school fund.	For the relief of the Ellensburg Normal School dormitory account	\$30,382.00
	For the relief of the Ellensburg Normal School Associated Students account	\$9,180.00

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Lunch room equipment.	Lunch room equipment	\$3,500.00
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FROM THE FISHERIES FUND.

Investigation waters pollution.	For State waters pollution investigation, to be expended in cooperation with the Federal Bureau of Fisheries	\$10,000.00
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FROM THE GENERAL FUND.

Vetoed.	{	FOR THE GENERAL FUND. For the Eastern Washington State Historical Society..	\$3,000.00
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FROM THE MOTOR VEHICLE FUND.

Director of licenses. Refund, liquid fuel tax.	FOR THE DIRECTOR OF LICENSES: For checking payments and refunds of liquid fuel tax	\$15,000.00
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FROM THE GENERAL FUND.

Attorney General, Session Laws Index.	FOR THE ATTORNEY GENERAL: Indexing of Session Laws.....	\$500.00
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Vetoed.	{	FOR LEGISLATIVE EXPENSES: For Legislative expenses and/or Legislative printing of the Twenty-second Legislature.....	\$10,000.00
		(To be paid as other Legislative expenses and printing are paid.)	
		FOR THE DEPARTMENT OF AGRICULTURE: To carry out provisions of Senate Bill No. 79.....	\$10,000.00

Effective immediately.

SEC. 4. This act is necessary for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 12, 1931.

Passed the Senate March 12, 1931.

Approved by the Governor March 24, 1931, with the exception of the items vetoed.

AUTHENTICATION.

I, J. Grant Hinkle, Secretary of State of the State of Washington, do hereby certify that I have carefully compared the foregoing published laws passed by the twenty-second Legislative Session of the State of Washington, held from January 12, 1931, until March 12, 1931, 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 28th day of April, 1931.



A handwritten signature in cursive script, reading "J. Grant Hinkle".

Secretary of State.

JOINT AND CONCURRENT RESOLUTIONS OF THE SENATE AND HOUSE

(Minor Resolutions and Memorials, of no public importance,
are not printed herein.)

SENATE JOINT RESOLUTION NO. 4.

WHEREAS, the Honorable James Allen Hungate was a member of the constitutional convention which framed the Constitution of the State of Washington; and

WHEREAS, the Honorable James Allen Hungate was compelled to leave Olympia for his home in Whitman county before the enrolled constitution was ready for his signature; and

WHEREAS, the Honorable James Allen Hungate is now nearly ninety years of age and is one of the very few living members of that constitutional convention, and has expressed the desire to affix his signature to the enrolled Constitution of the State of Washington; now therefore

Be It Resolved by the Senate and House of Representatives of the State of Washington in legislative session assembled: That the Honorable J. Grant Hinkle, Secretary of the State of Washington, the custodian of the enrolled Constitution of the State of Washington, is hereby authorized and requested to permit the Honorable James Allen Hungate, a member of the constitutional convention who framed the constitution for the State of Washington, to affix his signature to the enrolled constitution in his custody.

Adopted by the Senate February 6, 1931.

Adopted by the House February 24, 1931.

SENATE JOINT RESOLUTION NO. 11.

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, 1932, there shall be submitted to the qualified electors of this state, for their adoption and approval, or rejection, an amendment to section 4 of article IV of the Constitution of the State of Washington, so that said section 4 of said article IV when amended shall read as follows:

“Article IV, Section 4. The supreme court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy or the value of the property does not exceed the sum of two hundred dollars, or such greater sum as the legislature may from time to time provide, unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the state, or any judge thereof.

Adopted by the Senate February 6, 1931.

Adopted by the House February 25, 1931.

SENATE JOINT RESOLUTION NO. 12.

WHEREAS, Committees from the legislatures of Washington and Oregon have heretofore followed the custom of meeting biennially, alternately in Washington and Oregon, for the purpose of conferring jointly upon matters pertaining to fisheries in those waters of the Columbia River over which Washington and Oregon have concurrent jurisdiction; and

WHEREAS, the last conference was held two years ago in the city of Olympia, Washington; and

WHEREAS, the legislature of the State of Oregon by House Joint Resolution Number 7 have asked for such a conference this year; and

WHEREAS, Chairmen of the Fisheries Committees of the Oregon and Washington legislatures have agreed on holding such a joint conference at Portland, Oregon, on Saturday, February 14, 1931, at the Portland Chamber of Commerce commencing at ten a. m.;

