

a city, county, or political subdivision may with the consent of the state highway commission or the authority be placed with the Washington toll bridge authority to be sold by the authority to provide funds for such purpose. Money, or bonds or property so advanced or contributed may be immediately transferred or delivered to the authority to be used for the purpose for which contribution was made. The authority may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The authority may make such repayment to a city, county or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

Repayment.

Passed the House February 27, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

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## CHAPTER 163.

[ H. B. 513. ]

### WASHINGTON STATE DAIRY PRODUCTS COMMISSION.

AN ACT relating to the Washington state dairy products commission; amending sections 3 and 4, chapter 219, Laws of 1939 and RCW 15.44.020, 15.44.030 and 15.44.040; amending section 9, chapter 219, Laws of 1939, as amended by section 1, chapter 185, Laws of 1949, and RCW 15.44.080 and 15.44.090; amending sections 8, 10, 11 and 12, chapter 219, Laws of 1939 and RCW 15.44.060, 15.44.100, 15.44.110 and 15.44.120; amending section 13, chapter 219, Laws of 1939, as amended by section 2, chapter 185, Laws of 1949 and RCW 15.44.130; and declaring an emergency.

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

SECTION 1. Sections 3 and 4, chapter 219, Laws of 1939 (heretofore divided, combined and codified

as RCW 15.44.020, 15.44.030 and 15.44.040) are divided and amended to read as set forth in sections 2 through 9 of this amendatory act.

RCW 15.44.020 amended. Commission —Members.

SEC. 2. (RCW 15.44.020) There is hereby created a Washington state dairy products commission to be thus known and designated. The commission shall be composed of seven practical producers of dairy products and the director of agriculture who shall be an ex officio member without vote. The governor shall appoint each producer member.

Member represents district.

SEC. 3. Each appointed commission member shall represent one of the following districts:

- (1) District I, which shall include the counties of Pend Oreille, Spokane and Stevens;
- (2) District II, which shall include the counties of Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Whitman and Walla Walla;
- (3) District III, which shall include the counties of Benton, Klickitat and Yakima;
- (4) District IV, which shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum;
- (5) District V, which shall include the counties of King, Pierce and Snohomish;
- (6) District VI, which shall include the counties of Island, San Juan, Skagit and Whatcom; and
- (7) District VII, which shall include the counties of Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston.

RCW 15.44.030 amended. Qualifications of member.

SEC. 4. (RCW 15.44.030) Each of the seven producer members of the commission shall:

- (1) Be a citizen and resident of this state and the district which he represents; and
- (2) Be and for the five years last preceding his appointment have been actually engaged in producing dairy products within this state. These

qualifications must continue during each member's term of office.

SEC. 5. The regular term of office of each producer member of the commission shall be three years. However, expiration of the term of the respective commission members first appointed after the effective date of this act shall be as follows:

Terms of members.

(1) District I, on December 1, 1961;  
 (2) District II, III and IV on December 1, 1962;  
 and

(3) District V, VI and VII on December 1, 1963.

The respective terms shall end on December 1 of each third year thereafter. Any vacancies that occur on the commission shall be filled by appointment by the governor, and such appointee shall hold office for the remainder of the term for which he is appointed to fill, so that commission memberships shall be on a uniform staggered basis.

Vacancies.

SEC. 6. Dairymen in the respective districts shall recommend to the governor persons whom they deem desirable for appointment as commission members to represent their district for each ensuing term. To accomplish this the director of agriculture shall cause:

Recommendations for membership, procedure.

(1) A public meeting of dairymen residing in the district concerned to be held within that district not more than sixty days nor less than thirty days before the expiration date of each term of each commission member; and

(2) Notice of the time, place and purpose of such meeting to be published at least three times in a newspaper or newspapers of general circulation in the district, and by such other means as the director shall determine to be necessary to give reasonable notice of the meeting to dairymen in the particular district.

The notice shall also be mailed to the associations of dairymen that are known to have members in the

particular district not less than thirty days prior to the meeting. The costs of the publication of the notices and meeting shall be paid by the commission.

Public meeting—Qualifications to participate in.

