

SEC. 9. That chapter 49 of the Laws of 1911 be amended by adding thereto a new section, to be known as section 187-h, to read as follows:

Adds § 187-h to Chap. 49, Laws 1911.

Section 187-h. The provisions of this act contained in clause (5) of section 187-a and clauses (2), (3), (8) and (12) of section 187-b may be omitted from transportation ticket policies sold only at transportation company ticket offices by transportation company employees.

Transportation ticket policies may omit provisions.

Passed the House February 4, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 125.

[H. B. 97.]

NOXIOUS WEEDS.

AN ACT relating to noxious weeds and providing for the creation and organization of weed districts, the election of directors therefor, and defining their powers and duties and repealing certain acts relating thereto.

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

SECTION 1. The boards of county commissioners of the respective counties may create a weed district or districts within their counties and enlarge any district, or reduce any district or create or combine or consolidate the districts, or divide or create new districts, from time to time, in the manner hereinafter provided, for the purpose of destroying, preventing and exterminating, or to prevent the introduction, propagation, cultivation or increase of, any particular weed, weeds or plants, or all weeds or plants, including scotch broom, which are now or may hereafter be classed by the department of agriculture of the State of Washington as noxious weeds, or plants detrimental to or destructive of crops,

County commissioners may create districts for destruction.

District to include one section of land—boundaries.

Farming lands included.

Farming lands defined.

Petition filed.

Petition to state boundaries of proposed district, etc.

fruit, trees, shrubs, valuable plants, forage, or other agricultural plants or produce. Any such district shall include not less than one section of land, and the boundaries thereof shall be along an established road, railroad, scab, uncleared or grazing land, or property line, or established lines, or some natural boundary, and shall include only cultivated or farming lands and shall not include any scab, uncleared or grazing land, except such as shall lie wholly within cultivated or farming lands within the district, or which lie adjacent to such cultivated or farming lands and which are infested with the particular weed or weeds to be destroyed, prevented and exterminated by such district: *Provided*, That any quarter section of land, or lesser legal subdivision in single ownership, fifty per cent of which is cultivated or farming land, shall be considered cultivated and farming land within the meaning of this act.

SEC. 2. Any one or more freeholders owning more than fifty per cent of the acreage desired to be included within the proposed weed district may file a petition with the board of county commissioners praying that their land be included, either separately or with other lands included in the petition, in a weed district to be formed for the purpose of destroying, preventing or exterminating any one or all such weeds, or that such lands be included within a district already formed, or a new district or districts to be formed out of any district or districts then existing. Such petition shall state the boundaries of the proposed district, the approximate number of acres in the proposed district, the particular weed or weeds to be destroyed, prevented or exterminated, the general method or means to be used in such work, and shall contain a list of all known land owners within the proposed district, together with the addresses of such land owners. Upon the filing of such petition the board of county

commissioners shall fix a time for a hearing thereon, and shall give at least thirty days' notice of the time and place of such hearing by posting copies of such notice in three conspicuous places within the proposed district, one copy of which shall be at the main entrance to the court house, and by mailing a copy of such notice to each of the land owners named in the petition at the address therein named, and if any of the land described in the petition be owned by the state, a copy thereof shall be mailed to the state land commissioner at Olympia.

Petition filed. Hearing date fixed.

Notice of hearing given.

SEC. 3. At the time and place fixed for such hearing the board of county commissioners shall determine whether such weed district shall be created and if such board determines that such district shall be created, it shall fix the boundaries thereof, but shall not modify the purposes of the petition with respect to the weed or weeds to be destroyed, prevented and exterminated as set forth in this petition, and shall not enlarge the boundaries of the proposed district, or enlarge or change the boundary or boundaries of any district or districts already formed without first giving notice to all land owners interested as provided in section 2 of this act. If the board shall determine that the weed district petitioned for shall be created it shall pass a resolution to that effect and shall assign a number to such weed district which shall be the lowest number not already taken or adopted by a weed district in such county, and thereafter such district shall be known as "Weed District No..... of County," inserting in the first blank the number of the district and in the second the name of the county in which the district is organized.

At hearing commissioners determine district and boundaries.

District to be numbered.

SEC. 4. If the board of county commissioners establish such district it shall call a special meeting to be held within such district for the purpose of

Meeting called for election of directors.

Qualification of directors.

Date for meeting.

Notice.

Contents of notice.

Chairman of meeting.

Qualification of electors.

Challenges.

