

SESSION LAWS

OF THE

STATE OF WASHINGTON

TWENTY-SEVENTH SESSION

Convened January 13, Adjourned March 13

1941

COMPILED IN CHAPTERS

Under the Direction of BELLE REEVES, Secretary of
State, and Including An Act Passed by the People
at the General Election Held on November 5,
1940, Under the Initiative Provision
of the State Constitution.

MARGINAL NOTES AND INDEX

By
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PUBLISHED BY AUTHORITY

EXPLANATORY

The Twenty-seventh Legislature of the State of Washington convened at 12 o'clock noon, January 13, 1941 (being the second Monday in January), and adjourned *sine die* March 13, 1941.

All acts passed by the session, approved by the Governor, take effect ninety days after adjournment, or 12 o'clock, midnight, June 11, 1941, except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.

BELLE REEVES,
Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Twenty-Seventh Regular Session

1941

CHAPTER 1.

[INITIATIVE MEASURE 141.]

(BALLOT TITLE.)

OLD AGE ASSISTANCE: SENIOR CITIZENS GRANTS ACT.

("AN ACT providing a minimum of \$40 monthly to senior citizens over the age of 65 years; defining incomes; naming eligibility; conforming state and federal matching funds and age limit; providing for age and length of residence; providing for the investigation of applicants by either the Department of Social Security or other department designated by the legislature; providing for a fair hearing before the director and for appeals to the courts and introduction of new testimony; providing for burial expenses and other care; making all records confidential; abolishing liens on property; repealing all other acts in conflict herewith.")

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

SECTION 1. TITLE. This act shall be known, and TITLE.
may be cited as the "Senior Citizens Grants Act."

SEC. 2. DECLARATION OF INTENT. On no other Intent.
issue are the people of the State of Washington, as well as our nation, as united as they are in recognition of the economic and social necessity of returning to our Senior Citizens, the fathers and mothers of our country, part of the wealth which their labor helped to create.

It is simple justice that our government, which owes its industrial construction, its farms, its factories, its entire capital wealth, in fact, to the labor of

Director
may issue
proclama-
tion.

SEC. 13. Whenever the Director of Agriculture determines that a particular pest cannot be eradicated or effectively controlled by recognized ordinary means, or that it is impractical to eradicate or control such pest without the destruction in whole or in part of uninfected or uninfested host plants, the director may issue a proclamation determining and setting out the host free period or host free district, or both, describing the host or hosts and the district wherein planting, growing, cultivating or maintenance in any manner of any plants or products capable of continuing the particular pests is prohibited during a specified period of time and until the menace therefrom no longer exists.

Unlawful
to dump
infested
product.

SEC. 14. It shall be illegal for any property owner to permit the piling or dumping, or for any person or persons to pile or dump any infested product on properties where the dumping of the infested products might constitute a menace or source of infestation to growers of horticultural products.

Director
to pro-
mulgate
rules.

SEC. 15. The Director of Agriculture is hereby authorized to promulgate and adopt such rules and regulations as are necessary or will facilitate the carrying out of the provisions of this and of other horticultural laws, which he is directed and authorized to administer or enforce.

Partial
invalidity
of act.

SEC. 16. If any section, portion or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, nor any section, sentence, phrase, or word thereof not adjudged to be invalid or unconstitutional: *Provided*, That if any provision in this act superseding or invalidating existing laws on the same subject is adjudged unconstitutional, such superseded or invalidated provisions will thereby be automatically restored to full force and effect.

Effective im-
mediately.

SEC. 17. This act is necessary for the preservation of the peace, health and safety of this state and

the support of the state government of the State of Washington and its existing institutions and shall take effect immediately.

Passed the House February 20, 1941.

Passed the Senate February 19, 1941.

Approved by the Governor February 27, 1941.

CHAPTER 21.

[S. B. 169.]

AIRPORTS AND AIRPORT SITES.

AN ACT relating to airports and airport sites; empowering cities, towns, counties and port districts to acquire, maintain, and operate such facilities, either alone or in conjunction with other municipalities and to condemn property for such purposes; repealing chapter 3, Laws of 1933, Extraordinary Session (section 905-1, Remington's Revised Statutes), and declaring that this act shall take effect immediately.