SEC. 7. Each meeting shall be held as near the geographical center of the particular district as is reasonably commensurate with available facilities, and the director of agriculture or his duly authorized representative shall act as chairman. Every dairyman shall be entitled to participate and nominate a candidate for membership on the commission upon satisfying the director on the basis of credible evidence that he resides in the district and has, within the sixty days preceding the meeting, produced milk or farm separated cream upon which the assessment provided for in section 11 of this amendatory act was paid or is payable. Those attending each meeting shall recommend to the governor at least three persons for the position of commission member.

Commission quorum—Compensation and expenses.

SEC. 8. A majority of the commission members shall constitute a quorum for the transaction of all business and the performance of all duties of the commission. No member of the commission shall receive any salary or other compensation. Each member shall receive a sum not to exceed twenty dollars a day for each day spent in actual attendance at or traveling to and from meetings of the commission or when conducting business of the commission as authorized by the commission, together with traveling expenses at the rate allowed by RCW 43.03.050 as now or hereafter amended.

RCW 15.44.040 amended. Copies as evidence.

SEC. 9. (RCW 15.44.040) Copies of the proceedings, records and acts of the commission, when certified by the secretary, shall be admissible in any court and be prima facie evidence of the truth of the statements therein contained.

SEC. 10. Section 9, chapter 219, Laws of 1939, as amended by section 1, chapter 185, Laws of 1949

(heretofore divided and codified as RCW 15.44.080 and 15.44.090) are each amended to read as set forth in sections 11 and 12 of this amendatory act.

SEC. 11. (RCW 15.44.080) There is hereby levied upon all milk and cream produced in this state an assessment not to exceed:

RCW 15.44.080 amended. Annual assessments by commission—Limit.

(1) Three-fourths of one cent per pound butter fat of wholly or partially farm separated cream; and

(2) Three cents per hundredweight of all milk and the components thereof, other than wholly or partially farm separated cream.

The amount to be assessed shall be determined by the commission within the limits prescribed by this section, and shall be determined according to the necessities required to effectuate the stated purposes of the commission. This section shall apply where milk or cream is marketed either in bulk or package. However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

SEC. 12. (RCW 15.44.090) All assessments shall be collected by the first dealer and deducted from the amount due the producer, and all moneys so collected shall be paid to the treasurer of the commission on or before the twentieth day of the succeeding month for the previous month's collections, and deposited by him in banks designated by the commission to the credit of the commission fund. If a dealer fails to remit any moneys so collected, or fails to make deductions for assessments, such sum shall, in addition to penalties provided in this chapter, be a lien on any property owned by him, and shall be reported to the county auditor by the commission, supported by proper and conclusive evidence, and collected in the manner prescribed for the collection of delinquent taxes.

RCW 15.44.090 enacted without amendment.

RCW 15.44.060  
amended.Powers and  
duties of  
commission.

SEC. 13. Section 8, chapter 219, Laws of 1939 and RCW 15.44.060 are each amended to read as follows:

The commission shall have the power and duty to:

(1) Elect a chairman and such other officers as it deems advisable, and adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers, which shall have the effect of law when not inconsistent with existing laws;

(2) Administer and enforce the provisions of this chapter and perform all acts and exercise all powers reasonably necessary to effectuate the purpose hereof;

(3) Employ and discharge advertising counsel, advertising agents, and such attorneys, agents, and employees as it deems necessary, and prescribe their duties and powers and fix their compensation;

(4) Establish offices, incur expenses, enter into contracts, and create such liabilities as are reasonable and proper for the proper administration of this chapter;

(5) Investigate and prosecute violations of this chapter;

(6) Conduct scientific research to develop and discover uses for products of milk and its derivatives;

(7) Make in its name such advertising contracts and other agreements as are necessary to promote the sale of dairy products on either a state, national, or foreign basis;

(8) Keep accurate records of all its dealings, which shall be open to public inspection and audit by the regular agencies of the state; and

(9) Conduct the necessary research to develop more efficient and equitable methods of marketing dairy products, and enter upon, singly or in participation with others, the promotion and development of state, national, or foreign markets.

SEC. 14. Section 10, chapter 219, Laws of 1939 and RCW 15.44.100 are each amended to read as follows:

RCW 15.44.100 amended.

