

## CHAPTER 304.

[ S. B. 233. ]

## SOIL CONSERVATION.

AN Act relating to soil conservation; amending sections 3, 5, 6, 8, 9 and 15, chapter 187, Laws of 1939, section 3, chapter 216, Laws of 1951 and section 2, chapter 106, Laws of 1949 and RCW sections 89.08.020 through 89.08.070, 89.08.090 through 89.08.220 and 89.08.350 through 89.08.380 and repealing sections 9 through 12, chapter 187, Laws of 1939 and RCW 89.08.230 through 89.08.330.

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

SECTION 1. Section 3, chapter 187, Laws of 1939 and RCW 89.08.020 are each amended to read as follows: Amendment.

Unless the context clearly indicates otherwise, as used in this chapter: Definition of terms as herein used.

“Committee” and “conservation committee” mean the state soil conservation committee created hereunder; “Committee.”  
“Conservation committee.”

“District” means a soil conservation district created hereunder; “District.”

“Board” and “supervisors” mean the board of supervisors of a soil conservation district; “Board.”  
“Supervisors.”

“Land owner” or “owner of land” means the holder of legal or equitable title to land in a district; “Landowner.”  
“Owner of land.”

“Tenant” means person or persons who operate a farm under a lease, crop share or similar arrangement; “Tenant.”

“Due notice” means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice. “Due notice.”

Division and amendment.

SEC. 2. Section 3, chapter 216, Laws of 1951 (heretofore codified as RCW 89.08.030 through 89.08.070) is divided and amended as set forth in sections 3 through 7 of this act.

Soil conservation committee established.

SEC. 3. (RCW 89.08.030) There is hereby created as an agency of the state, the state soil conservation committee.

Committee membership; appointment and election to; qualification for; terms.

The committee shall consist of five farmer members and two ex officio members. The farmer members shall be actively engaged in commercial farming in this state. Two of the farmer members shall be appointed by the governor and three shall be elected as herein provided. The appointed farmer members shall serve for a term of four years. The appointments of the first farmer members after the effective date of this amendatory act shall be effective upon the expiration of the terms of the present appointed farmer members.

Elected members; terms.

The other three farmer members shall be elected for three-year terms, one being elected each year by the district supervisors at their annual statewide meeting. One of the members shall be from eastern Washington, one from central Washington and one from western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies filled.

Unexpired term vacancies in the office of appointed committee members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected committee members shall be filled by the vice president of the state association of soil conservation districts who serves the part of the state where the vacancy occurs, such term to continue only until

district supervisors can fill the unexpired term by electing the committee member.

The director of the department of conservation and development and the director of the institute of agricultural sciences at the State College of Washington shall be ex officio members of the committee. An ex officio member of the committee shall hold office so long as he retains the office by virtue of which he is a member of the committee.

Ex officio members of committee; terms.

Upon the effective date of this amendatory act, the officers and directors representing the soil conservation districts shall appoint one farmer member from each of the three respective areas of the state to serve on the committee until the next annual meeting of the district supervisors, at which time elections shall be held as provided for in this act.

Appointment of district farmer member.

SEC. 4. (RCW 89.08.040) The committee shall designate its chairman from time to time. Members shall receive no compensation, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties.

Enacted without amendment.

Per diem.

The committee shall keep a record of all its official actions, proceedings, resolutions, regulations, and orders, provide for an annual audit of its accounts, adopt a seal, which shall be judicially noticed, adopt and promulgate rules, hold public hearings, and do all things necessary to carry out its functions. The state department of conservation and development is empowered to pay the necessary travel expenses of the farmer members of the state soil conservation committee, and the salaries, wages and other expenses of such administrative officers or other employees as may be required under the provisions of this chapter.

Records of committee; committee duties.

State department of conservation and development empowered to pay necessary expenses.

SEC. 5. (RCW 89.08.050) The committee may employ an administrative officer, and such technical experts and such other agents and employees as it requires, and determine their qualifications, duties,

Enacted without amendment.

Personnel.

and compensation, and may call upon the attorney general for such legal services as it may require.

Delegation of power.

It may delegate to its chairman or to its members or employees such duties and powers as it deems proper. It shall provide for surety bonds for its officers and employees entrusted with funds or property.

Bonds.

Quorum.

A majority of the committee shall constitute a quorum, and a majority must concur in any matter calling for committee action.

Enacted without amendment.

