

sent by exercise of the power of eminent domain, or by any proceedings whatever, against the will of any such abutting owner.

Passed the House March 7, 1913.

Passed the Senate March 11, 1913.

Approved by the Governor March 11, 1913.

CHAPTER 60.

[S. B. 247.]

CREATING THE DEPARTMENT OF AGRICULTURE.

[For acts amended or repealed, see § 14 *infra*.]

AN ACT creating a department of agriculture, providing for the organization and administration thereof, defining the powers and duties of its officers and employes in relation to agriculture, horticulture, live stock, dairying, state fairs, foods, drinks, drugs, oils, and other kindred subjects, providing penalties for the violation thereof, and repealing certain acts and parts of act.

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

Department of Agriculture created.

SECTION 1. There shall be a department of the state government known as the Department of Agriculture, which shall be charged with the administration of the laws relating to agriculture, agricultural resources and products, horticulture, live stock, foods, drugs and oils, and such other subjects as the legislature may provide.

Commissioner.

SEC. 2. The office of commissioner of agriculture is hereby created. The governor shall appoint the commissioner of agriculture, and such commissioner shall hold office at the pleasure of the governor and until his successor is appointed and qualified. The commissioner shall be *ex-officio* a member of the state board of health.

Member state board of health.

SEC. 3. Before entering upon the duties of his office the commissioner of agriculture shall take and subscribe the oath of office required of state officers, and shall give a surety company bond in the sum of five thousand dollars, conditioned for the faithful performance of his duties, the cost of said bond to be paid by the state. The

Bond.

commissioner shall receive an annual salary of four thousand dollars, payable in the same manner as the salaries of other state officers, and shall be allowed such expenses as may be actually and necessarily incurred in the performance of his duties. He shall maintain his office at the state capitol.

Salary.

Office at capitol.

SEC. 4. An agricultural advisory board is hereby created, which shall consist of the governor, the commissioner of agriculture, the director of the Washington agricultural experiment station of the State College of Washington, and two other members who shall be appointed by the governor and serve at his pleasure. The governor shall be *ex-officio* chairman of the board, and the commissioner of agriculture shall be *ex-officio* secretary. The members of the board shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties. It shall be the duty of the agricultural advisory board to meet at the call of the governor, and it shall advise the commissioner of agriculture in such matters as pertain to the administration of the department.

Advisory board created.

SEC. 5. For the purpose of administering the affairs of the department of agriculture it shall be organized into four divisions, to be known respectively as the division of dairy and live stock, the division of horticulture, the division of agriculture and the division of foods, feeds, fertilizers, drugs and oils.

Four divisions created.

SEC. 6. The commissioner shall have power and it shall be his duty:

[See § 14 *infra* for table of acts repealed.]

1. To exercise all the powers and perform all the duties now vested in and required to be performed by the state veterinarian.

Veterinarian.

2. To exercise all the powers and perform all the duties now vested in and required to be performed by the state dairy and food commissioner.

Dairy and Food Commissioner.

3. To exercise all the powers and perform all the duties now vested in and required to be performed by the

Fruit Inspector.

state commissioner of horticulture and the district horticultural inspectors appointed by such commissioner.

Oil
Inspector.

4. To exercise all the powers and perform all the duties now vested in and required to be performed by the state oil inspector.

State Fair
Commission.

5. To exercise all the powers and perform all the duties now vested in and required to be performed by the state fair commission.

Southwest
Washington
Fair.
(Fair turned
over to Lewis
county. See
ch. 47 *supra*.)

6. To exercise all the powers and perform all the duties now vested in and required to be performed by the Southwest Washington Fair Commission.

Bakeries.

7. To exercise all the powers and perform all the duties now vested in and required to be performed by the state commissioner of labor so far as they concern the inspection and supervision of bakeries and bakeshops.

Registry and
licensing of
stallions
and jacks.

8. To exercise all the powers and perform all the duties now vested in and required to be performed by the department of animal husbandry in the State College of Washington in respect to the registry and licensing of stallions and jacks.

Director of
Agricultural
Experiment
Station.

9. To exercise all the powers and perform all the duties now vested in and required to be performed by the director of the Washington agricultural experiment station in respect to concentrated commercial feeding stuffs.

Chemist at
experiment
station.

10. To exercise all the powers and perform all the duties now vested in and required to be performed by the director and chemist at the Washington agricultural experiment station, or either of them, in respect to commercial fertilizers used for manurial purposes.

Bulletins.

11. To publish and distribute bulletins and reports embodying information upon the subjects of agriculture, horticulture, live stock, dairying, foods and drugs and other matters pertaining to his department.

Surveys.

See also ch.
155 *infra*,
agricultural
development
and ch. 180
infra, Quincy
project.)

12. To cause surveys and classifications to be made of such lands as shall come within any project of the state for reclamation, drainage or utilization of logged-off lands, or other similar enterprises.

13. To make a report to the governor, at least thirty days before the commencement of each biennial session of the Legislature, containing an account of all matters pertaining to his department and its administration, which shall be printed and published in the manner provided by law.

Report.

