

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

NEW SECTION. Section 1. There is added to chapter 17.21 RCW a new section to read as follows:

For the purpose of implementing special programs necessary to eliminate problems created by the use or misuse of any one or all formulations of herbicides restricted under the provisions of RCW 17.21.030, the director of the department of agriculture is authorized to establish fees necessary to carry out such special programs. The director shall hold a public hearing on or before May 1 of each year to determine the need for such special programs and the assessment for the following fiscal year. On or after the effective date of this act the director may immediately initiate hearing procedures to implement this section. The pesticide advisory board shall review, each year, the need for such special programs prior to the public hearing and advise the director of its findings as provided in RCW 17.21.250. To carry out the purposes of this section the director may enter into agreements with other government agencies and research entities, including institutions of higher learning. Fees collected pursuant to this section shall be paid by the first distributor of said herbicides in the state of Washington and shall be limited to a maximum of ten cents per pound of active ingredient. The first distributor of said herbicides shall pay a minimum fee of five dollars per six month reporting period as established by regulation of the department.

The provisions of this section shall expire on July 1, 1980, and thereafter be of no further force and effect whatsoever.

Passed the Senate March 7, 1975.

Passed the House March 5, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 28

[Engrossed Senate Bill No. 2170]

CRIMES—INJURY TO PROPERTY

AN ACT Relating to crimes and punishment; and amending section 1, page 30, Laws of 1862 as last amended by section 5, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.040; and declaring an emergency.

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

Section 1. Section 1, page 30, Laws of 1862 as last amended by section 5, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.040 are each amended to read as follows:

Every person who shall wilfully—

(1) Cut down, destroy or injure any wood, timber, grain, grass or crop, standing or growing, or which has been cut down and is lying upon the lands of another, or of the state; or,

(2) Cut down, girdle or otherwise injure a fruit, shade or ornamental tree standing on the land of another or of the state, or in any road or street; or,

(3) Dig, take or carry away without lawful authority or consent, from any lot or land in any city, or town, or from any lands included within the limits of a street or avenue in such city or town, any earth, soil or stone; or,

(4) Enter without the consent of the owner or occupant, any orchard, garden or vineyard, with intent to take, injure or destroy anything there grown or growing; or,

(5) Cut down, destroy or in any way injure any shrub, tree, vine or garden produce grown or growing within any such orchard, garden or vineyard, or any framework or erection therein; or,

(6) Damage or deface any building or part thereof, or throw any stone or other missile at any building or part thereof; or,

(7) Destroy or damage, with intent to prevent or delay the use thereof, any engine, machine, tool or implement intended for use in trade or husbandry; or,

(8) Untie, unfasten, or liberate, without authority, the horse (~~(or team)~~), cattle or sheep, of another; or lead, ride, or drive away, without authority, the horse (~~(; team, automobile or other vehicle of another)~~), cattle or sheep, from the place where left by the owner or person in charge thereof; or,

~~(9))~~ Kill, maim or disfigure any animal belonging to another, or expose any poisons or noxious substance with intent that it should be taken by such animal; or,

~~((+0))~~ (9) Take, carry away, interfere with or disturb any oysters or other shellfish of another in any river, bay, or other water of this state, or remove, pull up or destroy any stake or buoy used for designating any oyster bed; or,

~~((+1))~~ (10) Intrude or place any hovel, shanty or building upon or within the limits of any lot or piece of land within any city or town, without the consent of the owner, or within the boundaries of any street in such city or town; or,

~~((+2))~~ (11) Kill, wound or trap any animal or bird within the limits of any cemetery, park or pleasure ground, or remove therefrom or destroy the young of any such animal or the egg of any such bird; or,

~~((+3))~~ (12) Injure, destroy or tamper with any rope, line, cable or chain with which any vessel, scow, boom, beacon or buoy shall be anchored or moored, or the steering gear, bell gear, engine, machinery, lights or other equipment of any vessel; or,

~~((+4))~~ (13) Place upon or affix to any real property or any rock, tree, wall, fence or other structure thereupon, without the consent of the owner thereof, any word, character or device designed to advertise any article, business, profession, exhibition, matter or event; or,

~~((+5))~~ (14) Suffer any animal to go upon the enclosed right-of-way of any railway company, or leave open any gate or bars so that an animal might stray upon such right-of-way;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in RCW 9.61.070.

NEW SECTION. Sec. 2. This 1975 amendatory 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.

Passed the Senate March 11, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 29

[Senate Bill No. 2177]

**MUNICIPAL COURTS, CITIES OVER 400,000—
ASSESSMENT OF PUNISHMENT**

AN ACT Relating to justice courts; and amending section 7, chapter 110, Laws of 1965 ex. sess. and RCW 3.66.065.

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

Section 1. Section 7, chapter 110, Laws of 1965 ex. sess. and RCW 3.66.065 are each amended to read as follows:

If a defendant is found guilty, a justice holding office pursuant to chapters 3.30 through 3.74, or chapter 35.20 RCW, and not the jury, shall assess his punishment, notwithstanding the provisions of RCW 10.04.100. If such justice determines that the punishment he is authorized to assess is inadequate to the gravity of the offense he may order such defendant to enter recognizance to appear in the superior court of the county and may also recognize the witnesses and shall proceed as a committing magistrate.

Passed the Senate February 21, 1975.

Passed the House March 7, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

CHAPTER 30

[Engrossed Senate Bill No. 2182]

CLERKS OF SUPERIOR COURTS—FEES

AN ACT Relating to fees; and amending section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020.

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

Section 1. Section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of thirty-two dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of thirty-two dollars.