Each dealer or shipper shall keep a complete and accurate record of all milk or cream handled by him. The record shall be in such form and contain such information as the commission shall prescribe, and shall be preserved for a period of two years, and be submitted for inspection at any time upon request of the commission or its agent.

Dealer, shipper, records preserved for inspection.

SEC. 15. Section 11, chapter 219, Laws of 1939 and RCW 15.44.110 are each amended to read as follows:

RCW 15.44.110 amended.

Each dealer and shipper shall at such times as by rule or regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of dairy products handled, processed, manufactured, delivered, and shipped, and the quantity of all milk and cream delivered to or purchased by such person from the various producers of dairy products or their agents in the state during the period or periods prescribed by the commission.

Reports to director.

SEC. 16. Section 12, chapter 219, Laws of 1939 and RCW 15.44.120 are each amended to read as follows:

RCW 15.44.120 amended.

No milk or cream may be carried or shipped until the assessment thereon has been collected by the first dealer and receipt issued. All assessments shall be due and payable on milk or cream before it is shipped out of the state.

Payment of assessment before shipment.

The commission shall prescribe the method of collection, and for that purpose may require stamps, to be known as dairy products advertising stamps, to be purchased from the commission and attached to the containers, invoices or shipping documents of all milk and cream shipped from the state. The stamps shall be immediately canceled by the dealer

upon being so attached, and date of cancellation shall be placed thereon.

RCW 15.44.130  
amended.

SEC. 17. Section 13, chapter 219, Laws of 1939, as amended by section 2, chapter 185, Laws of 1949 and RCW 15.44.130 are each amended to read as follows:

Advertising,  
research,  
campaign.

(1) In order to adequately advertise and market Washington dairy products in the domestic, national and foreign markets, and to make such advertising and marketing research and development as extensive as public interest and necessity require, and to put into force and effect the policy of this chapter, the commission shall provide for and conduct a comprehensive and extensive research, advertising and educational campaign, and keep such research, advertising and education as continuous as the production, sales, and market conditions reasonably require.

Adjustment  
of assess-  
ment.

(2) The commission shall investigate and ascertain the needs of dairy products and producers, the conditions of the markets, and the extent to which public convenience and necessity require advertising and research to be conducted. If upon such investigation, it shall appear that the revenue from the maximum assessment provided for in section 11 of this amendatory act is more than adequate to accomplish the purposes and objects of this chapter, it shall file a request with the director of agriculture showing the necessities of the industry, the extent and probable cost of the required research and advertising, the extent of public convenience, interest and necessity, and the probable revenue from the assessment herein levied and imposed. If such probable revenue is more than the amount reasonably necessary to conduct the research and advertising that the public interest and convenience require to accomplish the objects and purposes hereof, the commission shall decrease the assessment to a sum that the commission shall determine adequate to ef-



fectuate the purposes hereof, but in no case shall any assessment exceed the amount provided in section 11 of this amendatory act: *Provided*, That no such change shall be made in rate of assessment until the commission shall have filed with the director a full report of such investigations and findings. Such change in assessment shall be effective thirty days after such report is filed.

SEC. 18. This act is necessary for the preservation of public peace, health and welfare, the support of state government and its existing public institutions, and sections 8, 9, 11, 12, 14, 15, 16 and 17 shall take effect immediately. Sections 2 through 7, and 13 shall take effect December 1, 1959.

Emergency  
—Effective  
date.

Passed the House February 23, 1959.

Passed the Senate March 8, 1959.

Approved by the Governor March 17, 1959.

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## CHAPTER 164.

[ H. B. 633. ]

### SHORELANDS IN SEATTLE.

AN ACT relating to certain shorelands in the city of Seattle; amending section 3, chapter 60, Laws of 1939 (uncodified); and amending section 4, chapter 45, Laws of 1947 and RCW 28.77.330.

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

SECTION 1. Section 3, chapter 60, Laws of 1939 (uncodified) is hereby amended to read as follows:

1939 c 60 § 3  
amended.

All of the shorelands described in section 1 of this act are hereby granted to the University of Washington to be used for arboretum and botanical garden purposes and for no other purposes. In case the said University of Washington should attempt to use or permit the use of said shorelands or any

Shorelands  
granted.