

CHAPTER 175.

[H. B. 696.]

WASHINGTON AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT.

AN ACT relating to the conservation, protection, improvement and profitable use of agricultural land resources of the State of Washington; providing for cooperation with the governments and agencies of other states and of the United States pursuant to the provisions of section 7 of the Act of Congress of the United States known as the Soil Conservation and Domestic Allotment Act (Public No. 461, 74th Congress); assenting to and accepting the provisions of said act; designating and authorizing the State College of Washington as the state agency of this state in conformity with the provisions of said act, to formulate, submit to the secretary of agriculture of the United States, and to administer, state plans to carry out the provisions of this act; defining the powers and duties of said State College of Washington as such state agency; providing for an advisory board; and otherwise providing for the administration of this act.

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

SECTION 1. This act shall be known and cited as Title.
Washington Agricultural Conservation and Adjust-
ment Act.

SEC. 2. (a) It is hereby recognized and declared: Public
welfare.

(1) That the soil resources and fertility of the land, and the economic use thereof, the prosperity of the farming population, and the navigability of the rivers and harbors, and the prevention of floods in this state are matters affected with a public interest;

(2) That the welfare of this state has been impaired and is in danger of being further impaired by destruction of its soil fertility, by uneconomic use and waste of its land, by exploitation and wasteful and unscientific use of its soil resources, by floods and impairment of its rivers and harbors and of the navigability of its waters and water courses as a result of soil erosion and by the decrease in the pur-

chasing power of the net income per person on farms in the state as compared with the net income per person in the state not on farms;

(3) That said evils have been augmented and are likely to be augmented by similar conditions in other states and are so inter-related with such conditions in other states, that the remedying of such conditions in this state requires action by this state in cooperation with the governments and agencies of other states and of the United States and requires assistance therein by the government and agencies of the United States;

(4) That the formulation and effectuation by this state of state plans in conformity with the provisions of section 7 of the Soil Conservation and Domestic Allotment Act is calculated to remedy said conditions and will tend to advance the public welfare of this state:

(b) Therefore, in order to promote the welfare of the people of this state by aiding in the preservation and improvement of soil fertility, in the promotion of the economic use and conservation of land, in the diminution of exploitation and wasteful and unscientific use of soil resources, in the protection of rivers and harbors against the results of soil erosion, and in the reestablishment, at as rapid a rate as is practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the net income per person not on farms that prevailed during the five-year period, August 1909 to July 1914 inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio, the State of Washington hereby assents to and accepts the provisions of the Act of Congress entitled "Soil Conservation and Domestic Allotment Act" (Public No. 461, 74th Congress) and adopts the policy and pur-

pose of cooperating with the government and agencies of other states and of the United States in the accomplishment of the policy and purposes specified in section 7 of said act; subject, however, to the following limitations:

(1) The powers conferred in this act shall be used to assist voluntary action calculated to effectuate such purposes;

(2) Such powers shall not be used to discourage the production of supplies of foods and fibers in this state sufficient when taken together with the production thereof in other states of the United States to maintain normal domestic human consumption as determined by the secretary of agriculture of the United States from the records of consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodities that were forced into domestic consumption by a decline in exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities;

(3) In carrying out the purposes specified in this section due regard shall be given to the maintenance of a continuous and stable national supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

SEC. 3. Definitions.

Definitions.

(a) The term "person" as used in this act, unless the context otherwise requires, includes an individual, corporation, partnership, firm, business trust, joint-stock company, association, syndicate, group, pool, joint venture, and any other unincorporated association or group.

(b) The expression "other states of the United States" as used in this act shall include Alaska, Hawaii, and Puerto Rico.

State
agency.

SEC. 4. (a) The State College of Washington (hereinafter called the "college"), through the agricultural extension service, is hereby designated and authorized as the state agency of this state to carry out the policy and purposes of this act and to formulate and administer state plans pursuant to the terms of this act.

Duties and
functions.

(b) The college shall perform its duties and functions as such agency under this act separately and distinctly from the performance of its duties and functions under any other act or in any other capacity, except that the college may utilize the services and the assistance of its personnel and facilities normally used in the performance of such other functions if it finds that the utilization of such services and assistance is necessary to, or is calculated to assist substantially in, the effective administration of this act and that such facilities may be utilized without interference with the effective performance of such other duties and functions.