SEC. 6. (RCW 89.08.060) The committee may request any state agency or state institution of learning to make studies, surveys, and reports on any matter relating to its functions, and may request that a member of the personnel of such agency or institution be assigned to it as assistant, and such requests shall be complied with so far as possible and practicable.

Requests of other state agencies or institutions.

Committee duties and responsibilities.

SEC. 7. (RCW 89.08.070) In addition to the duties and responsibilities hereinafter conferred upon the committee, it shall have the following duties and responsibilities:

(1) To offer such assistance as may be appropriate to the supervisors of soil conservation districts in the carrying out of any of their powers and programs.

(2) To keep the supervisors of each of the several soil conservation districts informed of the activities and experience of all other such districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(3) To coordinate the programs of the several soil conservation districts so far as this may be done by advice and consultation.

(4) To secure the cooperation of the United States and any of its agencies, and of agencies of this state in the work of such districts.

(5) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.

(6) The committee may upon the petition of a majority of the owners of land and tenants in any one or more conservation districts or the owners of land and tenants in unorganized territory adjoining a conservation district change the boundaries of a district or districts if such action will promote the practical and feasible administration of any such district or districts. The committee may also upon a similar petition change the name of a district provided the proposed new name is not identical with that of another district or so similar thereto that confusion might result.

SEC. 8. Section 5, chapter 187, Laws of 1939 (heretofore codified as RCW 89.08.090 through 89.08.180) is divided and amended as set forth in sections 9 through 18 of this act.

Division and amendment.

SEC. 9. (RCW 89.08.090) Within thirty days after a petition is filed, the committee shall give due notice of the time and place of a public hearing thereon. At the hearing all interested persons shall be heard.

Enacted without amendment.

Notice of hearing.

If it appears to the committee that additional land should be included in the district, the hearing shall be adjourned and a new notice given covering the entire area and a new date fixed for further hearing, unless waiver of notice by the owners of the additional land is filed with the committee.

Procedure—appears at hearing that additional land should be included in district.

No district shall include any portion of a railroad right of way, or another similar district. The lands included in a district need not be contiguous.

SEC. 10. (RCW 89.08.100) After the hearing, if the committee finds that the public health, safety, and welfare warrant the creation of the district, it shall enter an order to that effect and define the

Enacted without amendment.

Determining whether district is needed.

boundaries thereof by metes and bounds or by legal subdivisions.

Committee considerations in making its findings as to need.

In making its findings the committee shall consider the topography of the particular area and of the state generally; the composition of the soil; the distribution of erosion; the prevailing land use practices; the effects upon and benefits to the land proposed to be included; the relation of the area to existing watersheds and agricultural regions and to other similar districts organized or proposed; and consider such other physical, geographical, and economic factors as are relevant.

If the committee finds there is no need for the district, it shall enter an order denying the petition, and no petition covering the same or substantially the same area may be filed within six months thereafter.

Determining whether district is practicable.

SEC. 11. (RCW 89.08.110) If the committee finds that the district is needed, it shall then determine whether it is practicable. To assist the committee in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the landowners and tenants in the proposed district.

Vote on proposition.

The committee shall fix the date of the election, establish the voting precincts, designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. The election shall be conducted, the vote counted and returns canvassed and the results published by the committee in the same manner as is done in general county elections.

Election procedure.

Enacted without amendment.

SEC. 12. (RCW 89.08.120) The committee shall provide the ballots for the election which shall contain the words

Ballots; form of.

“ For creation of a soil conservation district of the lands below described and lying in the county or counties of \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_,” and

“ Against creation of a soil conservation district of the lands below described and lying in the county or counties of ....., ....., and .....” The ballot shall set forth the boundaries of the proposed district, and contain a direction to insert an X in the square of the voter's choice.

SEC. 13. (RCW 89.08.130) The committee shall give due notice of the election, which shall state generally the purpose of the election, the date thereof, the place and hours of voting, and set forth the boundaries of the proposed district.

Notice of election.

Only owners of land and tenants within the proposed district as determined by the committee may vote at the election. Each voter shall vote in the precinct of his residence. If he resides outside the district, he shall vote at the nearest polling place in the district.

Voters qualifications.

SEC. 14. (RCW 89.08.140) The committee shall bear all expense of giving the notices and conducting the hearings and election, and shall issue regulations governing all hearings and elections and supervise the conduct thereof. It shall provide for registration of eligible voters or prescribe the procedure to determine the eligible voters. No informality in connection with the election shall invalidate the results, if the notice thereof was substantially given, and the election fairly conducted.