Therefore, Be It Resolved, By the Senate and House of Representatives of the State of Washington, That a joint committee be appointed consisting of three members from the Senate, to be appointed by the president, and four members from the House, to be appointed by the speaker, to meet the conference committee of five senators and six representatives already provided for by the legislature of the State of Oregon for the purpose of conferring on such legislation affecting the fisheries in those waters of the Columbia River over which Washington and Oregon have concurrent jurisdiction as may be of joint interest to both states and that such committee from the Washington legislature be allowed to use the stenographer of the Senate Fisheries Committee for such clerical assistance as may be necessary, and that the members of said committee and said stenographer be allowed their actual expenses in going to, returning from, and while in attendance at such conference.

Adopted by the Senate February 5, 1931.

Adopted by the House February 5, 1931.

SENATE JOINT RESOLUTION NO. 16.

Be It Resolved, By the Senate and the House of Representatives of the State of Washington in legislative session assembled:

That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1932, there shall be submitted to the qualified voters of this state for their adoption and approval, or rejection, an amendment to section 23 of article 2 of the Constitution of the State of Washington so that said section shall read as follows:

Section 23. Each member of the legislature shall receive for his compensation and expenses an annual salary of Five Hundred Dollars (\$500.00), and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route.

There shall be provided on all ballots for said election an opportunity for the people to vote for or against such amendment by means of the following proposition and ballot title:

Shall section 23 of article 2 of the Constitution be amended so that it shall provide that the members of the legislature shall receive an annual salary of Five Hundred Dollars (\$500.00).

Yes

No

Adopted by the Senate March 6, 1931.

Adopted by the House March 10, 1931.

HOUSE JOINT RESOLUTION NO. 1.

PROVIDING a name for the highest mountain in Section thirty-five, Township forty north, Range forty-two east, Willamette Meridian in the County of Stevens.

Be It Resolved by the Senate and the House of Representatives of the State of Washington in Legislative Session Assembled:

That the highest mountain peak in Section thirty-five, Township forty north, Range forty-two east, Willamette Meridian in the County of Stevens be and hereby is named Mount Abercrombie.

Passed the House February 17, 1931.

Passed the Senate March 10, 1931.

HOUSE JOINT RESOLUTION NO. 5.

RELATING to submitting amendments to the State Constitution, providing for reapportionment of the Legislature.

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, 1932, there shall be submitted to the qualified electors of this state for their adoption and approval, or rejection, amendments to sections 2, 3 and 6 of article II, and sections 1 and 2 of article XXII of the Constitution of the State of Washington, so that the same shall, when amended, read as follows:

ARTICLE II.

Section 2. The House of Representatives shall be composed, prior to and including the session of 1941, of ninety-eight members and the Senate of forty-five members, and at the regular session of 1943 and thereafter, the House of Representatives shall be composed of not to exceed ninety-nine members, and the Senate shall be composed of not to exceed forty-nine members.

Section 3. At the first regular session after each enumeration of the inhabitants of the state made by the authority of the United States, the legislature shall apportion and district anew, in districts of convenient and contiguous territory consecutively numbered, the members of the House of Representatives, according to the number of inhabitants as shown by such enumeration: *Provided*, That each county shall have at least one member of the House of Representatives, and no county shall have more than twenty-one per cent of the maximum membership as above provided, and each representative district shall be of contiguous territory, and no district shall extend into more than one county, and no district shall have more than two representatives, except districts in a county having three or other odd number of representatives, in which case one district may have either one or three representatives.

Section 6. At the first regular session after each enumeration of the inhabitants of the state made by authority of the United States, the legislature shall apportion and district anew, in districts of convenient and contiguous territory, consecutively numbered, the members of the Senate, according to the number of inhabitants, as shown by such enumeration: *Provided*, That any county may contain one or more senatorial districts, and a senatorial district may consist of not to exceed three contiguous counties, but no senatorial district shall consist of portions of more than one county, and no representative district shall be divided in the formation of a senatorial district.

At the first regular biennial election after each reapportionment and redistricting, as above provided, a senator shall be elected in each odd-numbered district, for the term of two years beginning on the second Monday in January following such election; and at the regular biennial election immediately preceding the expiration of such term, a senator shall be elected, in such district, for the term of four years, beginning on the second Mon-

day in January following such election; and at the regular biennial election immediately preceding the expiration of such term, a senator shall be elected, in such district, for the term of four years, beginning on the second Monday in January following such election.