SEC. 7. The commissioner of agriculture may appoint such assistants, inspectors, experts and other employes as may be necessary for the administration of the affairs of the department, at such rates of compensation as the advisory board may determine upon. The commissioner may require any assistant, inspector or other employe to give a surety bond to the State of Washington in such sum and with such conditions as he shall determine, the premium on such bond to be paid by the state. He shall before appointing any assistant or inspector require him to take an examination on such subject or subjects as shall pertain to the performance of his duties; but he may appoint without examination any person who is a graduate of the State College of Washington in such subject, or who is a graduate of any recognized school maintaining a course of instruction in such subject equivalent to the course prescribed at the State College of Washington therein.

Assistants.

Bonds of assistants.

Examination for assistants.

SEC. 8. The commissioner of agriculture shall designate the division of the department to which any assistant or inspector appointed by him shall be assigned. An assistant or inspector may be assigned to more than one division. Any assistant or inspector assigned to any division shall, subject to the supervisory control of the commissioner, possess and exercise the same powers and perform the same duties as the commissioner of agriculture, with respect to all matters within such division.

Assignment of assistants.

SEC. 9. Any person aggrieved by any finding, order or act of any assistant or inspector in the department of agriculture may appeal from such finding, order or act to the commissioner, who shall forthwith proceed to hear and determine such appeal, render his decision therein, and report the same to the appellant and to such assistant or

Appeals to commission.

inspector. Such decision shall specify the further proceedings to be had in the premises. Such decision shall not, however, preclude an appeal or proper action in the courts in cases where such rights would otherwise exist.

Appeals to courts.

SEC. 10. It shall be unlawful for the commissioner, or any assistant, inspector, or other employe, to be interested, directly or indirectly, either as owner, agent or solicitor, in the sale or purchase of any article, commodity or product used or produced by any person with whom he may come in contact in his official capacity. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Officer not to be interested in contracts.

SEC. 11. The chemist of the Washington agricultural experiment station and the dean of the department of chemistry of the University of Washington shall be the chemists of the department of agriculture, and it shall be the duty of such chemists or either of them, without compensation other than their expenses necessarily incurred in the performance of such work, to analyze any and all substances that the commissioner of agriculture, his deputies or inspectors may send to them, and report to the commissioner, without unnecessary delay, the result of any analysis so made, and when called upon by said commissioner any such chemist shall assist, as an expert or otherwise, in any prosecution for the violation of any law pertaining to the department.

Chemists of department.

Duty of chemists.

SEC. 12. All moneys collected as fees or otherwise by the department of agriculture shall be paid into the state general fund. All expenses incurred under the provisions of this act shall be paid out of the general fund, and shall be audited by the state auditor upon proper vouchers approved by the commissioner of agriculture; and the state auditor shall draw warrants upon the state treasurer for the amounts thus audited, in the manner provided by law.

Fees and expenses go to and are paid from general fund.

SEC. 13. Upon the taking effect of this act all moneys in the state horticultural fund shall be transferred to the state general fund, and all moneys thereafter collected

Horticultural fund reverts to general fund.

which shall be payable into the state horticultural fund shall be paid into the state general fund.

SEC. 14. All acts and parts of acts incorporated in the following schedule, and all acts and parts of acts in conflict with the provisions hereof, are hereby repealed.

SCHEDULE.

Sections 3003, 3004, 3015, 3016, 3022, 3069, 3070, 3071, 3072, 3073, 3074, 3076, 3077, 3078, 3079, 3081, 3082, 3111, 3112, 3114, 3118, 3121, 3128, 3129, 3130, 3132, 3133, 3202, 3217, 3218, 5444a, 5444b, 5444c, 5444d, 5445, 5445a, 5445b, 5445c, 5445d, 5448f, 5448g, 5448k, 5448m, 5460, 5465, and 6050 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

(For schedule of these acts in Pierce's Code, 1912, see 139 §§ 17-19, 25, 31, 33, 35-41, 43, and 75; 163 §§ 91, 177, 221; 195 §§ 15, 17, 25, and 27; 231 §§ 1-11, 15-21, 25-27, 85-87, 91, 99, 105, 117-121, and 123-125; 259 § 1; 461 §§ 5-7, 29-31, and 43.)

SEC. 15. Upon the taking effect of this act the commissioner of agriculture shall be authorized and empowered to expend any appropriation made for any department, the powers and duties of which are vested in and required to be performed by such commissioner under the provisions of this act, for the purposes for which the same was appropriated.

(Appropriation \$210,800.00.)

Passed the Senate February 27, 1913.

Passed the House March 5, 1913.

Approved by the Governor March 11, 1913.

CHAPTER 61.

[S. B. 463.]

FIXING TIME OF TAKING EFFECT OF ACT RELATING TO BERRY BOXES.

AN ACT relating to the time of taking effect of laws passed during the session of 1913 of the Legislature of the State of Washington relating to the size and capacity of berry boxes.

This act attempts to fix the time of taking effect of part of § 9, ch. 52, *supra*. (Set State Constitution, art. II, § 37.)

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

SECTION 1. No law passed during the session of 1913 of the legislature of the State of Washington relating