

~~clerk-of-the-court,-a-certified-copy-of-the-complete-record-of-the hearing-before-the-retirement-board-which-shall,-upon-being-so-filed, become-the-record-in-such-case--Appeal-shall-lie-from-the-judgments of-the-superior-court-to-the-supreme-court-as-in-other-cases\*)~~ Judicial review of any final decision and order by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now or hereafter amended.

NEW SECTION. Sec. 17. The following acts and parts of acts and RCW sections are hereby repealed:

(1) Section 30, chapter 274, Laws of 1947 as last amended by section 6, chapter 155, Laws of 1965 and RCW 41.40.290;

(2) Sections 24, 25 and 26, chapter 200, Laws of 1953 and RCW 41.40.419, RCW 41.40.416 and RCW 41.40.418;

(3) Section 15, chapter 50, Laws of 1951 and RCW 41.40.430.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 19. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 20, 1969  
 Passed the House March 11, 1969  
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CHAPTER 129  
 [Engrossed Senate Bill No. 235]  
 TREE FRUIT RESEARCH ACT

AN ACT Relating to research affecting tree fruits; providing for assessment; prescribing penalties; and adding a new chapter to Title 15 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. This act shall be known and cited as the "tree fruit research act".

NEW SECTION. Sec. 2. The purpose of this act is for the creation of a commission which shall promote and carry on research which will or may benefit the planting, production, harvesting, handling, processing or shipment of tree fruit of this state, which shall collect assessments on tree fruit in this state and which shall coordinate its research efforts with those of other state, federal, or private agencies doing similar research.

NEW SECTION. Sec. 3. As used in this act, unless a different meaning is plainly required by the context:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly authorized representative.

(3) "Person" means any natural persons, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(4) "Producer" means any person who owns or is engaged in the business of commercially producing tree fruit or has orchard plantings intended for commercial tree fruit production.

NEW SECTION. Sec. 4. There is hereby created the Washington tree fruit research commission, to be thus known and designated. The commission shall be composed of nine members. Three members to be appointed by the Washington state fruit commission, five members to be appointed by the apple advertising commission, and one member representing the winter pear industry to be appointed by the director. The director or his duly authorized representative shall be ex officio member with a vote, to represent all assessed commodities. The appointed members of the commission shall serve at the will of their respective appointors even though appointed for specific terms as set forth in section 7 of this act.

NEW SECTION. Sec. 5. Nine members of the commission shall be producers who are citizens and residents of this state. Each producer member shall be over the age of twenty-five years and have been

actively engaged in growing tree fruits in this state and deriving a substantial portion of his income therefrom, or having a substantial amount of orchard acreage devoted to tree fruit production or as an owner, lessee, partner or an employee or officer of a firm engaged in the production of tree fruit whose responsibility to such firm shall be primarily in the production of tree fruit. Such employee or officer of such firm shall be actually engaged in such duties relating to the production of tree fruit with such firm or any other such firm for a period of at least five years. The qualifications of the members of the commission set forth in this section shall continue during their term of office.

NEW SECTION. Sec. 6. The apple advertising commission shall appoint producer members to positions one through five on the commission. The Washington state fruit commission shall appoint producer members to positions six through eight on the commission. The director shall appoint a producer who derives a substantial portion of his income from the production of winter pears.

NEW SECTION. Sec. 7. The terms of the members of commission shall be staggered and each shall serve for a term of three years and until their successor has been appointed and qualified: PROVIDED, That the first appointments to the commission beginning July 30, 1969, shall be for the following terms:

- (1) Positions one, four, and seven, one year.
- (2) Positions two, five, and eight, two years.
- (3) Positions three, six, and nine, three years.

NEW SECTION. Sec. 8. In the event a commission member resigns, is disqualified, or vacates his position on the commission for any other reason, the appointing agency that originally appointed such member shall within sixty days appoint a new member to fill the term of the vacated member.

NEW SECTION. Sec. 9. A majority of the members of the commission shall constitute a quorum for the transaction of all business and carrying out the duties of the commission: PROVIDED, That on all

fiscal matters, approval for passage must be by at least two-thirds majority of the said quorum.

NEW SECTION. Sec. 10. No member of the commission shall receive any salary or other compensation in the performance of his duties as a commission member, except a per diem payment to be determined by the commission not to exceed twenty dollars per day for each day spent in actual attendance at commission meetings, or on traveling to and from meetings of the commission, or on special assignments for the commission, together with actual expenses incurred in carrying out the provisions of this act.