At the first regular biennial election after each reapportionment and redistricting, as above provided, a senator shall be elected in each even-numbered district, for the term of four years, beginning on the second Monday in January following such election; and at the regular biennial election immediately preceding the expiration of such term, a senator shall be elected, in such district, for the term of four years, beginning on the second Monday in January following such election; and at the regular biennial election immediately preceding the expiration of such term a senator shall be elected, in such district, for the term of two years, beginning the second Monday in January following such election.

If the legislature, at its first regular session following each dicennial [decennial] United States census, shall fail to apportion and district anew the membership of the Senate and House of Representatives, the governor shall, within six months, following the adjournment of said session of the legislature, by proclamation, apportion and district anew the membership of the Senate and House of Representatives, as hereinabove provided, and said reapportionment made by the governor shall remain in force until the legislature shall make a reapportionment in the manner hereinabove provided.

ARTICLE XXII.

Section 1. Until and including the regular session of 1941, the Senate shall be apportioned into forty-five senatorial districts as follows:

Pend Oreille and Stevens counties shall constitute the first district and shall have one senator;

Spokane county shall include the second, third, fourth, fifth and sixth districts, each of which shall have one senator;

Whitman county shall constitute the seventh district and shall have one senator;

Asotin, Columbia and Garfield counties shall constitute the eighth district and shall have one senator;

Walla Walla county shall constitute the ninth district and shall have one senator;

Ferry and Lincoln counties shall constitute the tenth district and shall have one senator;

Adams, Franklin and Benton counties shall constitute the eleventh district and shall have one senator;

Okanogan and Douglas counties shall constitute the twelfth district and shall have one senator;

Chelan county shall constitute the thirteenth district and shall have one senator;

Kittitas and Grant counties shall constitute the fourteenth district and shall have one senator;

Yakima county shall include the fifteenth and sixteenth districts each of which shall have one senator;

Klickitat and Skamania counties shall constitute the seventeenth district and shall have one senator;

Clark county shall constitute the eighteenth district and shall have one senator;

Cowlitz county shall constitute the nineteenth district and shall have one senator;

Pacific and Wahkiakum counties shall constitute the twentieth district and shall have one senator;

Grays Harbor county shall constitute the twenty-first district and shall have one senator;

Lewis county shall constitute the twenty-second district and shall have one senator;

Thurston county shall constitute the twenty-third district and shall have one senator;

Kitsap and Mason counties shall constitute the twenty-fourth district and shall have one senator;

Jefferson and Clallam counties shall constitute the twenty-fifth district and shall have one senator;

Pierce county shall include the twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth districts, each of which shall have one senator;

King county shall include the thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth and fortieth districts, each of which shall have one senator;

Snohomish and Island counties shall constitute the forty-first and forty-second districts, each of which shall have one senator;

Skagit and San Juan counties shall constitute the forty-third district and shall have one senator;

Whatcom county shall include the forty-fourth and forty-fifth districts, each of which shall have one senator.

At its regular session in 1933, the legislature shall define the boundaries of the senatorial districts in counties having more than one senatorial district, as above provided; and in case the legislature fails to define such boundaries, the governor shall, within six months following the adjournment of the legislature, by proclamation, define the boundaries of such senatorial districts, which boundaries shall remain in force until the legislature shall make a reapportionment in the manner provided in Article II of this constitution.

Section 2. Until and including the regular session of 1941, the House of Representatives shall be apportioned into sixty-one representative districts as follows:

Pend Oreille county shall constitute the first district and shall have one representative;

Stevens county shall constitute the second district and shall have one representative;

Spokane county shall include the third, fourth, fifth, sixth and seventh districts, each of which shall have two representatives;

Whitman county shall constitute the eighth district and shall have two representatives;

Asotin county shall constitute the ninth district and shall have one representative;

Garfield county shall constitute the tenth district and shall have one representative;

Columbia county shall constitute the eleventh district and shall have one representative;

Walla Walla county shall constitute the twelfth district and shall have two representatives;

Franklin county shall constitute the thirteenth district and shall have one representative;

Adams county shall constitute the fourteenth district and shall have one representative;

Lincoln county shall constitute the fifteenth district and shall have one representative;

Ferry county shall constitute the sixteenth district and shall have one representative;

Okanogan county shall constitute the seventeenth district and shall have one representative;

Douglas county shall constitute the eighteenth district and shall have one representative;