Agricultural
plan.

SEC. 5. (a) The college is authorized and directed to formulate for each calendar year, commencing with the year 1938, and to submit to the secretary of agriculture of the United States for and in the name of this state, a state plan (hereafter called "agricultural plan") for carrying out the purposes of this act during such calendar year. In formulating the provisions of such agricultural plans the college shall consult with other agencies of this state qualified to assist therein.

Modification
or revision.

(b) The college is authorized to modify or revise any such agricultural plan in whatever manner, consistent with the terms of this act, it finds necessary to provide for more substantial furtherance of the accomplishment of the purposes of this act.

Participation.

(c) Each such agricultural plan shall provide for such participation in its administration by such voluntary county and community committees, or

associations of agricultural producers, organized for such purposes, as the college determines to be necessary or proper for the effective administration of the agricultural plan.

(d) Each such agricultural plan shall provide, through agreements with agricultural producers or through other voluntary methods, for such adjustments in the utilization of land, in farming practices, and in the acreage or in the production for market, or both, of agricultural commodities, as the college determines to be calculated to effectuate as substantial accomplishment of the purposes of this act as may reasonably be achieved through action of this state, and for payments to agricultural producers in connection with such agreements or methods in such amounts as the college determines to be fair and reasonable and calculated to promote such accomplishment of the purposes of this act without depriving such producers of a voluntary and uncoerced choice of action.

Agreements.

Production for market.

(e) Any such agricultural plan shall provide for such educational programs as the college determines to be necessary or proper to promote the more substantial accomplishment of the purposes of this act.

Educational programs.

(f) Each such agricultural plan shall contain an estimate of expenditures necessary to carry out such agricultural plan together with a statement of such amount as the college determines to be necessary to be paid by the secretary of agriculture of the United States as a grant in aid of such agricultural plan under section 7 of the Soil Conservation and Domestic Allotment Act, in order to provide for the effective carrying out of such agricultural plan, and shall designate the amount and due date of each installment of such grant, the period to which such installment relates, and the amount determined by the college to be necessary for carrying out such agricultural plan during such period.

Estimate of expenditures.

Investiga-
tions.

(g) The college shall provide for such investigations as it finds to be necessary for the formulation and administration of such agricultural plans.

Grants of
money or
aid.

SEC. 6. (a) The college is hereby authorized and empowered to receive and disburse all grants of money or other aid made available from any source to assist in carrying out the policy and purposes of this act. All such money or other aid, together with any monies appropriated or other provision made by this state for such purpose, shall be forthwith available to said college as the agency of the state subject, in the case of any funds or other aid received upon conditions, to the conditions upon which such funds or other aid shall have been received, for the purpose of administering this act and may be expended by the college in carrying out such state agricultural plans or in otherwise effectuating the purposes and policies of this act, but shall not be expended or disposed of for any other purposes, nor shall any funds made available to the college for purposes other than the administration of this act be expended or otherwise disposed of in connection with the administration of this act except in providing services and assistance in the administration of this act pursuant to the provisions of section 4 of this act and in such case only to the extent that such funds are properly available for such purpose and subject in such cases to reimbursement of the funds so expended pursuant to the provisions of section 7 of this act.

Expenditures

(b) Subject to any conditions upon which any such money or other aid is made available to the state and to the terms of any applicable agricultural plan made effective pursuant to this act, such expenditures may include, but need not be limited to, expenditures for administrative expenses, equipment, cost of research and investigation, cost of educational activities, compensation and expenses of

members of the state advisory board, reimbursement to other state agencies or to voluntary committees or associations of agricultural producers for costs to such agencies, committees or associations of assistance in the administration of this act, requested in writing by the college and rendered to the college, reimbursement of any other fund from which it shall have made expenditures in providing services in the administration of this act pursuant to the provisions of section 4 of this act, payments to agricultural producers provided for in any agricultural plan made effective pursuant to this act, salaries of employees, and all other expenditures requisite to carrying out the provisions and purposes of this act.