Oath.

electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the State of Washington and a resident and land owner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established by such board. Notice of such meeting shall be given by the county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state the object of the meeting and the time and place when the same shall be held. At the time and place fixed for the meeting the county commissioner in whose commissioner district such district is located shall act as chairman and call the meeting to order. The chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such county commissioner be not present the electors of such district then present shall elect a chairman of the meeting. Every person over twenty-one years of age who is a land owner within such district and a qualified elector of the State of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States and a qualified elector of the State of Washington and an owner of land within the boundaries of weed district No..... of county (giving number of district and name of county)." If the challenged person shall take such oath or make such affirma-

tion, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting. The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a ballot box provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first day of March following his election. Annually thereafter, there shall be held a meeting of the electors of such district on the first Monday in February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time and place where the same shall be held and shall give the same notice thereof as provided for the

False
oath.Secret
ballot.Three
names on
ballots.Canvass of
vote.Directors
elected,
term.Annual
meeting.Time and
place of
holding.

Conduct
of meeting.

initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and the qualifications of electors at such annual meeting shall be the same as is required for the initial meeting. All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified.

Vacancy in
director's
office filled
by appoint-
ment of
commis-
sioners.

In case of a vacancy occurring in the office of any director, the county commissioners of the county in which such district is located, shall appoint a qualified person to fill the vacancy for the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director shall furnish a bond in the sum of one thousand dollars, which may be a surety company bond or property bond approved by the board of county commissioners, which bond shall be filed with the county commissioners and shall be conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the district the same as other expenses of the district. At any annual meeting the method for destroying, preventing and exterminating weeds of such district as set forth in the petition, and the rules and regulations adopted by such district, may be changed by a majority vote of the qualified electors present at such meeting, or a special meeting may be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all land owners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such land owner at least one week before the date fixed for such special meeting.

Bond of
director.

Cost of
bond.

Business
of annual
meeting.

Changes of
methods.

County
commis-
sioners to
levy tax.

SEC. 5. At the time of establishing such district, and annually thereafter, the county commissioners

shall levy a tax upon all taxable property located in such district in such an amount as will produce sufficient revenue to operate such district. In case the levy so fixed is inadequate, upon request of the board of directors, the county commissioners shall hold a public hearing upon ten days' notice, mailed to all land owners within such district, and at which hearing the county commissioners shall, if they deem the levy theretofore inadequate, increase the amount of such levy. The county treasurer shall be ex-officio treasurer of such district and the county assessor and other county officers shall take notice of the formation of such district and of the tax levy made by the county commissioners 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. 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.

Increased tax levy.

Tax extended on tax rolls.

Fund.

Payments from.

SEC. 6. Any city or town contiguous to or surrounded by a weed district formed under this act shall provide for the destruction, prevention and extermination of all weeds specified in the petition which are within the boundaries of such city or town, in the same manner and to the same extent as is provided for in such surrounding or contiguous weed

Cities or towns contiguous to district to provide for weed destruction.

district; and it shall be the duty of those in charge of school grounds, playgrounds, cemeteries, parks, or any lands of a public or quasi public nature when such lands shall be contiguous to, or within any weed district, to see that all weeds specified in the petition for the creation of such district are destroyed, prevented and exterminated in accordance with the rules and requirements of such district.

Lands
within
U. S. Reser-
vations.

SEC. 7. Any lands owned by any individual wholly or partly within the United States government Indian reservation may be included within a weed district formed under this act, and shall be subject to the same rules, regulations and taxes as other lands within the district; and the board of directors of any weed district are authorized to arrange with the officer or agent in charge of any United States lands, within or contiguous to any such district, for the destruction, prevention and extermination of weeds on such government lands.

County
lands,
payments
for.

SEC. 8. Whenever there shall be included within any weed district any lands belonging to the county, the boards of county commissioners shall determine the amount of the taxes for which such lands would be liable if the same were in private ownership, and the county commissioners shall appropriate from the current expense fund of the county sufficient money to pay such amounts. Whenever any state lands shall be located within any weed district the county treasurer shall certify annually and forward to the commissioner of public lands, or, if the lands are occupied by or used in connection with any state institution, to the director of business control, a statement showing the amount of the tax to which such lands would be liable if the same were in private ownership, separately describing each lot or parcel, and the commissioner of public lands, or the director of business control, as the case may be, shall cause a proper record to be made in their respective

State lands,
payments
for.

offices of the charges against such lands, and shall certify the same to the state auditor thirty days previous to the convening of the biennial session of the legislature, and the state auditor shall, at the next session of the legislature thereafter certify to the legislature the amount of such charges against such lands, and the legislature shall provide for payment of such charges to the weed district by an appropriation out of the general fund of the state treasury, with interest at six per cent per annum on the amount of such charges, and without penalties.

SEC. 9. The board of directors of such weed district shall have power:

Board of directors powers—rules and regulations.

(1) To adopt rules and regulations, plans, methods and means for the purpose of destroying, preventing and exterminating the weed or weeds specified in the petition, and to supervise, carry out and enforce such rules, regulations, plans, methods and means.

