

CHAPTER 13.

[H. B. 19.]

NOXIOUS WEEDS

AN ACT relating to noxious weeds; amending section 5, chapter 125, Laws of 1929 as last amended by section 1, chapter 107, Laws of 1951, and RCW 17.04.240, 17.04.250, and 17.04.260; amending section 3, chapter 194, Laws of 1937 as last amended by section 1, chapter 213, Laws of 1951, and RCW 17.08.050, 17.08.060, 17.08.070, 17.08.080 and 17.08.090; and amending section 4, chapter 194, Laws of 1937 as last amended by section 2, chapter 89, Laws of 1953, and RCW 17.08.100 and 17.08.110; validating certain proceedings, and declaring an emergency.

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

SECTION 1. Section 5, chapter 125, Laws of 1929 as last amended by section 1, chapter 107, Laws of 1951 (heretofore divided and codified as RCW 17.04.240, 17.04.250, and 17.04.260) is divided and amended as set forth in sections 2, 3, and 4 of this act.

Division and amendment.

SEC. 2. (RCW 17.04.240) The directors shall annually determine the amount of money necessary to carry on the operations of the district and shall classify the property therein in proportion to the benefits to be derived from the operations of the district and in accordance with such classification shall prorate the cost so determined and shall levy assessments to be collected with the general taxes of the county. In the event that any bonded or warrant indebtedness pledging tax revenue of the district shall be outstanding on April 1, 1951, the directors may, for the sole purpose of retiring such indebtedness, continue to levy a tax upon all taxable property in the district until such bonded or warrant indebtedness shall have been retired.

RCW 17.04.240 enacted without amendment.

SEC. 3. (RCW 17.04.250) The county treasurer shall be ex officio treasurer of such district and the

RCW 17.04.250 amended.

Weed districts.
District treasurer, duties—
Fund.

county assessor and other county officers shall take notice of the formation of such district and of the tax levy and shall extend the tax on the tax roll against the property liable therefor the same as other taxes are extended, and such tax shall become a general tax against such property, and shall be collected and accounted for as other taxes, with the terms and penalties thereto attached. The moneys collected from such tax shall be paid into a fund to be known as "fund of weed district..... of.....county" (giving the number of district and name of county). All expenses in connection with the operation of such district, including the expenses of initial and annual meetings, shall be paid from such fund, upon vouchers approved by the board of directors of such district.

RCW 17.04.260 amended.
Limit of indebtedness.

SEC. 4. (RCW 17.04.260) No district shall contract any obligation in any year in excess of the revenues which will be available during the current year from the tax levy made in the preceding year.

Division and amendment.

SEC. 5. Section 3, chapter 194, Laws of 1937 as last amended by section 1, chapter 213, Laws of 1951 (heretofore divided and codified as RCW 17.08.050, 17.08.060, 17.08.070, 17.08.080 and 17.08.090) is divided and amended as set forth in sections 6, 7, 8, 9 and 10 of this act.

RCW 17.08.050 amended.
Weed extermination areas.
State college to cooperate.

SEC. 6. (RCW 17.08.050) It shall be the duty of the state college of Washington through its experiment station and extension service to cooperate with the boards of county commissioners and with the state department of agriculture: (1) To inform them of the names, habits, and growth of noxious or poison weeds and plants which are prevalent in the respective counties in the state of Washington and which are detrimental to agriculture or livestock; (2) to describe methods for the destruction, prevention or extermination of such weeds or plants;

and (3) to publish lists of such weeds and plants designated as noxious or poison together with pertinent information thereon for public distribution.

SEC. 7. (RCW 17.08.060) It shall be the duty of the boards of county commissioners and the director of the state department of agriculture: (1) To determine what methods, rules and regulations are to be used and the specific weed, weeds or plants to be destroyed, prevented or exterminated in the weed extermination areas established: *Provided*, That the directors of any weed district organized and continuing under chapter 17.04 RCW shall have final approval of any regulations applying on crop lands to weeds generally distributed within the boundaries of such weed districts; (2) to carry out, or cause to be carried out, these designated methods, rules and regulations on the weeds or plants specified; but whenever such methods, rules and regulations require only the prevention of seed production of noxious or poison weeds on crop lands, it shall be the duty of the owner thereof to prevent such seed production; and (3) upon information of the existence of any noxious or poison weed not generally distributed within this state, to thoroughly investigate the existence and the probability of the spread thereof and to establish, maintain and enforce such regulations as in their opinion are necessary to circumscribe and exterminate or prevent the spread of such weed.

RCW 17.08.060
amended.
Duties of
board and
directors.

SEC. 8. (RCW 17.08.070) Methods and rules to be followed in extermination areas may be changed or modified by the authority setting up the areas whenever in their judgment a change is justified, practical, and in the interest of the public welfare. Upon the determination of methods, rules and regulations to be followed in any area, the boards and the director shall publish such methods, rules, and regulations weekly for three consecutive weeks

RCW 17.08.070
enacted with-
out amend-
ment.

in a newspaper published in the county in which the area is located and of general circulation in the county.

RCW 17.08.080 amended. Weed supervisor—Owner may be employed.