NEW SECTION. Sec. 11. The powers of the commission shall include the following:

- (1) To elect a chairman, treasurer, and such other officers as it deems advisable;
- (2) To adopt any rules and regulations necessary to carry out the purposes and provisions of this act, in conformance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, as enacted or hereafter amended;
- (3) To administer and carry out the provisions of this act and do all those things necessary to carry out its purposes;
- (4) To employ and at its pleasure discharge a manager, secretary, agents, and employees as it deems necessary, and prescribe their duties and fix their compensation;
- (5) To own, lease or contract for any real or personal property necessary to carry out the purposes of this act, and transfer and convey the same;
- (6) To establish offices and incur expenses and enter into contracts and to create such liabilities as may be reasonable for administration and enforcement of this act;
- (7) Make necessary disbursements for the operation of the commission in carrying out the purposes and provisions of this act;
- (8) To employ, subject to the approval of the attorney general, attorneys necessary, and to maintain in its own name any and all

legal actions, including actions for injunction, mandatory injunctions, or civil recovery, or proceedings before administrative tribunals or other government authorities necessary to carry out the purpose of this act;

(9) To carry on any research which will or may benefit the planting, production, harvesting, handling, processing, or shipment of any tree fruit subject to the provisions of this act. To contract with any person, private or public, public agency, federal, state or local, or enter into agreements with other states or federal agencies, to carry on such research jointly or enter into joint contracts with such states or federal agencies or other recognized private or public agencies, to carry on desired research provided for in this act;

(10) To appoint annually, ex officio commission members without a vote who are experts in research whether public or private in any area concerning or related to tree fruit to serve at the pleasure of the commission;

(11) Such other powers and duties that are necessary to carry out the purpose of this act.

NEW SECTION. Sec. 12. There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment, initially not to exceed ten cents per ton on all such tree fruits, except that such assessment for apples for fresh shipment shall be at the rate of one-half cent per one hundred pounds gross billing weight. Such assessment on all such commercial tree fruit shall not become effective until approved by a majority of such commercial producers of tree fruit voting in a referendum conducted jointly by the apple advertising commission, Washington state fruit commission and the department. The respective commissions shall supply all known producers of tree fruits subject to their respective commissions with a ballot for the referendum and the department shall supply all known tree fruit producers not subject to either of the commissions with a ballot wherein all known producers may approve or disapprove such assessment. The

commission may waive the payment of assessments by any class of producers of minimal amounts of tree fruit when the commission determines subsequent to a hearing that the cost of collecting and keeping records of such assessments is disproportionate to the return to the commission.

NEW SECTION. Sec. 13. The apple advertising commission and the Washington state fruit commission shall supply the director with a list of known producers subject to paying assessments to the respective commissions. The director, in addition, shall at the commission's cost compile a list of known tree fruit producers producing fruit not subject to assessments of the apple advertising commission and the Washington state fruit commission but subject to assessments or becoming subject to assessments under the provisions of this act. In compiling such list the director shall publish notice to producers of such tree fruit, requiring them to file with the director a report giving the producer's name, mailing address and orchard location. The notice shall be published once a week for four consecutive weeks in weekly or daily newspapers of general circulation in the area or areas where such tree fruit is produced. All producer reports shall be filed with the director within twenty days from the date of last publication of notice or thirty days of mailing notice to producers of such tree fruit, whichever is later. The director shall for the purpose of conducting any referendum affecting tree fruits subject to the provisions of this act keep such list up to date when conducting such referendum. Every person who becomes a producer after said list is compiled shall file with the director a similar report, giving his name, mailing address and orchard location. Such list shall be final and conclusive in conducting referendums and failure to notify a producer shall not be cause for the invalidation of any referendum.

NEW SECTION. Sec. 14. The producers of tree fruit subject to the provisions of this act may subsequent to approving initial assessment increase such assessment by referendum when approved by a majority of the producers voting.

NEW SECTION. Sec. 15. The producers of any specific tree fruit subject to the provisions of this act may at any time by referendum conducted by the department and approved by a majority of the producers voting of such specific tree fruit establish an additional assessment on such specific tree fruit for special research projects of special interest to such specific tree fruit.

NEW SECTION. Sec. 16. The members of the commission may, subject to approval by two-thirds of the voting members of the commission, suspend for a period not exceeding one crop year at a time all or part of the assessments on tree fruit subject to the provisions of this act.

NEW SECTION. Sec. 17. Such assessments will be due from the producers. No person shall purchase, or receive for sale, or shipment out of state any tree fruits subject to the provisions of this act until he has received proof that the assessment due and payable the commission has been paid.

NEW SECTION. Sec. 18. Any person receiving commercial tree fruits from any producer thereof or any producer of tree fruit who prepared or processed his own tree fruit for sale, or shipment for sale shall keep complete and accurate records of all such tree fruit. Such records shall meet the requirements of rules or regulations prescribed by the commission and shall be kept for two years subject to inspection by duly authorized representatives of the commission.

NEW SECTION. Sec. 19. Every dealer, handler, and processor shall at such times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be prescribed and furnished by the commission, stating the quantity of tree fruit, subject to the provisions of this act, handled, shipped, or processed by him during the period or periods of time prescribed by the commission. Such return shall contain such further information as may be necessary to carry out the objects and purposes of this act.