(2) To appoint a weed inspector and to require from him a bond in such sum as the directors may determine for the faithful discharge of his duties, and to pay the cost of such bond from the funds of such district; and to direct such weed inspector in the discharge of his duties; and to pay such weed inspector from the funds of such district such per diem for the time employed in the discharge of his duties as the directors shall determine.

Appoint weed inspectors.

SEC. 10. It shall be the duty of the weed inspector to carry out the directions of the board of directors and to see that the rules and regulations adopted by the board are carried out. He shall personally deliver to each resident land owner within such district and to any lessee or person in charge of any land within such district and residing in such district, a copy of the rules and regulations of such district; and he shall personally deliver a copy

Duties of weed inspector.

Rules and regulations delivered to land owners.

thereof to non-resident land owners or shall deposit a copy of the same in the United States post office in an envelope addressed to the last known address of such person as shown by the records of the county auditor; and in event no such address is available for mailing he shall post a copy of such rules and regulations in a conspicuous place upon such land. A record shall be kept by the weed inspector of such dates of mailing, posting or delivering such rules and regulations. In case of any railroad such rules and regulations shall be delivered to the section foreman, or to any official of the railroad having offices within the state. Such rules and regulations must be delivered, posted or mailed by the weed inspector as herein provided at least ten days before the time to start any annual operations necessary to comply with such rules and regulations: *Provided*, That after such district shall have been in operation two years such rules and regulations shall be delivered to resident land owners only once every three years, unless such rules and regulations are changed.

Record kept by inspector.

Railroads.

Inspector files list of delinquent lands with prosecuting attorney.

Names of owners, lessees, etc.

SEC. 11. If the weed inspector, or the board of directors shall find that the rules and regulations of the weed district are not being carried out on any one or more parcels of land within such district, he or they shall file with the prosecuting attorney of the county lists of such lands within the district, together with a statement of the kind of work, and time that such work should be done to comply with such rules and regulations. Upon receipt of such lists it shall be the duty of the prosecuting attorney to secure from the county auditor and the county treasurer the names of owners, lessees, mortgagees and occupants of such land so far as shown by the records of such offices, together with the place of residence or addresses of such persons, as shown by such record; and it shall be the duty of the county auditor and county treasurer to furnish such infor-

mation to the prosecuting attorney. Upon receiving such information the prosecuting attorney shall prepare a notice directed to each of such land owners, lessees, mortgagees and occupants which shall require the persons named therein to cause the noxious weeds to be cut down or destroyed according to the rules and regulations of the district, within ten days from the time of serving, mailing or posting said notices as in this act provided. Said notice shall be served on all residents of the county in which such lands are situated by serving the same personally in the same manner as is provided by law for the service of a summons in the superior court; and on all non-residents of the county whose address or place of residence is shown by the records in the office of such auditor or treasurer, by mailing a copy of such notice by registered mail to such person at the address shown; and in all cases where the address or place of residence is unknown, by posting a copy of said notice in a conspicuous place on the land in full view of the traveling public. In case of a return of "not found" as to any such persons whose address or place of residence is unknown, posting of the notices as herein provided, shall be a sufficient service thereof. It shall be the duty of the county auditor to keep a record book in which he shall cause to be entered the names, addresses or places of residence of any person, firm or corporation who may notify him of their desire to be registered therein and of their desire to be notified by registered mail at the place of residence or address given, of any proceedings had under this act affecting any lands of which they may be the owners, lessees, mortgagees or occupants; and the sending by registered mail of any notice or statement provided for under this act to said person or persons, firm or corporation at the place of residence or address given shall constitute a sufficient service under this act. It shall be the

Prosecuting attorney to prepare notice.

Service on residents and non-residents.

County auditor to keep record book.

Sheriff to
serve
notices.

duty of the sheriff to serve such notices for the prosecuting attorney, and to make returns of "not found" as to any non-resident, and to file the proof of service with the board of directors of such district. The prosecuting attorney shall mail any of such notices required to be mailed by this act. If the person named in said notice fails, refuses or neglects to cut down and destroy such noxious weeds according to the rules and regulations of the district, within ten days after the date of serving, mailing or posting said notices as in this act provided, the weed inspector shall personally or with such assistance as he may require, enter upon such lands and cause said noxious weeds to be destroyed with as little damage to growing crops as may be.

Weed
inspector
to destroy
weeds.

Expense
account
kept by
weed
inspector.

SEC. 12. The weed inspector shall keep an accurate account of expenses incurred by him in carrying out the provisions of this act with respect to each parcel of land entered upon, and the prosecuting attorney of the county shall cause to be served, mailed or posted in the same manner as provided in this act for giving notice to destroy noxious weeds, a statement of such expenses, including description of the land, verified by oath of the weed inspector to the owner, lessee, mortgagee, occupant or agent, or person having charge of said land, and coupled with such statement shall be a notice subscribed by said prosecuting attorney and naming a time and place when and where such matter will be brought before the board of directors of such district for hearing and determination, said statement or notice to be served, mailed or posted, as the case may be, at least ten days before the time for such hearing. At the time of such hearing, or at such time to which the same may be continued or adjourned by said directors, the board shall proceed to examine said claim, or testimony if offered, and shall make and enter an order upon the minutes of said meeting

Notice of
hearing on.

