

who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the director shall revoke the license of the dealer.

Passed the House February 17, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 240.

[H. B. 397.]

SOIL AND WATER CONSERVATION DISTRICTS.

AN Act relating to soil and water conservation; amending section 1, chapter 187, Laws of 1939 (RCW 89.08.005); amending section 3, chapter 187, Laws of 1939, as last amended by section 1, chapter 304, Laws of 1955, and RCW 89.08.020; amending section 3, chapter 304, Laws of 1955 and RCW 89.08.030; amending section 4, chapter 304, Laws of 1955 and RCW 89.08.040; amending section 5, chapter 304, Laws of 1955 and RCW 89.08.050; amending section 7, chapter 304, Laws of 1955 and RCW 89.08.070; amending section 1, chapter 17, Laws of 1961 (House Bill No. 8) and RCW 89.08.080; amending section 12, chapter 304, Laws of 1955 and RCW 89.08.120; amending section 17, chapter 304, Laws of 1955 and RCW 89.08.170; amending section 18, chapter 304, Laws of 1955 and RCW 89.08.180; amending section 6, chapter 187, Laws of 1939 as amended by section 19, chapter 304, Laws of 1955 and RCW 89.08.190; amending section 21, chapter 304, Laws of 1955 and RCW 89.08.200; amending section 23, chapter 304, Laws of 1955 and RCW 89.08.220; and amending section 14, chapter 187, Laws of 1939 and RCW 89.08.340.

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

SECTION 1. Section 1, chapter 187, Laws of 1939 (RCW 89.08.005) is amended to read as follows: RCW 89.08.005 amended.

This chapter shall be known and cited as the Soil and Water Conservation Districts Law. Short title.

SEC. 2. Section 3, chapter 187, Laws of 1939, as last amended by section 1, chapter 304, Laws of 1955, and RCW 89.08.020 are each amended to read as follows: RCW 89.08.020 amended.

Unless the context clearly indicates otherwise, as used in this chapter: Definitions.

“Committee” and “conservation committee” mean the state soil and water conservation committee created hereunder;

“District” means a soil and water conservation district created hereunder;

“Board” and “supervisors” mean the board of supervisors of a soil and water conservation district;

“Land owner” or “owner of land” means the holder of legal or equitable title to land in a district;

“Tenant” means person or persons who operate a farm under a lease, crop share or similar arrangement;

“Due notice” means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number or public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice.

SEC. 3. Section 3, chapter 304, Laws of 1955 and RCW 89.08.030 are each amended to read as follows: RCW 89.08.030 amended.

There is hereby created as an agency of the state, the state soil and water conservation committee. State soil and water conservation committee.

The committee shall consist of five farmer members and two ex officio members. The farmer members shall be actively engaged in commercial farming

in this state. Two of the farmer members shall be appointed by the governor and three shall be elected as herein provided. The appointed farmer members shall serve for a term of four years. The appointments of the first farmer members after June 8, 1955 shall be effective upon the expiration of the terms of the present appointed farmer members:

The other three farmer members shall be elected for three-year terms, one being elected each year by the district supervisors at their annual statewide meeting. One of the members shall be from eastern Washington, one from central Washington and one from western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed committee members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected committee members shall be filled by the vice president of the state association of soil and water conservation districts who serves the part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the committee member.

The director of the department of conservation and the director of the institute of agricultural sciences at the Washington State University shall be ex officio members of the committee. An ex officio member of the committee shall hold office so long as he retains the office by virtue of which he is a member of the committee.

Upon June 8, 1955, the officers and directors representing the soil and water conservation districts shall appoint one farmer member from each of the three respective areas of the state to serve on the

committee until the next annual meeting of the district supervisors, at which time elections shall be held as provided for in this chapter.

SEC. 4. Section 4, chapter 304, Laws of 1955 and RCW 89.08.040 are each amended to read as follows:

RCW 89.08.040
amended.

The committee shall designate its chairman from time to time. Members shall receive no compensation, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties.

Committee
chairman—
Expenses—
Records, rules,
hearings, etc.

The committee shall keep a record of all its official actions, proceedings, resolutions, regulations, and orders, provide for an annual audit of its accounts, adopt a seal, which shall be judicially noticed, adopt and promulgate rules, hold public hearings, and do all things necessary to carry out its functions. The state department of conservation is empowered to pay the necessary travel expenses of the farmer members of the state soil and water conservation committee, and the salaries, wages and other expenses of such administrative officers or other employees as may be required under the provisions of this chapter.

SEC. 5. Section 5, chapter 304, Laws of 1955 and RCW 89.08.050 are each amended to read as follows:

RCW 89.08.050
amended.

The committee may employ an administrative officer, and such technical experts and such other agents and employees as it requires, and determine their qualifications, duties, and compensation, and may call upon the attorney general for such legal services as it may require.