(c) The college shall provide for the keeping of full and accurate accounts as such state agency, separate from its accounts kept in its other capacities, showing all receipts and expenditures of monies, securities, or other property received, held or expended under the provisions of this act and shall provide for the auditing of all such accounts and for the execution of surety bonds for all employees entrusted with monies or securities under the provisions of this act. **Accounts.**

SEC. 7. (a) The college shall utilize such available services and assistance of other state agencies and of voluntary county and community committees and associations of agricultural producers as it determines to be necessary or calculated to assist substantially in the effective administration of this act. **College to utilize available assistance.**

(b) The college shall have authority to make such rules and regulations, consistent with the provisions of this act, and to do any and all other acts consistent with the provisions of this act, which it finds to be necessary or proper for the effective administration of this act. **Rules and regulations.**

(c) The college shall have power and authority **Equipment.**

Personnel. to obtain, by lease or purchase, such equipment, office accommodations, facilities, services and supplies, and to employ such technical or legal experts or assistants and such other employees, including clerical and stenographic help, as it determines to be necessary or proper to carry out the provisions of this act, and to determine the qualifications, duties and compensation of such experts, assistants and other employees.

Assistance
of state
agencies.

(d) All other agencies of this state are hereby authorized to assist said college in carrying out the provisions of this act upon written request of the college, in any manner determined by the college to be necessary or appropriate for the effective administration of this act.

Agricultural
districts.

SEC. 8. (a) The college shall designate within the state not to exceed five (5) agricultural districts, each of which shall be composed of one county or of two (2) or more neighboring counties. As far as practicable, such districts shall be so constituted as to contain approximately equal numbers of agricultural producers. Such districts shall include in the aggregate all the land in the state.

"Communi-
ties."

(b) The college shall also designate within each county of this state such geographic units, which shall be called "communities," as it determines to be the most convenient for the administration of this act and of state agricultural plans adopted pursuant to this act and shall establish the boundaries of such communities.

Boundaries.

(c) The college may revise the boundaries of such agricultural districts and such communities in conformity with the respective standards prescribed herein at such time or times as it is found that such revision is necessary either to cause such districts or communities, or both, to conform to said standards or to provide for the more substantial or more efficient accomplishment of the purposes of this act.

SEC. 9. The college shall by regulation provide: Voluntary associations.

(a) For the organization within each community of a voluntary association, in which all agricultural producers who are citizens of this state and residents in such communities shall be entitled to equal participation; for the selection by each such association of a community committee, composed of three (3) members of such association; and for the selection of a chairman of each such community committee. Community committee.

(b) For the selection by the members of such community committees within each county of a county committee for such county, composed of three (3) members of such community committees and for the selection of a chairman of each such county committee. County committee.

SEC. 10. (a) The college shall, by regulation, provide for the selection of not to exceed five (5) persons of legal age, resident in the state, who shall be selected from the standpoint of their qualification by actual farming experience and comprehensive understanding of the agricultural problems of this state, to act as farmer members of the state advisory board. No two such persons who are residents of the same agricultural district shall be members of the state advisory board at the same time. State advisory board, farmer members.

(b) The state advisory board, upon the request of the college, shall advise the college with regard to all matters of major importance in carrying out the provisions of this act, and may in the absence of such request [request], submit advice and information to the college, with respect to the administration of this act.

SEC. 11. The college shall compile or require to be made such reports as it determines to be necessary or proper in order to ascertain whether any agricultural plans provided for in this act are being carried out according to their terms. The college shall provide for compliance, on the part of all per- Reports.

sons and agencies participating in the administration of any such agricultural plan, with such requirements, and may make, or cause to be made, such investigations as it determines to be necessary or proper to assure the correctness of and to make possible the verification of such reports.

Partial
invalidity.

SEC. 12. Should any provision, clause, paragraph, section or parts of this act be held invalid, it is hereby declared to be the legislative intent that the remainder of this act shall be in full force and effect and that the terms hereof are feasible and that the same would have been enacted without such provision, clause, paragraph, section or parts, had such invalidity been apparent.

Conflicting
laws
repealed.

SEC. 13. All laws and parts of laws insofar as they conflict with this act are hereby repealed.

Passed the House March 5, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 16, 1937.

CHAPTER 176.

[S. B. 70.]

FAIR TRADE ACT.

AN ACT to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

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

Title.

SECTION 1. This act may be known and cited as the "Fair Trade Act."

Contracts.

SEC. 2. No contract relating to the sale or resale of a commodity which bears, or the label or container of which bears, or the label or content of which bears, or the vending equipment through which such commodity is sold bears, the trade-mark,