Enacted without amendment.

Expenses of election; procedure of registration.

SEC. 15. (RCW 89.08.150) If a majority of the votes cast at the election are against the creation of the district, the committee shall deny the petition. If a majority favor the district, the committee shall determine the practicability of the project.

Enacted without amendment.

Procedure after voter's decision.

In making such determination, the committee shall consider the attitude of the landowners of the district; the number of eligible voters who voted at the election; the size of the majority vote; the wealth

Committee considerations in determining practicality.

and income of the landowners; the probable expense of carrying out the project; and any other economic factors relevant thereto.

If the committee finds that the project is impracticable it shall enter an order to that effect and deny the petition. When the petition has been denied, no new petition covering the same or substantially the same area may be filed within six months therefrom.

Limitation on filing new petition on same area.

Enacted without amendment.

Procedure when project found practicable.

Governing board of district.

SEC. 16. (RCW 89.08.160) If the committee finds the project practicable, it shall appoint two supervisors, who shall be qualified by training and experience to perform the specialized skilled services required of them. They, with the three elected supervisors, shall constitute the governing board of the district.

The two appointed supervisors shall file with the secretary of state a sworn application, reciting that a petition was filed with the committee for the creation of the district; that all required proceedings were had thereon; that they were appointed by the committee as such supervisors; and that the application is being filed to complete the organization of the district. It shall contain the names and residences of the applicants, a certified copy of their appointments, the name of the district, the location of the office of the supervisors and the term of office of each applicant.

Statement of committee; filed with sworn application; contents of.

The application shall be accompanied by a statement of the committee, reciting that a petition was filed, notice issued, and hearing held thereon as required; that it determined the need for the district and defined the boundaries thereof; that notice was given and an election held on the question of creating the district; that a majority vote favored the district, and that the committee had determined the district practicable; and shall set forth the boundaries of the district.

SEC. 17. (RCW 89.08.170) If the secretary of state finds that the name of the proposed district is such as will not be confused with that of any other district, he shall enter the application and statement in his records. If he finds the name may be confusing, he shall certify that fact to the committee, which shall submit a new name free from such objections, and he shall enter the application and statement as modified, in his records. Thereupon the district shall be considered organized into a body corporate.

Enacted without amendment.

Procedure of secretary of state on receipt of sworn application and statements of committee.

District considered body corporate.

The secretary of state shall then issue to the supervisors a certificate of organization of the district under the seal of the state, and shall record the certificate in his office. Proof of the issuance of the certificate shall be evidence of the establishment of the district, and a certified copy of the certificate shall be admissible as evidence and shall be proof of the filing and contents thereof. The name of a soil conservation district may be changed upon recommendation by the supervisors of a district and approval by the state soil conservation committee and the secretary of state. The new name shall be recorded by the secretary of state following the same general procedure as for the previous name.

Certificate of organization.

Changing name of soil conservation district.

SEC. 18. (RCW 89.08.180) Territory may be added to an existing district upon filing a like petition with the committee by owners and tenants of the lands to be included. The same proceedings shall be followed as on the petition for the creation of the district: *Provided*, That the committee may upon the petition of two-thirds of the owners of land in a part of any one or more soil conservation districts change the boundaries of said district or districts. In case of an election all owners of land and tenants in the area proposed to be annexed, shall be eligible to vote thereat.

Procedure to add territory to existing district.

Proviso.

Amendment.

SEC. 19. Section 6, chapter 187, Laws of 1939 and RCW 89.08.190 are each amended to read as follows:

Petitions to nominate candidates for three elected supervisors.

Within thirty days after the issuance of the certificate of organization, unless the time is extended by the committee, petitions may be filed with the committee to nominate candidates for the three elected supervisors. The petition shall be signed by not less than twenty-five district voters, and a voter may sign more than one petition.

Notice of election.

The committee shall give due notice of an election to elect the three supervisors. All provisions pertaining to elections on the creation of a district shall govern this election so far as applicable.

Election procedure.

The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors.

Determining elected supervisors.

Alternative method of election.

An alternate method of dividing the district into three zones may be used when requested by the board of supervisors and approved by the committee. In such case, instructions will be to vote for one in each zone. The candidate receiving the most votes in a zone shall be declared elected.

Division and amendment.