Grant county shall constitute the nineteenth district and shall have one representative;

Benton county shall constitute the twentieth district and shall have one representative;

Klickitat county shall constitute the twenty-first district and shall have one representative;

Yakima county shall include the twenty-second and twenty-third districts, each of which shall have two representatives;

Kittitas county shall constitute the twenty-fourth district and shall have one representative;

Chelan county shall constitute the twenty-fifth district and shall have two representatives;

Skamania county shall constitute the twenty-sixth district and shall have one representative;

Clark county shall constitute the twenty-seventh district and shall have two representatives;

Cowlitz county shall constitute the twenty-eighth district and shall have two representatives;

Wahkiakum county shall constitute the twenty-ninth district and shall have one representative;

Pacific county shall constitute the thirtieth district and shall have one representative;

Lewis county shall constitute the thirty-first district and shall have three representatives;

Thurston county shall constitute the thirty-second district and shall have two representatives;

Grays Harbor county shall include the thirty-third district, which shall have two representatives, and the thirty-fourth district, which shall have one representative;

Mason county shall constitute the thirty-fifth district and shall have one representative;

Kitsap county shall constitute the thirty-sixth district and shall have two representatives;

Jefferson county shall constitute the thirty-seventh district and shall have one representative;

Clallam county shall constitute the thirty-eighth district and shall have one representative;

Pierce county shall include the thirty-ninth, fortieth, forty-first, forty-second and forty-third districts, each of which shall have two representatives;

King county shall include the forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth and fifty-first districts each of which shall have two representatives and also the fifty-second district which shall have three representatives and the fifty-third district which shall have one representative *Provided*, That the fifty-second and fifty-third districts shall lie entirely outside of the present corporate limits of the city of Seattle;

Snohomish county shall include the fifty-fourth and fifty-fifth districts, each of which shall have two representatives;

Island county shall constitute the fifty-sixth district and shall have one representative;

Skagit county shall include the fifty-seventh district, which shall have two representatives, and the fifty-eighth district which shall have one representative;

San Juan county shall constitute the fifty-ninth district and shall have one representative;

Whatcom county shall include the sixtieth and sixty-first districts, each of which shall have two representatives.

At its regular session in 1933, the legislature shall define the boundaries of the representative districts in counties having more than one representative district, as above provided; and in case the legislature fails to define such boundaries, the governor shall, within six months following the adjournment of the legislature, by proclamation define the boundaries of such representative districts, which boundaries shall remain in force until the legislature shall make a reapportionment in the manner provided in Article II of this constitution.

Adopted by the House March 4, 1931.

Adopted by the Senate March 9, 1931.

HOUSE CONCURRENT RESOLUTION NO. 7.

Be It Resolved By the House of Representatives, the Senate concurring, that a committee consisting of one senator, to be appointed by the President of the Senate, and two representatives to be appointed by the Speaker of the House, be created to meet like committees created by the legislatures of the states of Oregon, Idaho and Montana, at the city of Portland, Oregon, at a date to be agreed upon by such committees, to consider and recommend to their respective legislatures the preparation of a bill for, and the enactment of, a uniform warehouse act for the states of Oregon, Idaho, Montana and Washington, and

Be It Further Resolved, That the members of such committee shall receive their actual necessary traveling and hotel expenses while journeying to, attending and returning from said meeting to be paid from the moneys appropriated for legislative expenses.

Adopted by the House February 5, 1931.

Adopted by the Senate February 6, 1931.

SENATE JOINT MEMORIAL NO. 2.

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, Many of the drainage and diking districts of this state which were organized near the close of the World War, or soon thereafter, had their works constructed at an abnormally high cost, and now are called upon to repay their costs out of the present low returns from farm crops; and prices for farm products are so low and their assessment costs so high that the settlers in many such districts are facing financial ruin and are in many cases abandoning their farms to be sold for taxes and assessments; and

WHEREAS, Senate Bill No. 4123 known as the Glenn-Smith Bill designed to relieve such districts by refinancing them has already passed the United States Senate and is now pending in the House of Representatives;

Now, Therefore, The Legislature of the State of Washington respectfully petition the Congress of the United States to enact said bill into law at its present session.

Be It Further Resolved, That this memorial be immediately forwarded to both branches of Congress, and to the Senators and Representatives in Congress from the State of Washington.

And your memorialists will ever pray.

Passed the Senate January 26, 1931.

Passed the House January 30, 1931.