Board to
pass on
claim.

that said claim, or so much thereof as shall be deemed just and proper, shall be paid out of the fund for such weed district. Costs of serving, mailing and posting shall be added to any amount so found to be due and shall be collected at the same time and in the same manner as other charges under this act.

Costs of serving and mailing notice.

SEC. 13. At the time when the board of directors of such district authorize the payment of the claim for cutting said weeds as provided in section 12 of this act, it shall make an order that the amount so allowed and paid from such fund shall be a tax on the land on which said work was done after the expiration of ten days from the date of the entry of said order, unless an appeal be taken as in this act provided, in which event the same shall become a tax at the time the amount to be paid shall be determined by the court; and the county treasurer shall enter the same on the tax rolls against the land for the current year and collect it, together with penalty and interest, as other taxes are collected, and when so collected the same shall be paid into the fund for such weed district: *Provided*, That a failure to serve, mail or post any of the notices or statements provided for in this act, shall not invalidate said tax, but in case of such failure the lien of such tax shall be subordinate and inferior to the interests of any mortgagee to whom notice has not been given in accordance with the provisions of this act.

Cost of cutting weeds to be tax against lands.

Entered on tax rolls.

SEC. 14. Any interested party may appeal from the decision and order of the board of directors of such district to the superior court of the county in which such district is located, by serving written notice of appeal on the chairman of the board of directors and by filing in the office of the clerk of the superior court a copy of said notice of appeal with proof of service attached, together with a good and sufficient cost bond in the sum of two hundred

Appeals to superior court from decision of board.

Notice—cost bond.

Service of
notice.

dollars, said cost bond to run to such district and in all respects to comply with the laws relating to cost bonds required of non-resident plaintiffs in the superior court. Said notice must be served and filed within ten days from the date of the decision and order of such board of directors, and said bond must be filed within five days after the filing of such notice of appeal. Whenever notice of appeal and the cost bond as herein provided shall have been filed with the clerk of the superior court, the clerk shall notify the board of directors of such district thereof, and such board shall forthwith certify to said court all notices and records in said matters, together with proof of service, and a true copy of the order and decision pertaining thereto made by such board. If no appeal be perfected within ten days from the decision and order of such board, the same shall be deemed confirmed and the board shall certify the amount of such charges to the county treasurer who shall enter the same on the tax rolls against the land. When an appeal is perfected the matter shall be heard in the superior court *de novo* and the court's decision shall be conclusive on all persons served under this act: *Provided*, That an appeal may be taken to the supreme court from the order or decision of the superior court in the manner provided by existing laws, and upon the conclusion of such appeal, the amount of charges and costs adjudged to be paid shall be certified by the clerk of the superior court to the county treasurer and said treasurer shall proceed to enter the same on his rolls against the lands affected.

No appeal,
order
confirmed.

Appeals to
supreme
court.

Existing
weed
districts
re-organized
under act.

SEC. 15. Any weed district heretofore organized under any law of the State of Washington may become a weed district under the provisions of this act and entitled to exercise all the powers and subject to the limitations of a weed district organized under this act by the election of three directors for

such weed district which shall be done in the same manner as is provided in this act for the election of the first directors of a district organized under this act.

SEC. 16. That chapter 34 of the Session Laws of 1907, page 45; chapter 150 of the Laws of 1921, pages 563 to 568; chapter 60 of the Laws of 1911, pages 327 to 329, and chapter 106 of the Laws of 1913, pages 305 to 311, are hereby repealed.

Statutes
repealed.

Passed the House February 21, 1929.

Passed the Senate March 7, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 126.

[H. B. 147.]

PROPERTY SUBJECT TO TAXATIONS AND EXEMPTIONS.

AN ACT relating to exemption from taxation of property owned by veterans' organizations, and amending Section 7, Chapter 130 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 7 of chapter 130 of the laws of the Extraordinary Session of 1925, pages 230 to 234, be amended to read as follows:

Amends
§ 7, Chap.
130, Laws
Ex. Session
1925.

Section 7. All real and personal property now existing, or that shall be hereafter created or brought into this state, shall be subject to assessment and taxation for state, county and other taxing district purposes as provided by law, upon equalized valuations thereof, fixed with reference thereto on the first day of March at 12 o'clock meridian, in each and every year in which the same shall be listed, except as hereinafter provided.

All real
and personal
property
subject to
assessment
and taxation
as of
March 1.

The following property, to the extent herein limited, shall be exempt from taxation:

Exemptions.