Committee
employees—
Surety bonds—
—Delegation
—Quorum.

It may delegate to its chairman or to its members or employees such duties and powers as it deems proper. It shall provide for surety bonds for its officers and employees entrusted with funds or property.

A majority of the committee shall constitute a quorum, and a majority must concur in any matter calling for committee action.

RCW 89.08.070 amended.

SEC. 6. Section 7, chapter 304, Laws of 1955 and RCW 89.08.070 are each amended to read as follows:

General duties of committee.

In addition to the duties and responsibilities hereinafter conferred upon the committee, it shall have the following duties and responsibilities:

(1) To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts in the carrying out of any of their powers and programs.

(2) To keep the supervisors of each of the several soil and water conservation districts informed of the activities and experience of all other such districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(3) To coordinate the programs of the several soil and water conservation districts so far as this may be done by advice and consultation.

(4) To secure the cooperation of the United States and any of its agencies, and of agencies of this state in the work of such districts.

(5) To disseminate information throughout the state concerning the activities and programs of the soil and water conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.

(6) To establish policies for utilization of state appropriations by the committee and by districts and to decide on distribution and use of such funds within the state; also to manage any other funds which may become available for use by districts or by the committee.

RCW 89.08.080 amended.

SEC. 7. Section 1, chapter 17, Laws of 1961 (House Bill No. 8) and RCW 89.08.080 are each amended to read as follows:

Soil and water conservation districts. Petition to form— Contents.

To form a soil and water conservation district, twenty-five or more persons owning land within the area to be affected may file a petition with the com-

mittee asking that the area be organized into a district.

The petition shall give the name of the proposed district, state that it is needed in the interest of the public health, safety, and welfare, give a general description of the area proposed to be organized and request that the committee determine that it be created, and that it define the boundaries thereof and call an election on the question of creating the district.

If more than one petition is filed covering parts of the same area, the committee may consolidate all or any of them.

SEC. 8. Section 12, chapter 304, Laws of 1955 and RCW 89.08.120 are each amended to read as follows:

RCW 89.08.120 amended.

The committee shall provide the ballots for the election which shall contain the words

Ballots.

“ For creation of a soil and water conservation district of the lands below described and lying in the county or counties of _____, _____ and _____,”
and

“ Against creation of a soil and water conservation district of the lands below described and lying in the county or counties of _____, _____ and _____.”

The ballot shall set forth the boundaries of the proposed district, and contain a direction to insert an X in the square of the voter’s choice.

SEC. 9. Section 17, chapter 304, Laws of 1955 and RCW 89.08.170 are each amended to read as follows:

RCW 89.08.170 amended.

If the secretary of state finds that the name of the proposed district is such as will not be confused with that of any other district, he shall enter the application and statement in his records. If he finds the name may be confusing, he shall certify that

Secretary of state’s certificate—Change of name.

fact to the committee, which shall submit a new name free from such objections, and he shall enter the application and statement as modified, in his records. Thereupon the district shall be considered organized into a body corporate.

The secretary of state shall then issue to the supervisors a certificate of organization of the district under the seal of the state, and shall record the certificate in his office. Proof of the issuance of the certificate shall be evidence of the establishment of the district, and a certified copy of the certificate shall be admissible as evidence and shall be proof of the filing and contents thereof. The name of a soil and water conservation district may be changed upon recommendation by the supervisors of a district and approval by the state soil and water conservation committee and the secretary of state. The new name shall be recorded by the secretary of state following the same general procedure as for the previous name.

RCW 89.08.180 amended.

SEC. 10. Section 18, chapter 304, Laws of 1955 and RCW 89.08.180 are each amended to read as follows:

Annexation of territory—Boundary change—Combining two or more districts.

Territory may be added to an existing district upon filing a petition as in the case of formation with the committee by owners and tenants of the lands to be included. The same procedure shall be followed as for the creation of the district.

As an alternate procedure, the committee may upon the petition of a majority of the owners of land and tenants in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district, or districts, if such action will promote the practical and feasible administration of such district or districts.

Upon petition of the boards of supervisors of two or more districts, the committee may approve the combining of all or parts of such districts and name the district, or districts, with the approval of the name by the secretary of state. A public hearing

and/or a referendum may be held if deemed necessary or desirable by the committee in order to determine the wishes of landowners and tenants.

When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. One supervisor shall be elected each year. All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the committee will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the committee.

When districts are combined or territory is moved from one district to another, the property, records and accounts of the districts involved shall be distributed to the remaining district or districts as approved by the committee. A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state.

SEC. 11. Section 6, chapter 187, Laws of 1939 as amended by section 19, chapter 304, Laws of 1955 and RCW 89.08.190 are each amended to read as follows:

RCW 89.08.190
amended.