SENATE JOINT MEMORIAL NO. 3.

We, your memorialists, the Senate and the House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition your honorable body as follows:

WHEREAS, Many of the basic industries and pursuits of the west, particularly the State of Washington, are engaged in wheat raising, and in the manufacture and production of pulp wood, lumber, other forest products, and manganese; and

WHEREAS, Large sums of money have been invested in the farms and plants and equipment for the production or manufacture of all such products, and large numbers of people are directly dependent upon the productions and operations of all such activities for the livelihood of themselves and their families; and

WHEREAS, The welfare and prosperity of the west, particularly the State of Washington, is directly dependent upon the continuance of productions of wheat, pulp and paper, lumber manufacture, logging and manganese mining, and upon the continuance of operations of allied and dependent activities; and

WHEREAS, Continued and increased importations of all such products from Russia present distinct menaces to and threaten the continued employment of American labor and American production, and the development, growth, progress, and prosperity of the west, particularly the State of Washington, as well as its several manufacturing and commercial activities; and

WHEREAS, It is necessary in the promotion of our general welfare and to create and continue progress and prosperity that American labor and industry shall not be forced into competition with convict or forced or indentured labor in the production of products, and it is believed that the Congress of the United States is duly and fully authorized to enact laws preventing and prohibiting such competition, that of necessity tend to force

lowering the standard of American living and wages, and operate to produce idleness to labor and distress and depression to business and commercial activities, and as it is believed the enactment of such laws would be in strict accord with the spirit of the Constitution of the United States of America;

Therefore, Your memorialists, most sincerely and respectfully memorialize your Honorable Bodies to enact, at the present session of Congress, a law or laws that will prevent and prohibit the importation into the United States of any and all products produced or manufactured by convict or forced or indentured labor of any kind; and be it

Further Resolved, That a copy of this memorial be immediately forwarded by air mail to the Honorable Herbert Hoover, the President of the United States, to the chairman of the Ways and Means Committee of the House of Representatives, chairman of the Finance Committee of the United States Senate, and to the Senators and members of the House of Representatives in the Congress of the United States from the State of Washington.

Passed the Senate January 30, 1931.

Passed the House February 6, 1931.

SENATE JOINT MEMORIAL NO. 4.

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 County of Yakima, State of Washington, expended more than \$1,200,000.00 in the construction and maintenance of roads in the Yakima Indian Reservation, for the benefit of the United States, the State of Washington, Yakima County, and the Indians upon said

reservation, without the aid of any moneys from the Federal Government,

Now, Therefore, The Legislature of the State of Washington respectfully petitions the Congress of the United States to match this sum expended by the County of Yakima, to be used on the Mount Adams Highway within the Yakima Indian Reserve.

And your memorialists will ever pray.

Passed the Senate February 4, 1931.

Passed the House February 9, 1931.

SENATE JOINT MEMORIAL NO. 5.

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 ports of the United States are open to the ships and shipping of foreign countries only upon the same basis as the ports of each country keep their ports open to ships and shipping of the United States; and

WHEREAS, The United States of America and the United Kingdom of Great Britain and Ireland by the TREATY OF WASHINGTON (Oregon Boundary) in the year 1846 signed at Washington, June 15, 1846, that treaty entitled:

“Treaties between Her Majesty and the United States of America for the settlement of the Oregon boundary”

among other things, provided “that the navigation of the whole of said channel and straits south of the forty-ninth parallel of the north latitude, (shall) remain free and open to both parties;” and

WHEREAS, By the TREATY OF WASHINGTON, entitled:

“Treaty between Her Majesty and the United States of America, for the amicable settlement of all

causes of differences between the two countries ("Alabama" claims; fisheries; claims of corporations, companies or private individuals; navigation of rivers and lakes; San Juan water boundary; and rules defining duties of a neutral government during war)—Signed at Washington, May 8, 1871,"

it was provided and agreed upon, among other things, that contiguous waters between the two countries shall be free and open to the ships and shipping of the subjects of both countries; and

WHEREAS, By that certain protocol of agreement signed at Washington, March 10, 1873, entitled:

"Protocol of agreement between Her Majesty and the United States of America, defining the boundary line through the Canal De Haro, in accordance with the award of the Emperor of Germany, of October 21, 1872,"

among other things, provided that "the navigation of the whole of said channel and straits (referring to the waters of the San Juan Islands, State of Washington) south of the forty-ninth parallel of the north latitude remain free and open to both parties;" and

