

before entering upon the discharge of his respective duties as such, execute a good and sufficient bond to the State of Washington, with two (2) or more sufficient sureties, residents of the state, or with a surety company licensed to do business within this state, in the penal sum of not less than five thousand dollars (\$5,000) each, conditioned for the faithful performance of his duties as such regent: *Provided*, That all appointments made to fill vacancies caused by death, resignation or otherwise, shall be for the unexpired term of the incumbent whose place shall have become vacant: *And provided further*, That regents now serving upon such Board shall continue, as such during the term for which they were respectively appointed and the Governor, by and with the consent of the Senate, shall appoint one further regent for a term to expire March 9, 1953 and one further regent for a term to expire March 9, 1955. All other appointments provided for in this act shall be for the term of six (6) years and until the appointment and qualification of a successor to each appointee.

Passed the House February 14, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 116.

[H. B. 293.]

REGULATING SALE OF EGGS AND EGG PRODUCTS.

AN ACT regulating the sale of eggs and egg products, prescribing penalties, and amending sections 7 and 10, chapter 17, Laws of 1933, and section 2, chapter 157, Laws of 1937.

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

Amendment. SECTION 1. Section 7, chapter 17, Laws of 1933, is hereby amended to read as follows:

Section 7. The Director of Agriculture is hereby authorized, and it shall be his duty, upon the taking effect of this act and from time to time thereafter, to adopt, establish and promulgate reasonable rules and regulations specifying grades or standards of quality and/or grades of size or weight, governing the sale of eggs for human consumption: *Provided*, That such grades and standards of quality, and grades of size and weight, shall conform as nearly to those established by the United States Department of Agriculture as local conditions will permit. The Director of Agriculture may, upon his own initiative or upon petition of the industry covered by this act, call hearings from time to time on matters pertaining to the administration of this act.

Classification of eggs.

Standards to conform with those of U. S.

Hearings.

SEC. 2. Section 10, chapter 17, Laws of 1933, as last amended by section 4, chapter 157, Laws of 1937, is hereby amended to read as follows:

Amendment.

Section 10. Whenever eggs, egg products and food products containing eggs or egg products are unfit for human consumption as that phrase is defined in this act, they shall be deemed to be adulterated for all purposes of law, including all of the purposes of the Uniform Washington Food, Drug and Cosmetic Act (chapter 257, Laws of 1945). All eggs, egg products, food products containing eggs or egg products and containers holding the same shall be deemed to be misbranded for all of said purposes unless they bear or are purveyed under the seals, labels, markings, printed matter, signs, displays or other branding and labeling devices required by this act and unless they conform to the standards and grades heretofore or hereafter promulgated by the Director of Agriculture pursuant to this act. Any violation of this act which is not otherwise provided for under the Uniform Washington Food, Drug and Cosmetic Act shall be a misdemeanor, and if such violation is committed

Adulterated.

Misbranded.

Penalties for violations.

after a previous conviction of such person hereunder has become final such person shall be guilty of a gross misdemeanor.

Amendment.

SEC. 3. Section 2, chapter 157, Laws of 1937, is hereby amended to read as follows:

Washington state egg seal.

Section 2. The Director of Agriculture is hereby authorized and it shall be his duty to provide and make available a suitable seal to be known as the Washington state egg seal; and to accomplish this end he is authorized to issue gummed paper seals and to issue special permits allowing reasonable facsimiles of the Washington state egg seal to be imprinted upon cartons, bags or other containers used for shell eggs.

Permit to use facsimiles.

Rules and regulations.

The Director shall from time to time prescribe rules and regulations governing the affixing of seals and the issuance, use and cancellation of such permits or seals and he is authorized to cancel any special permit issued pursuant to this act or to said rules and regulations at any time whenever the Director shall find that a violation of the terms under which the permit was granted has occurred or a violation of any section of chapter 17, Laws of 1933, as amended, or chapter 157, Laws of 1937, as amended, has occurred.

Cancellation of permit.

Sale of seals.

The Director shall have the power from time to time to establish a sum not in excess of 1-3/4 mills per dozen eggs which persons who purchase such gummed seals or who imprint such facsimile seals or who use the same shall pay for each seal so purchased, affixed or imprinted and to promulgate rules and regulations relating to the time and manner of the payment of such sums. The proceeds from the sale of said seals shall be expended by the Director of Agriculture to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this act and of chapter 17, Laws of 1933, as amended. It shall be unlawful for any person to sell, offer or expose for sale any eggs for human consumption within the State of Washington in previ-

Disposition of proceeds of sale of seals.

ously used cartons, bags or other containers bearing the Washington state egg seal or a permanent egg establishment permit number or any similar identification whatsoever, but this section shall not affect the sale of eggs in quantities of fifteen dozen or more.

Unlawful to use seals twice.

SEC. 4. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Partial invalidity.

Passed the House February 19, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 117.

[H. B. 161.]

PUBLIC SERVICE COMMISSION.

AN ACT relating to state government; creating a Public Service Commission; providing for the appointment of Public Service Commissioners, and prescribing their powers and duties; abolishing the Department of Transportation and Department of Public Utilities; creating a Public Service Revolving Fund and abolishing the Transportation Revolving Fund and the Public Utilities Revolving Fund; providing for the transfer of property and business of such departments to the commission created by this act, and declaring that this act shall take effect on April 1, 1949.

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

SECTION 1. There is hereby created a State Commission to be known and designated as the Washington Public Service Commission. The Public Service Commission shall consist of three members, who shall be appointed by the Governor, with the consent of the Senate. If the Senate is not in session when this act takes effect or if a vacancy occurs

Washington Public Service Commission.

Governor to appoint members.