

Washington Law Review

Volume 30
Number 3 *Washington Legislation-1955*

8-1-1955

Legislative Process

William E. Love
University of Washington School of Law

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>



Part of the [Legislation Commons](#)

Recommended Citation

William E. Love, *Washington Legislation, Legislative Process*, 30 Wash. L. Rev. & St. B.J. 211 (1955).
Available at: <https://digitalcommons.law.uw.edu/wlr/vol30/iss3/7>

This Washington Legislation is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact lawref@uw.edu.

child may not have been found to be either a dependent or delinquent child.² There also is in existence an older law which permits the court to order parents and guardians, who are able, to contribute to the support of *delinquent* and *dependent* children who are committed.³

Both RCW 13.04.100 and Chapter 284, Laws of 1955, provide that orders or decrees against parents can be enforced by "execution or in any way a court of equity may enforce decrees." Another new enactment provides that in any case in which a parent or guardian is in default on any payments, the court may, by following the appropriate procedure, enter judgment for such amount against the defaulting party, and docket the judgment in order to obtain a lien.⁴ The prosecuting attorney may then proceed in the usual manner to collect the judgment on behalf of the county.

WILLIAM E. LOVE

LEGISLATIVE PROCESS

Statute Law Committees. Of the 412 laws passed by the 1955 legislature at both the regular and special sessions, 24 were submitted by the statute law committee largely to undo what was done in putting together the Revised Code of Washington. All of the committee's bills were enacted into law, and may be found in Chapters 5-15 and 32-44 inclusive. Explanatory notes follow the text of each bill prepared by the committee for submission to the legislature.

Seven of the committee's bills resulted in reenactments of complete titles of RCW.¹ The committee also completed a comprehensive review of Titles 2 and 3 and in several instances successfully recommended the removal, repeal and correction of obsolete or conflicting provisions, and the restoration of certain ambiguous sections of RCW to the original language of the session laws.

The seven titles and other enactments in their revised form become, of course, the law. The RCW version—should there be any discre-

² C. 369. In *In Re Hudson*, 13 Wn.2d 673, 126 P.2d 765 (1942), the court held that a juvenile court lacked statutory authority to make a custody order unless it first found the child dependent or delinquent. Whether under this 1955 act the court can place in detention one not found to be delinquent or dependent, as technically set forth by statute, is not clear.

³ RCW 13.04.100.

⁴ C. 183.

¹ RCW Title 20 (Commission Merchants); Title 25 (Partnerships); Title 30 (Banks and Trust Companies); Title 32 (Mutual Savings Banks); Title 62 (Negotiable Instruments); Title 75 (Food and Shellfish); Title 77 (Game and Game Fish).

pencies, which is unlikely, after the 1955 enactments are incorporated into the code—will still only be prima facie evidence of the law.²

The statute law committee will continue the work of preparing a code for Washington which will be an organized and accurate restatement of legislative enactments. It is hoped that the code which is presently in the process of being "reprepared" will, when completed, be adopted as the official and conclusive statement of the statutory law of this state.³

WILLIAM E. LOVE

PERSONAL PROPERTY

By the enactment of the Unclaimed Personal Property Act at the 1955 Session of the legislature¹ Washington became the first state to adopt the recently approved Uniform Disposition of Unclaimed Property Act.² Several significant changes in the Uniform Act were made, but the Washington statute appears to serve the basic purpose of the Uniform Act—that of avoiding multiple liability on the part of holders of unclaimed property where two or more states having jurisdiction over the property enact inconsistent statutes dealing with unclaimed property.³ Of course, the Washington statute also serves the purpose which will undoubtedly make the Uniform Act attractive to other jurisdictions without a comprehensive statute governing unclaimed property—that of providing additional revenue for state operations.

The statute is custodial in nature and does not result in an automatic

² Chapter 5, Laws of 1955.

³ RCW 1.08.026.

¹ C. 385, as amended L. 55 (Extraordinary Session), c. 11.

² The Uniform Act was approved by the National Conference of Commissioners on Uniform State Laws at the conference held on August 9-14, 1954. According to the records of the National Conference, the Uniform Act has been adopted in no other jurisdiction.

³ In *Connecticut Mutual Insurance Co. v. Moore*, 333 U.S. 541 (1947), the Supreme Court of the United States held that the State of New York might take possession of unclaimed funds due on insurance policies issued to persons in New York, even though the insurance company holding the funds had its domicile in another state. In *Standard Oil Co. v. New Jersey*, 341 U.S. 428 (1951), the Supreme Court held that the State of New Jersey might escheat stock and dividends due on the stock of a corporation organized under its laws even though the last known address of the holders of the stock were at places outside New Jersey. Even if the possibility of multiple liability on the part of the holder of unclaimed property suggested by the two decisions might be avoided under the full faith and credit clause of the United States Constitution, an undesirable race of diligence between states having jurisdiction over the property and the holder could result. Section 10 of the Uniform Act and Section 10 of the Washington statute avoid this result by giving recognition, on the basis of reciprocity, to the laws of other states concerning abandoned and escheated property and giving the state of last known address of the owner of the claim custody of the property.