WHEREAS, Other similar reciprocal treaties exist between the two said countries such as the treaty signed at Washington, May 18, 1908, entitled:

"Treaty between His Majesty and the United States of America, providing (1) for the conveyance of persons in custody for trial either in the Dominion of Canada or the United States through the territory of the other; and (2) for reciprocal rights in wrecking and salvage in the waters contiguous to the boundary between the Dominion of Canada and United States,"

tend to show that each country shall extend to each other all possible reciprocal concessions; and

WHEREAS, The Dominion of Canada has for many years discriminated against ships and shipping, especi-

ally those from the State of Washington and of the United States contrary to the letter and spirit of the aforementioned treaties and particularly to the spirit shown by the United States in opening her ports without reserve, exception or discrimination to all ships and shipping of the Dominion of Canada and of Great Britain and particularly contrary to the spirit of the United States which has interpreted and construed broadly every statute, custom or departmental order of our shipping laws and of our United States Customs Service in order to enable Canadian and British vessels to trade with us with as little hindrance as possible; and

WHEREAS, The Dominion of Canada has refused to recognize owing [owing] United States any reciprocal courtesies and refuses to permit American vessels to visit ports of the Dominion of Canada which are not ports of entry when Canadian vessels are available for such work (except in certain instances when they allow certain breaches of this rule for their own convenience) even though American vessels have gone to Canadian ports of entry, reported their arrival and entered in due form and offered to take on Canadian custom officers at their expense although such similar ports of the United States which are not ports of entry have been open for many years to the ships and shipping of Canada under supervision on the part of American customs officials;

Now, THEREFORE, the Legislature of the State of Washington respectfully petitions the President of the United States under Section 17, Revised Statutes dated June 19, 1886, page 149, of the Navigation Laws of the United States, 1923, to issue a proclamation as provided in said statute, excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of the Dominion of Canada, all vessels of the Dominion of Canada of a similar character to the vessels of the United States thus discriminated against and suspending such concessions previously

granted to the vessels of that country and for such other relief as may be available to the citizens of this state from the National Government.

And your memorialists will ever pray.

Passed the Senate February 6, 1931.

Passed the House March 10, 1931.

SENATE JOINT MEMORIAL NO. 6.

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, Congress has authorized and appropriated funds for the construction of the Cle Elum dam to store water for irrigation of the Yakima project in this state; and

WHEREAS, The Yakima project, embracing some three hundred thousand acres of productive farm lands, is threatened with a very serious water shortage this year and every succeeding year until water storage in Lake Cle Elum is available; and

WHEREAS, The crop production of the Yakima Valley is a matter of vital economic importance to the whole state; and

WHEREAS, It appears that due to unexpected stringency in the Federal reclamation fund the contract for construction of the Cle Elum dam cannot be let until the reclamation fund is substantially replenished; and

WHEREAS, Senate Bill No. 6046 of the Seventy-first Congress, second session, designed to relieve such districts, has already passed the United States Senate and is now pending in the House of Representatives:

Now, Therefore, The Legislature of the State of Washington respectfully petitions the Congress of the United States to enact said bill into law at its present session.

Be it Further Resolved, That this memorial be immediately forwarded to the House of Representatives of Congress, and to the Representatives in Congress from the State of Washington.

And your memorialists will ever pray.

Passed the Senate February 11, 1931.

Passed the House February 12, 1931.

SENATE JOINT MEMORIAL NO. 7.

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, Nature's beauty and scenic lovelinesses, especially as these are found in our state and national parks, national monuments, and national forests, the playgrounds of the United States, should be better known to the people of the several states, and the worth of these reservations be impressed upon the minds of all of our citizens; and

WHEREAS, Descriptive material, including maps, charts, and authentic word pictures, should be made available for all of our people through public school teaching and distribution;

Now, Therefore, The Legislature of the State of Washington respectfully petitions the Congress of the United States to enact a bill, including the necessary appropriation, which will give positive direction to the Department of Interior through its Office of Education, to provide all materials necessary to make possible the ends herein sought and to cooperate with each of the State Departments of Education in making this available for public school use and for community distribution.

Be it Further Resolved, That this memorial be immediately forwarded by air mail to both branches of the

Congress and to the Senators and Representatives of the State of Washington.

And your memorialists will ever pray.

Passed the Senate February 20, 1931.

Passed the House March 10, 1931.

HOUSE JOINT MEMORIAL NO. 2.