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

SECTION 1. Any city, town, port district or county is hereby authorized and empowered by and through their appropriate corporate authorities to acquire, maintain and operate, within or without the boundaries of the counties in which such city, town or port district is situated, sites and other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes, and seaplanes, and seaplanes for the aerial transportation of persons, property and mail or for use of military and naval aircraft, either jointly with another city, town, port district, county, the State of Washington, or the United States of America or severally, and the same is hereby declared to be a municipal purpose and a public use.

Municipalities may acquire airports.

SEC. 2. Such municipalities may also acquire by purchase, condemnation or lease, lands and other

Power of eminent domain.

May grant
or give
property for
public use.

property for said purpose and dispose of such lands and other property, including property acquired by tax foreclosure proceedings, by sale or gift for public use to any city, town, port district, county, the State of Washington or the United States of America. Any city, town, port district and county is hereby empowered to acquire lands and other property for said purpose by the exercise of the power of eminent domain under the procedure that is or shall be provided by law for the condemnation and appropriation of private property for any of their respective corporate uses, and no property shall be exempt from such condemnation, appropriation or disposition by reason of the same having been or being dedicated, appropriated, or otherwise held to public use: *Provided, however,* That nothing in this act shall authorize or entitle any city, town, port district or county to acquire by eminent domain any site or other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes, and seaplanes for aerial transportation of persons, property, mail or military or naval aircraft, now or hereafter owned by any other city, town, port district or county.

Restrictions.

May appropriate
money to
acquire.

SEC. 3. Any city, town, port district or county is authorized and empowered by and through their corporate authorities to appropriate sums of money and pay the same to any other city, town, port district or county, or deed and convey property already owned to such city, town, port district or county, for use in acquiring and maintaining sites and other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes and seaplanes for the aerial transportation of persons, property, mail or military and naval aircraft and need not require consideration other than the benefit which may be derived by the city, town, port district or county on account of the use therefor and development of such property for said purposes.

SEC. 4. All acts of any such municipality in the exercise or attempted exercise of any powers herein conferred are hereby ratified and confirmed. The provisions of this act shall be cumulative and nothing herein contained shall abridge or limit the powers of the city, town, port district or county under existing law. Acts ratified.

SEC. 5. Chapter 3, Laws of 1933, Extraordinary Session (section 905-1, Remington's Revised Statutes) is hereby repealed. Law repealed.

SEC. 6. This act is necessary for the preservation of the peace, health and safety of this state and to the promotion of the national defense and shall take effect immediately. Effective immediately.

Passed the Senate February 15, 1941.

Passed the House February 20, 1941.

Approved by the Governor February 27, 1941.

CHAPTER 22.

[H. B. 42.]

PURCHASE AND SALE OF POWDER AND EXPLOSIVES.

AN ACT relating to the purchase and sale by the state and counties of powder and other explosives for land clearing and road building and to penalties for violations, and repealing chapter 157, Laws of 1919 (sections 3028 to 3035 inclusive of Remington's Revised Statutes; sections 98-18r to 98-18y inclusive of Pierce's Code).

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

SECTION 1. Chapter 157, Laws of 1919 (sections 3028 to 3035 inclusive of Remington's Revised Statutes; sections 98-18r to 98-18y inclusive of Pierce's Code), is repealed. Laws repealed.

Passed the House February 3, 1941.

Passed the Senate February 26, 1941.

Approved by the Governor March 1, 1941.

CHAPTER 189

AN ACT

[H. B. 581]

Providing for the acquisition, development and regulation of airports; providing a saving clause, and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. All municipalities, counties and other political subdivisions of this state hereby are authorized, separately or jointly or in cooperation with the federal government, to acquire, establish, construct, expand, or lease, control, equip, improve, maintain, operate, regulate and police airports and landing fields for the use of aircraft, either within or without the geographical limits of such municipalities, counties and other political subdivisions, and may use for such purpose or purposes any available property that is now or may hereafter be owned or controlled by such municipalities, counties, or other political subdivisions; provided, that no county shall exercise the authority hereby conferred outside of its geographical limits, excepting in an adjoining county and jointly with such adjoining county.

Section 2. All lands acquired, owned, leased, controlled or occupied by such counties, municipalities or other political subdivisions for the purpose or purposes specified in section 1 of this act shall and hereby are declared to be acquired, owned, leased, controlled, or occupied for public, governmental and municipal purposes.

