

act such statement may be contained in any advertisement literature whenever such brand or trademark of anti-freeze is being advertised for sale.

SEC. 9. It shall be the duty of the Prosecuting Attorneys of the several counties to institute criminal proceedings against any person or persons having violated any provisions of this act, or any rule or regulation of the Department of Agriculture hereunder promulgated.

Prosecution  
for viola-  
tions of act.

SEC. 10. All fees provided for in this act shall be collected by the Director of the Department of Agriculture and remitted to the State Treasurer.

Collection  
of fees.

SEC. 11. Any person violating or failing to comply with any of the provisions of this chapter or any rule, regulation, definition, or standard of quality issued pursuant hereto is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars, or by imprisonment for not less than ten days and not more than thirty days, or by both fine and imprisonment.

Penalties for  
violations.

Passed the House February 1, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.

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## CHAPTER 122.

[ H. B. 221. ]

PORT DISTRICTS—REVENUE BONDS AND WARRANTS.  
AN ACT relating to Port Districts and authorizing and providing for the issuance of revenue bonds and warrants.

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

SECTION 1. Any Port District having a population of four hundred thousand (400,000) or more now organized under the laws of the State of Washington

Certain Port Districts may issue revenue bonds and warrants.

shall be authorized in the exercise of the powers granted Port Districts under the laws of the State of Washington to contract indebtedness and issue revenue bonds and warrants evidencing said indebtedness in conformity with this act.

Issuance and sale of bonds and warrants.

SEC. 2. All revenue bonds and warrants authorized under the terms of this act applicable to Port Districts having a population of four hundred thousand (400,000) or more may be issued and sold by said Port District from time to time and in such amounts as may be deemed necessary in the judgment of the Port Commission of said Port District to provide sufficient funds for the carrying out of all Port District powers, but without limiting the generality thereof, shall include the following: Acquisition, construction, reconstruction, maintenance, repair, additions and operation of port properties and facilities, and shall include in the cost thereof engineering, inspection, accounting, fiscal and legal expenses, the cost of issuance of bonds, including printing, engraving and advertising and other similar expenses, and to pay interest on the outstanding bonds issued for any project during the period of actual construction and for six (6) months after the completion thereof, and the proceeds of such bond issue are hereby made available for such purposes. The Port Commission of the said Port District shall determine the form, conditions, and denominations of all such bonds and shall determine the maturity dates which the bonds so sold shall bear and the interest rate thereon, which shall not exceed six per cent (6%) per annum. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Principal and interest of such bonds shall be payable at such place or places as may be fixed and determined by the Port Commission of said Port District and the said bonds may contain provisions for registration

Purposes for which bonds and warrants may be issued.

Form, conditions, and denomination of bonds.

Maximum interest.

thereof as to principal only and as to both principal and interest. Said bonds shall be issued in coupon form with interest payable at such times as may be determined by the Port Commission of said Port District and in such amounts as they may prescribe. The Port Commission of said Port District may provide for retirement of bonds issued under this act at any time or times prior to their maturity, and in such manner and upon the payment of such premiums as may be fixed and determined by resolution of the Port Commission of said Port District.

Issued in coupon form.

Retirement of bonds.

SEC. 3. Port Districts having a population of four hundred thousand (400,000) or more may, but shall not be required by the terms of this act, to sell any or all bonds pursuant to the provisions of this act to the Federal government, or any agency of the Federal government, at private sale and without the necessity of public advertisement or calling for bids, but in no event shall the sale of said bonds be permitted for less than the principal and accrued interest thereon. Sales to others than the Federal government, or its agencies, shall be made in the manner provided by law for the sale of other Port District bonds.

Sale of bonds to Federal government.

Sale to other than Federal government.

SEC. 4. Bonds or warrants issued under the provisions of this act applicable to a Port District having a population of four hundred thousand (400,000) or more shall be payable solely out of revenues of said Port District. Said bonds or warrants may be authorized by resolution adopted by the Port Commission of said Port District, which resolution shall provide for the creation of a special fund or funds, in which event or events the Port Commission may obligate and bind said Port District to set aside and pay a fixed proportion of the gross revenue of the said Port District, which fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds and warrants

Bonds and warrants payable out of revenues.

Bonds and warrants authorized by resolution.

Special funds created.

Bonds and warrants shall be negotiable.

issued pursuant to this act. The bonds and warrants shall be negotiable instruments under the law merchant, even though they shall be payable solely from such special fund or funds, but shall never be deemed a charge upon the tax revenue of said Port District. The bonds shall state upon their faces that they are payable solely from such special fund or funds. Should the Port Commission of said Port District fail to set aside and pay into such fund or funds the payments provided for in such resolution, the holder of any such bonds or warrants may bring suit to compel compliance with the provisions of such resolution.

Contents of bond.

Holders of bonds may compel compliance.

Powers of Port Districts having less than 400,000 population.