Within thirty days after the issuance of the certificate of organization, unless the time is extended by the committee, petitions may be filed with the committee to nominate candidates for the three elected supervisors. The petition shall be signed by not less than twenty-five district voters, and a voter may sign petitions nominating more than one person. If less than twenty-five voters reside in the district, petitions signed by a majority of the voters will be accepted.

Nomination
and election of
supervisors—
Annual meet-
ing of voters.

In the case of a new district, the committee shall give due notice to elect the three supervisors. All provisions pertaining to elections on the creation of a district shall govern this election so far as applicable. The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors, the one receiving the most being elected for a three-year term, the next for two and the last for one year. An alternate method of dividing the district into three zones may be used when requested by the board of supervisors and approved by the committee. In such case, instructions will be to vote for one in each zone. The candidate receiving the most votes in a zone shall be declared elected.

Each year after the creation of the first board of supervisors, at a time fixed by resolution of the board, the board, by giving due notice, shall call an annual meeting of the voters in the district and present an annual report and financial statement and shall hold an election. Names of candidates nominated by petition shall appear in alphabetical order on the ballots, together with an extra line wherein may be written in the name of any other candidate. The committee shall establish procedures for elections, canvass the returns and announce the official results thereof. Election results may be announced by polling officials during the annual meeting, subject to official canvass of ballots by the committee. Supervisors elected shall take office at the first board meeting which shall be held within thirty days following the election.

RCW 89.08.200
amended.

SEC. 12. Section 21, chapter 304, Laws of 1955 and RCW 89.08.200 are each amended to read as follows:

The term of office of each supervisor shall be three years and until his successor is appointed or

elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

Supervisors—
Terms, vacancies,
removal,
etc.—Com-
pensation.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state soil and water conservation committee. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Supervisors shall serve without compensation. A supervisor may be removed by the state soil and water conservation committee upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The governing board shall designate a chairman from time to time.

SEC. 13. Section 23, chapter 304, Laws of 1955 and RCW 89.08.220 are each amended to read as follows:

RCW 89.08.220
amended.

A district shall constitute a body corporate, exercising public powers, but shall not levy taxes or issue bonds.

Corporate
status and
powers of
district.

A district may:

(1) Conduct, in cooperation with the Washington State University and any state or federal agency, surveys relating to water and to the character of soil erosion and control measures needed within the

district; publish the results thereof; and disseminate the information concerning such measures;

(2) Conduct demonstrational projects within the district on lands or waters controlled by any state agency in cooperation with such agency and on other lands or waters within the district with the consent of the owner thereof, in order to demonstrate how soil or water and soil and water resources may be conserved and soil erosion prevented and controlled;

(3) Carry out preventative and control measures, such as engineering operations, methods of cultivation, growing of vegetation or changes in water use or land use on land or water within the district, with the consent and cooperation of the person or agency owning it or in control thereof;

(4) Cooperate or enter into agreements with any agency or landowner or tenant and furnish financial or other aid in carrying on erosion control and preventive operations within the district, as the board deems necessary to carry out the purposes of this chapter;

(5) Obtain options upon and acquire in any manner, except by condemnation, any property or rights therein necessary or proper to further the purposes for which it was created, and manage, lease, and dispose of such property for such purposes, and use the income therefrom for district purposes;

(6) Make available to landowners and tenants in the district, agricultural and engineering equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to conserve their water and soil resources and prevent and control soil erosion;

(7) Develop detailed comprehensive plans for the conservation of water and soil resources and prevention and control of soil erosion and publish such plans and spread the information thereon throughout the district;

(8) Acquire or lease and operate any water or soil conservation, erosion control, or prevention project in the district undertaken by any state or federal agency; act as agent for the agency in acquiring, constructing, or operating the project; and accept contributions from the agency and use them to carry out its operations;

(9) Cooperate with other districts organized under this chapter in the exercise of any of its powers;

(10) Construct, improve, and maintain structures necessary or convenient for its purposes; and

(11) Sue and be sued in its name; adopt a seal; have perpetual existence, subject to termination provided herein; execute all instruments necessary for its purposes; and make and amend rules to carry out its purposes.

SEC. 14. Section 14, chapter 187, Laws of 1939 and RCW 89.08.340 are each amended to read as follows:

RCW 89.08.340
amended.

The state and any subdivision thereof owning or controlling lands or operating within a district may cooperate with the district in carrying out its program and may transfer or allocate such funds as may be required for this purpose.

Intergovern-
mental co-
operation—
Transfer,
allocation of
funds.

Passed the House February 20, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 241.

[Sub. H. B. 421.]

SCHOOL BOARDS—TEACHERS' CONTRACTS—APPEALS.

AN ACT relating to education; and amending section 3, chapter 68, Laws of 1955 and RCW 28.67.070; amending section 1, page 362, Laws of 1909 and RCW 28.88.010, and adding new sections to chapter 28.58 RCW.

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