NEW SECTION. Sec. 20. Such assessments on tree fruits shall be due and payable by the producer thereof by the end of the next

business day that such tree fruits are sold or shipped for sale unless such time is extended as provided for in section 21 of this act by rule or regulation of the commission. The commission may by rule or regulation provide that such assessments shall be collected from the producer and remitted by the person purchasing, or receiving such tree fruit for sale, processing, or shipment anywhere.

NEW SECTION. Sec. 21. Any due and payable assessments herein levied shall constitute a personal debt of every person so assessed or who otherwise owes the same and shall be due and payable as provided for in section 20 of this act, unless the commission by rules or regulations provides for payment to be made not later than thirty days after the time set forth in section 20 of this act: PROVIDED, That such extension of time shall not apply to any person who is in arrears in his payments to the commission.

NEW SECTION. Sec. 22. In the event any person fails to pay the full amount of such assessment or such other sum on or before the due date, the commission may add to such unpaid assessment or sum an amount not more than ten percent but not less than one dollar of the same to defray the cost of enforcing the collection of such assessment, together with interest on the unpaid balance of one percent per month commencing the first month following the month in which payment was due. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the interest and the above specified ten percent thereon, and such reasonable attorneys fees as may be allowed by the court, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION. Sec. 23. All money collected under the authority of this act shall be paid to the treasurer of the commission, and be deposited by him in banks designated by the commission, and disbursed on the order of the commission. The treasurer shall file with the



commission a fidelity bond, executed by a surety company authorized to do business in this state, in favor of the state and the commission, jointly and severally, in a sum to be fixed by the commission, but not less than twenty-five thousand dollars, and conditioned upon his faithful performance of his duties and his strict accounting of all funds of the commission. RCW 43.01.050 shall not apply to money collected under this act.

NEW SECTION. Sec. 24. Obligations incurred by the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or acts of the commission shall exist against either the state of Washington, or against any member, officer, employee, or agent of the commission in his individual capacity. The members of the commission including employees of the commission, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes or other acts, either of commission or omission as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall not be several and joint and no member shall be liable for the default of any other member.

NEW SECTION. Sec. 25. The apple advertising commission and Washington state fruit commission in order to avoid unnecessary duplication of costs and efforts in collecting assessments for tree fruits at the time said commissions collect assessments due under the provisions of their acts may also collect the assessment due the commission on such tree fruit. Such assessments on winter pears may be collected by the Washington state fruit commission or in a manner prescribed by the commission. Assessments collected for the commission by the Washington state apple advertising commission and the Washington state fruit commission shall be forwarded to the commissions expeditiously. No fee shall be charged the commission for the

collection of assessments because the research conducted by the commission shall be of direct benefit to all commercial growers of tree fruits in the state of Washington: PROVIDED, That the commission shall reimburse at actual cost to the department or the Washington state fruit commission or apple commission any assessment collected for the commission by such agencies for any tree fruit subject to the provisions of this act, but not subject to pay assessments to the Washington state fruit commission or the apple advertising commission.

NEW SECTION. Sec. 26. All legal costs and expenses that may be incurred in the collection of delinquent accounts owed this commission shall be borne by the commission; except as provided for otherwise in section 22 of this act.

NEW SECTION. Sec. 27. Copies of the commission's proceedings, records, and acts when certified by the secretary and authenticated by the commission's seal shall be admissible in all courts as prima facie evidence of the truth of all statements therein.

NEW SECTION. Sec. 28. All moneys collected by the commission under the provisions of this act shall be retained by the commission for the purpose of carrying out the purpose and provisions of this act. The commission may accept and retain any moneys from private persons or private or public agencies to carry out the purposes and provisions of this act.

NEW SECTION. Sec. 29. The commission may enter into agreement or contract with any private person or any private or public agency whether federal, state or local in order to carry out the purposes and provisions of this act.

NEW SECTION. Sec. 30. Any person violating any provision of this act or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 31. This act shall constitute a new chap-

ter in Title 15 RCW.

NEW SECTION. Sec. 32. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 33. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 13, 1969  
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CHAPTER 130  
[Engrossed Senate Bill No. 308]  
COMMON SCHOOLS--SUPPORT--  
PUPIL COSTS--INTERDISTRICT COOPERATION

AN ACT Relating to education; amending section 3, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.140; amending section 4, chapter 312, Laws of 1909 and RCW 28.48.040; amending section 9, chapter 21, Laws of 1917 and RCW 28.58.230; amending section 2, chapter 47, Laws of 1963 and RCW 28.58.240; adding new sections to chapter 28.58 RCW; amending sections 28A.41.140, 28A.48.040, 28A.58.230 and 28A.58.240, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.140, 28A.48.040, 28A.58.230 and 28A.58.240; adding new sections to chapter 28A.58 RCW; providing sections to effect the correlative and pari materia construction of this 1969 amendatory act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Part I. Sections affecting current law.

Section 1. Section 3, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.140 are each amended to read as follows:

To determine a "weighted student enrolled," as that term is used in this ((act)) chapter a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students