SEC. 5. Any Port District having a population of less than four hundred thousand (400,000) now, or which may hereafter be organized under the laws of the State of Washington, shall have the power and shall be authorized to construct on property owned or controlled by said Port District, piers, wharves, docks, boat landings, terminals, warehouses, storehouses, bunkers, oil tanks, and other harbor improvements, rail, transfer and terminal facilities, and to acquire such machinery, equipment and other facilities as may be necessary or convenient to the successful operation of the same, included in the cost of which shall be the preparation of sites, grading of lands and dredging of waterways, all of which shall hereinafter be referred to as "improvements," in conformity with the powers herein granted, applicable to Port Districts having a population of less than four hundred thousand (400,000).

Issuance and sale of revenue bonds by Port Districts with less than 400,000 population.

SEC. 6. Revenue bonds authorized under the terms of this act applicable to Port Districts having a population of four hundred thousand (400,000) or less may be issued and sold by said Port Districts from time to time and in such amounts as may be deemed necessary in the judgment of the Port Commission of said districts to provide sufficient funds

for the construction or acquisition of any improvements and to include in the cost of construction, engineering, inspection, accounting, fiscal and legal expenses, the cost of issuance of bonds, including engraving, printing and advertising and other similar expenses and to pay interest on outstanding bonds issued for the construction of the same during the period of actual construction and for six (6) months after the completion thereof, and the proceeds of such bond issue are hereby made available for such purposes. The Port Commission of the Port Districts having a population of less than four hundred thousand (400,000) shall determine the form, conditions and denomination of all such bonds and shall determine the maturity dates which the bonds so to be sold shall bear and the interest rate thereon which shall not exceed six per cent (6%) per annum. It shall not be necessary that all bonds of the same authorized issue bear the same interest rate. Said bonds shall be issued in coupon form with interest payable at such times as may be determined and in such amounts as the Port Commission of said districts may prescribe. Said Port Commissions may provide for the retirement of said bonds at any time or times prior to their maturity and in such manner and upon payment of such premiums as may be fixed and determined by the resolution of the said Port Commissioners providing for the issuance of such bonds and referred to therein.

Purposes for which bonds may be issued.

Form, conditions and denomination of bonds.

Maximum interest.

Issued in coupon form.

Retirement of bonds.

SEC. 7. Bonds issued under the provisions of this act that are applicable to Port Districts having a population of less than four hundred thousand (400,000) shall be payable solely out of revenues received from the use of improvements acquired and/or constructed from the proceeds of the sale of such bonds. Said bonds may be authorized by resolution adopted by the Port Commission of said Port District, which resolution shall provide for the

Bonds payable out of revenues.

Bonds authorized by resolution.

Special funds created.

creation of a special fund or funds into which fund or funds the Port Commission may obligate and bind said Port District to set aside and pay a fixed proportion of the gross revenues received from the use of said improvements, which fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to the provisions of this act applicable to Port Districts having a population of less than four hundred thousand (400,000). Such bonds shall be negotiable instruments under the law merchant even though they shall be payable solely from such special fund or funds and shall never be deemed a charge upon the tax revenues of said Port District, and such bonds shall state upon their face that they are payable from such special fund or funds. Should the corporate authorities of any Port District having a population of less than four hundred thousand (400,000) fail to set aside and pay into such fund or funds the payments provided for in such resolution, the holder of any such bonds may bring suit to compel compliance with the terms of such resolution. Pending the preparation and execution of such bonds, temporary bonds may be issued in such form as the Port Commission of said Port District may elect. The Reconstruction Finance Corporation, or any other agency of the United States government making any such loan, or any other holder or owner of any bonds authorized by and issued pursuant to the provisions of this act, shall not be required to see to the application of the moneys derived from such bonds to the purposes for which said bonds are issued as specified in any resolution authorizing the issuance thereof. No defense of invalidity, or irregularity in any such bonds funded or refunded by the issuance of bonds hereunder, shall be a valid defense in any action at law or equity for a judgment upon or for the enforcement or collection of any bonds authorized by and

Bonds shall be negotiable.

Content of bonds.

Holders of bonds may compel compliance.

Temporary bonds.

Application of moneys.

Defenses.

issued pursuant to this act, and no court shall have jurisdiction to entertain any such defense in any such action or proceeding.

SEC. 8. Any Port District, regardless of population, may, from time to time, refund any bonds authorized by or issued pursuant to any provisions of this act by the issuance of new bonds as herein provided whether the bonds to be refunded have or have not matured, and may issue bonds to refund matured coupons evidencing interest upon any such bond so refunded.

Refund of bonds.

SEC. 9. Any resolution authorizing the issuance of bonds pursuant to the provisions of this act may contain covenants of any such Port District to protect and safeguard the security and rights of holders of any such bonds and such other covenants not inconsistent with the provisions of this act which will increase the marketability of such bonds. The provisions of this act and any such resolution shall constitute a contract with the holders of such bonds, and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

Covenants protecting holders of bonds.

Resolutions are contracts with holder.

Provisions enforceable by court action.

SEC. 10. This act shall be complete authority for the issuance of the bonds and warrants hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or regulations relative to the issuance of such bonds or warrants contained in any other act shall not apply to the bonds or warrants issued under this act. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this act for the purpose of this act only.

Act complete authority for issuance of bonds and warrants.

Passed the House February 28, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 16, 1949.