Section 3. Private property and an easement for the operation of aircraft to and from the same for the purposes herein specified may be acquired by any county, municipality or other political subdivision, by grant, purchase, lease or contract if it is able to agree with the owners of said property on the terms of such acquisition, and, if unable to agree upon such terms, private property may be acquired by condemnation in the manner provided by section 12-310, O. C. L. A.

Section 4. The purchase price or compensation for real property acquired, in accordance with the provisions of this act, may be paid for by appropriation of moneys available, or entirely or in part from the proceeds of the sale of bonds of said county, municipality or other political subdivision, as the governing body of such political subdivision shall determine; subject, however, to the authorization therefor at a regular or special election if such authorization is a prerequisite to the

issuance of the bonds of such political subdivision for public purposes generally.

Section 5. Municipalities, counties or other political subdivisions of this state which have established, or may hereafter establish, airports or landing fields, or which acquire, lease or set apart real property for such purpose or purposes, hereby are authorized:

1. To construct, equip, improve, maintain and operate the same, or to delegate the authority for the construction, equipment, improvement, maintenance and operation thereof in any officer, board or body of such political subdivision.

2. Provide by regulation for charges, fees and tolls for the use of such airport or landing fields and civil penalties for the violation of such regulations.

Section 6. The local public officials within any municipality, county or other political subdivision of this state acquiring, establishing, developing, operating, maintaining or controlling an airport or landing field, or airports or landing fields, under the provisions of this act hereby are authorized to appropriate or to acquire by taxation within such municipality, county or other political subdivision, funds sufficient to carry out therein the provisions of this act; and also to use for such purpose or purposes funds derived from the operation of such airport or landing field, or airports or landing fields.

Section 7. Every municipality, county or other political subdivision of this state which develops or operates an airport or landing field hereby is authorized to acquire the right or easement for a term of years, or perpetually, to place and maintain suitable marks for the daytime, and to place, operate and maintain suitable lights for the nighttime marking of buildings, or other structures or obstructions, to enhance the safety of aircraft utilizing such airport or landing field acquired or maintained under the provisions of this act. Such rights or easements may be acquired by grant, purchase, lease or condemnation in the same manner as is provided in section 3 of this act for the acquisition of other property for the airport or landing field.

Section 8. Municipalities, counties or other political subdivisions of this state acquiring, establishing, developing, operating, maintaining or controlling airports or landing fields without their geographical limits as provided for in this act hereby are specifically granted the right to promulgate and enforce police regulations at such airports or landing fields.

Section 9. It is the intended purpose of this act that all provisions herein relating to the issuance of bonds, the levying

of taxes for airport purposes, and the condemnation of property for airport and airport facilities, shall be construed in accordance with the general provisions of the laws of this state governing the right and procedure of municipalities to condemn property, issue bonds, and levy taxes.

Section 10. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect provisions or applications of the act which can be acted upon without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 11. It hereby is adjudged and declared that existing conditions are such that this act is necessary for the immediate preservation of the public peace, health and safety; and an emergency hereby is declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

Approved by the governor March 4, 1941.
Filed in the office of the secretary of state March 4, 1941.

CHAPTER 190

AN ACT

[S. B. 2831]

To amend sections 24-601, 24-605, 24-608 and 24-609, O. C. L. A.

Be It Enacted by the People of the State of Oregon:

Section 1. That section 24-601, O. C. L. A., be and the same hereby is amended so as to read as follows:

Sec. 24-601. The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

1. "Person" includes any corporation, association, copartnership or one or more individuals.
2. "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.
3. "Dentist" means a person authorized by law to practice dentistry in this state.
4. "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.
5. "Manufacturer" means a person who, by compounding, mixing, cultivating, growing, or other process, produces or pre-

pares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

6. "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescriptions.

7. "Apothecary" means a licensed pharmacist, as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state.

8. "Hospital" means an institution for the care and treatment of the sick and injured, approved by the state board of health as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist or veterinarian.

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

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

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

12. "Opium" includes morphine, codeine and heroin, and any compound, manufacture, sale, derivative, mixture or preparation of opium.

13. "Cannabis" includes all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.