SEC. 9. (RCW 17.08.080) The boards of county commissioners and the director of the state department of agriculture are hereby authorized to employ a weed supervisor and such additional help and to purchase such equipment and materials as may be necessary in carrying out these duties: *Provided*, That whenever feasible and practicable the landowner shall be employed to carry out the practices required but when so hired the portion of the costs to be paid by him shall be deducted from any payments accruing to him because of such employment.

RCW 17.08.090 amended. Right of entry.

SEC. 10. (RCW 17.08.090) These commissioners and director or their agents may enter upon any and all lands at any reasonable time in carrying out the duties or making investigations specified in RCW 17.08.050 through 17.08.080 and may take such samples of weeds, weed seeds, or other material necessary in the conduct of these duties or investigations and shall not be subject to action for trespass or damage because of such entrance or the taking of such samples.

Division and amendment.

SEC. 11. Section 4, chapter 194, Laws of 1937 as last amended by section 2, chapter 89, Laws of 1953 (heretofore divided and codified as RCW 17.08.100 and 17.08.110) is divided and amended as set forth in sections 12 and 13 of this act.

RCW 17.08.100 amended. Cooperation with other agencies.

SEC. 12. (RCW 17.08.100) The boards of county commissioners and the state department of agriculture are authorized to cooperate with other governmental, public or private agencies for the purposes of, and within the limitations of this chapter.

RCW 17.08.110 enacted without amendment.

SEC. 13. (RCW 17.08.110) The cost of eradication work performed in any weed extermination

area shall be paid in the following manner: One-fourth thereof shall be paid from the weed control fund of the county in which the land is located and the remaining three-fourths by the owner of the land upon which the eradication work is performed: *Provided*, That on crop land the share of the cost to be paid by the owner of the land shall be increased by the board to the full cost of the eradication work, and when prevention of seed production only is required on crop land the board, after due notice of its intention so to do in the manner set out in RCW 17.08.120, shall assess the full cost thereof.

SEC. 14. The provisions of this act are retro-active and any actions or proceedings had or taken under the provisions of RCW 17.04.240, 17.04.250, 17.04.260, 17.08.050, 17.08.060, 17.08.070, 17.08.080, 17.08.090, 17.08.100 or 17.08.110 are hereby ratified, validated and confirmed.

Act retro-active.

Validation.

SEC. 15. 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.

Emergency.

Passed the House January 30, 1957.

Passed the Senate February 11, 1957.

Approved by the Governor February 19, 1957.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

Explanatory note.

The Statute Law Committee in review by Title 17 of the Revised Code of Washington has noted several instances where a session law section had been divided into two or more RCW sections and the legislature has subsequently amended one or more, but less than all, of the RCW sections derived from the session law section.

The purpose of this bill is to enact the RCW sections, thereby ratifying the division of the session law section into several code sections, and curing any possible defect arising from the amendment of less than the whole session law section.

In all sections the RCW language is used as the basic language and additions and deletions merely restore to the various sections the language of the original session laws in lieu of the revised language of RCW, retaining, however, the forms of capitalization, punctuation, etc., which are permissible under the present code revision act. In section 3, however, we are not restoring the words "made by the county com-

Explanatory note.

missioners' which follow the words "tax levy" in the first sentence, for the reason that RCW 17.04.240 (section 2 of this bill) was amended by 1951 c 107 § 1 to provide that *the directors* make the levy.

Sections 1 through 4. 1929 c 125 § 5 combined 1921 c 150 §§ 5 and 8. RRS codified this as three sections (2774-2, 2775 and 2778). These became RCW 17.04.240, 17.04.250 and 17.04.260. RCW 17.04.240 was subsequently amended by 1951 c 107 § 1.

Sections 5 through 10. 1937 c 194 § 3 was divided and codified by the 1941 Code Committee as RCW 17.08.050, 17.08.060, 17.08.070, 17.08.080 and 17.08.090. RCW 17.08.070 was subsequently amended by 1951 c 213 § 1.

Sections 11 through 13. 1937 c 194 § 4 was divided and codified by the 1941 Code Committee as RCW 17.08.100 and 17.08.110. RCW 17.08.110 was subsequently amended by 1953 c 89 § 2.

CHAPTER 14.

[H. B. 20.]

MUNICIPAL AIRPORTS

AN ACT relating to powers of municipalities concerning airports and aeronautical facilities; combining RCW 14.08.120 through 14.08.150 and 14.08.320 as RCW 14.08.120, enacting section 8, chapter 182, Laws of 1945 as amended by section 1, chapter 178, Laws of 1953, and RCW 14.08.120; validating certain proceedings, and declaring an emergency.

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

Combination and enactment.

SECTION 1. Section 8, chapter 182, Laws of 1945 as amended by section 1, chapter 178, Laws of 1953 (heretofore divided and codified as RCW 14.08.120, 14.08.130, 14.08.140, 14.08.150, and 14.08.320) is combined and enacted as RCW 14.08.120 to read as follows:

RCW 14.08.120 enacted. Specific powers of municipalities operating airports.

In addition to the general powers in this chapter conferred, and without limitation thereof, a municipality which has established or may hereafter establish airports, restricted landing areas or other air navigation facilities, or which has acquired or set apart or may hereafter acquire or set apart real property for such purpose or purposes is hereby authorized:

Delegate authority.

(1) To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation and regulation thereof in an officer, a board