

CHAPTER 210.

[ S. B. 82. ]

CIVIL DEFENSE—USE OF EXISTING SERVICES AND FACILITIES.

AN ACT relating to the civil defense of the state of Washington; amending section 13, chapter 178, Laws of 1951, and RCW 38.52.110 (1953 Supp.); and repealing section 21, chapter 178, Laws of 1951.

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

Amendment.

SECTION 1. Section 13, chapter 178, Laws of 1951, and RCW 38.52.110 (1953 Supp.) are each amended to read as follows:

(1) In carrying out the provisions of this chapter, the governor and the executive heads of the political subdivisions of the state are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the civil defense organizations of the state upon request.

Services and facilities utilized to maximum practicable extent.

(2) The governor, the chief executive of counties, cities and towns and the civil defense directors of local political subdivisions appointed in accordance with this chapter, in the event of a disaster, after proclamation by the governor of the existence of such disaster, shall have the power to command the service and equipment of as many citizens as considered necessary in the light of the disaster proclaimed: *Provided*, That citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by this chapter and federal and state civil defense regulations for registered civil defense workers.

Proclamation by governor of disaster. Command service and equipment of citizens.

Privileges and immunities of citizens commandeered.

(3) The governor through the director may cooperate with the president and the armed forces in the promotion, recruitment, administration and financing of the ground observer corps which is, for the purpose of this chapter, a part of the civil defense organization; the chief executive of counties, cities and towns shall be permitted with approval of majority vote of their respective legislative bodies to contribute to the operation and maintenance of the ground observer corps such funds as they deem necessary: *Provided, however,* That the state and/or its political subdivisions shall not be liable to any member of the ground observer corps for injuries or death arising out of and occurring in the course of his activities as a civil defense worker. } Vetoeed.

SEC. 2. Section 21, chapter 178, Laws of 1951 is repealed. Repeal.

Passed the Senate March 9, 1955.

Passed the House March 9, 1955.

Approved by the Governor March 16, 1955 with the exception of sub-section (3) of Section 1, which is vetoed.

**Note:** Excerpt of Governor's Veto Message reads as follows:

"Subsection 3 would make the ground observer corps a part of the state civil defense organization. The proviso to that subsection would prohibit the personnel of any ground observer corps from participating in compensation benefits from death or injury occurring in the course of their activities in such civil defense work.

"It seems to me that the item is unsound for two reasons:

- (A) The ground observer corps is a separate and distinct organization from the civil defense organization. It is under the operational control of the Air Force, while the civil defense organization is under the exclusive jurisdiction of the Governor. The administrative difficulties in coordinating a program under dual jurisdiction would be most burdensome. Furthermore, the question of the extent of financial responsibility of the state civil defense organization is left undetermined.
- (B) The provision, as drafted, is also unsound in its direct application to the ground observer corps personnel. The proviso which prohibits benefit coverage for death or injury is discriminatory and unfair to those workers as compared to other civil defense personnel.

"In my opinion, subparagraph (3) is not in the best inter-

ests of the civil defense organization, or the people of the state. For the reasons stated above, subsection 3, of section 1, of Senate Bill No. 82 is vetoed and the remainder of the bill is approved."

CHAPTER 211.

[ H. B. 435. ]

TRADEMARKS.

AN ACT relating to trademarks; and repealing sections 1 through 9, chapter 47, Laws of 1897 and RCW 19.76.010 through 19.76.090.

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

SECTION 1. As used in this act:

Definitions:  
"Applicant"  
defined.

(1) "Applicant" means the person filing an application for registration of a trademark under this act, his legal representatives, successors, or assigns of record with the secretary of state;

"Person"  
defined.

(2) "Person" means any individual, firm, partnership, corporation, association, union, or other organization;

"Registrant"  
defined.

(3) "Registrant" means the person to whom the registration of a trademark under this act is issued, his legal representatives, successors, or assigns of record with the secretary of state;

"Trademark"  
defined.

(4) "Trademark" means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others, and further includes without limitation a mark, name, symbol, title, designation, slogan, character name, and distinctive feature of radio or other advertising used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others;

Trademark  
deemed  
"used."

(5) A trademark shall be deemed to be "used" in this state when it is placed in any manner on the goods or their containers, or on tabs or labels affixed thereto, or displayed in connection with such goods,