To the Honorable, 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 your honorable body as follows:

WHEREAS, The Quinault Indian Reservation set aside by the United States Government for the exclusive use and right of the Quinault, Queets, Hoh and Quillayute Indian Tribes contains some one hundred sixty-nine thousand (169,000) acres of timber land on which there is three billion (3,000,000,000) feet of merchantable tax-free timber; that this large area has no roads of any consequence; that fishing is the principal industry of these Indians; that this area is entirely within Grays Harbor and Jefferson Counties; that these counties and the State of Washington are carrying on an extensive road building program; that these roads are now constructed to Moclips on the south, or southern boundary of the Quinault Indian Reservation, to the Queets river on the north or northern boundary of said reservation; that the four Indian tribes named herein have appealed to Grays Harbor and Jefferson counties and to the State of Washington for their assistance in the construction of a road from Moclips and joining at that point with the Grays Harbor County Beach highway to a point on the Queets river, a distance of approximately twenty-five

miles, near the Queets Indian village and joining state road No. 9 at that point; that we, your memorialists, feel that these Indians are wards of the United States government and that as all this proposed road lies within the Quinault Indian Reservation and will materially benefit these Indians the burden of expense in the construction of such a road should be borne by the United States government.

Therefore, be it Resolved By the Legislature of the State of Washington that the attention of Congress be called to the urgent need of the early construction of this highway and of its material benefit to the unemployed at this time. Further that a highway following the Pacific Coast shore line will eventually be a link of the Coastal or Marine drive known as the Roosevelt Highway.

Be it Further Resolved, That this memorial be immediately forwarded to the State of Washington's Senators and Representatives in Congress and the Commissioner of Indian Affairs at Washington, D. C.

Passed the House January 30, 1931.

Passed the Senate February 2, 1931.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4.

To the Honorable, the Senate and the House of Representatives of the United States in Congress assembled:

We, your memorialists, the Senate and the House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition your honorable bodies, as follows:

WHEREAS, One of the fundamental causes of the depression in trade is the curtailment of the buying power of the Orient caused by the heavy decline in the buying power of its money in the markets of the world, and

WHEREAS, Silver, obtained by melting silver coins, has been dumped upon the markets of the world, and

WHEREAS, Silver coins have been debased by the reduction of their silver content, and

WHEREAS, The decline in the value of silver has had a particular effect in bringing about the present serious financial depression in China, and has disturbed our commercial relations with that country, as is more fully set forth in United States Senate Resolution 442 and United States Senate Resolution 443, and

WHEREAS, A subcommittee of the Foreign Relations Committee of the United States Senate, after an exhaustive examination of the subject of these resolutions, has recommended their adoption;

Now, Therefore be it Resolved, The Senate and House of Representatives of the State of Washington, do request and urge the Foreign Relations Committee of the United States Senate to favorably report such resolutions and petition and urge the Congress of the United States to give speedy attention to said resolutions and to pass the same, inviting an international conference to secure such international agreement as shall assist in stabilizing silver as a medium of exchange where the same is now used, and

Be it Further Resolved, That a copy of this resolution be forthwith transmitted to the Senate and the House of Representatives of the United States, at Washington, D. C., and to the chairman of the Foreign Relations Committee of the United States Senate, and also to each Senator and Congressman from the State of Washington, for their use in endeavoring to secure the passage of said resolution.

And your memorialists will ever pray.

Adopted by the House February 20, 1931.

Adopted by the Senate February 23, 1931.

**All Initiative and Referendum Measures, Filed
in the Office of the Secretary of State
and the Disposition Thereof.**

- INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Refiled as Initiative Measure No. 3 (q. v.).
- INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Refiled as Initiative Measure No. 5 (q. v.).
- INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 4 (Drugless Healers)—No petition filed.
- INITIATIVE MEASURE NO. 5 (Eight Hour Law)—No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 11 (Fish Code)—Petition failed.
- INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)—Petition failed.
- INITIATIVE MEASURE NO. 13 (Eight Hour)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—No petition filed.
- INITIATIVE MEASURE NO. 16 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 17 (State Road Measure)—No petition filed.
- INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—No petition filed.

- INITIATIVE MEASURE NO. 21 (Home Rule)—No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing Chapter 2, Laws 1915, known as Initiative Measure No. 3)—No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 29 (Capitol Removal Bill)—No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight Hour Law)—No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 32 (Picketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)—Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws 1907)—No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws 1913)—No petition filed.
- INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws 1921)—Submitted to the people November 7, 1922; passed.
- INITIATIVE MEASURE NO. 41 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)—Same as Initiative Measure No. 47; no petition filed.

INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—No petition filed.

INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)—No petition filed.

INITIATIVE MEASURE NO. 45 (Reapportionment)—No petition filed.

INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Submitted to the people November 7, 1922; failed to pass.

INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)—No petition filed.

INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)—No petition filed.

INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)—Submitted to the people November 4, 1924; failed to pass.

INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Submitted to the people November 4, 1924; failed to pass.

INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)—No petition filed.

INITIATIVE MEASURE NO. 52 (Electric Power Measure)—Submitted to the people November 4, 1924; failed to pass.

INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)—No petition filed.

INITIATIVE MEASURE NO. 54 (State commission to license and regulate horse-racing, pool-selling, etc.—Pari-mutuel Measure)—No petition filed.

INITIATIVE MEASURE NO. 55 (Prohibiting use of purse seines, fish traps, fish wheels, etc.)—No petition filed.

INITIATIVE MEASURE NO. 56 (Re-districting state for legislative purposes)—Refiled as Initiative Measure No. 57 (q. v.).

INITIATIVE MEASURE NO. 57 (Re-districting state for legislative purposes)—Submitted to the people November 4, 1930; passed.

INITIATIVE TO THE LEGISLATURE NO. 1 (District power measure)—Submitted to the people November 4, 1930; passed.

REFERENDUM MEASURE NO. 1 (Teachers' Retirement Fund)—Submitted to the people November 3, 1914; failed to pass.

REFERENDUM MEASURE NO. 2 (Quincy Valley Irrigation Measure)—Submitted to the people November 3, 1914; failed to pass.

REFERENDUM MEASURE NO. 3 (Chapter 54, Laws 1915, Relating to Initiative and Referendum)—Submitted to the people November 7, 1916; failed to pass.

- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws 1915, Recall of Elective Public Officers)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws 1915, Party Conventions Act)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws 1915, Anti-Picketing)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certificate of Necessity Act)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Commission)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget System)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone Dry Law)—Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol Building Fund Bonds)—No petition filed.
- REFERENDUM MEASURE NO. 12 (Chapter 59, Laws 1921, Certificate of Necessity)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 13 (Chapter 175, Laws 1921, Physical Examination of School Children)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 14 (Chapter 177, Laws 1921, Primary Nominations and Registration)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws 1921, Party Conventions)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws 1923, Butter Substitutes)—Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws 1929, Creating Department of Highways)—No petition filed.
- REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Submitted to the people November 2, 1920; failed to pass.

REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation)—Submitted to the people November 2, 1920; passed.

REFERENDUM BILL NO. 3 (Chapter 87, Laws 1923, Electric Power Bill)—Submitted to the people November 4, 1924; failed to pass.

CONSTITUTIONAL AMENDMENTS

- No. 1. To Section 5 of Article XVI. Re: Permanent School Fund. Adopted November, 1894.
- No. 2. To Section 1 of Article VI. Re: Qualification of Electors. Adopted November, 1896.
- No. 3. To Section 2 of Article VII. Re: Uniform Rates of Taxation. Adopted November, 1900.
- No. 4. To Section 11 of Article I. Re: Religious Freedom. Adopted November, 1904.
- No. 5. To Section 1 of Article VI. Re: Equal Suffrage. Adopted November, 1910.
- No. 6. To Section 10 of Article III. Re: Succession in Office of Governor. Adopted November, 1910.
- No. 7. To Section 1 of Article II. Re: Initiative and Referendum. Adopted November, 1912.
- No. 8. To Sections 33 and 34 of Article I. Re: Recall. Adopted November, 1912.
- No. 9. To Section 16 of Article I. Re: Taking of Private Property. Adopted November, 1922.
- No. 10. To Section 22 of Article I. Re: Right of Appeal. Adopted November, 1922.
- No. 11. To Section 4 of Article VIII. Re: Appropriations. Adopted November, 1922.
- No. 12. To Section 5 of Article XI. Re: Consolidation of County Offices. Adopted November, 1924.
- No. 13. To Section 15 of Article II. Re: Vacancies in the Legislature. Adopted November, 1930.
- No. 14. To Article VII. Re: Revenue and Taxation. Adopted November, 1930.

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