SEC. 20. Section 2, chapter 106, Laws of 1949 (heretofore codified as RCW 89.08.200 and 89.08.210) is divided and amended as set forth in sections 21 and 22 of this act.

Terms of office for supervisors.

SEC. 21. (RCW 89.08.200) The term of office of each supervisor shall be three years and until his successor is appointed or elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his successor is elected and qualified, except

that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state soil conservation committee. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

Vacancies in office filled.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Quorum.

Supervisors shall serve without compensation. A supervisor may be removed by the state soil conservation committee upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

No compensation. Removal from office.

The governing board shall designate a chairman from time to time.

Chairman.

SEC. 22. (RCW 89.08.210) The board may employ all necessary clerical and technical assistants, and determine the qualifications, duties, and compensation of its employees. It may call upon the attorney general for legal services, or may employ its own counsel and legal staff. It may delegate to its chairman or employees such powers and duties as it deems proper. It shall provide for the execution of surety bonds for the officers and employees entrusted with funds or property.

Enacted without amendment.

Powers and duties of board.

The board shall keep a record of all its proceedings, resolutions, rules, regulations, orders, and ordinances, which shall be open to public inspection and remain in the custody and control of its chairman. It shall provide for an annual audit of its accounts. It shall furnish the committee, upon request, copies of its rules, regulations, orders, docu-

ments and instruments used by it, and any other information concerning its activities.

The board may invite the legislative body of any municipality or county near or within the district, to designate a representative to advise and consult with it on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

Amendment.

SEC. 23. Sections 8 and 9, chapter 187, Laws of 1939 (heretofore combined and codified as RCW 89.08.220) are amended to read as follows:

Prohibition  
against levying  
taxes—issuing  
bonds.

(RCW 89.08.220) A district shall constitute a body corporate, exercising public powers, but shall not levy taxes or issue bonds.

A district may:

Powers of a  
district.

(1) Conduct, in cooperation with the state college and any state or federal agency, surveys relating to the character of soil erosion and control measures needed within the district; publish the results thereof; and disseminate the information concerning such measures;

(2) Conduct demonstrational projects within the district on lands controlled by any state agency in cooperation with such agency and on other lands within the district with the consent of the owner thereof, in order to demonstrate how soil and soil resources may be conserved and soil erosion prevented and controlled;

(3) Carry out preventative and control measures, such as engineering operations, methods of cultivation, growing of vegetation or changes in land use on land within the district, with the consent and cooperation of the person or agency owning it or in control thereof;

(4) Cooperate or enter into agreements with any agency or landowner or tenant and furnish financial or other aid in carrying on erosion control and preventative operations within the district, as the board

deems necessary to carry out the purposes of this chapter;

(5) Obtain options upon and acquire in any manner, except by condemnation, any property or rights therein necessary or proper to further the purposes for which it was created, and manage, lease, and dispose of such property for such purposes, and use the income therefrom for district purposes;

(6) Make available to landowners and tenants in the district, agricultural and engineering equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to conserve their soil resources and prevent and control soil erosion;

(7) Develop detailed comprehensive plans for the conservation of soil resources and prevention and control of soil erosion and publish such plans and spread the information thereon throughout the district;

(8) Acquire or lease and operate any soil conservation, erosion control, or prevention project in the district undertaken by any state or federal agency; act as agent for the agency in acquiring, constructing, or operating the project; and accept contributions from the agency and use them to carry out its operations;

(9) Cooperate with other districts organized under this chapter in the exercise of any of its powers;

(10) Construct, improve, and maintain structures necessary or convenient for its purposes; and

(11) Sue and be sued in its name; adopt a seal; have perpetual existence, subject to termination provided herein; execute all instruments necessary for its purposes; and make and amend rules to carry out its purposes.

SEC. 24. Section 15, chapter 187, Laws of 1939 (heretofore codified as RCW 89.08.350 through

**Division and  
amendment.**

89.08.380) is divided and amended as set forth in sections 25 through 28 of this act.

Petition to dissolve district; committee procedure upon receipt of petition.

SEC. 25. (RCW 89.08.350) At any time after five years from the organization of a district, fifteen owners and tenants of land in the district may file with the committee a petition, praying that the district be dissolved. The committee may hold public hearings thereon, and within sixty days from receipt of the petition, shall give due notice of an election on the question of dissolution. It shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the same manner as for elections to create a district.

All owners and tenants of land in the district may vote at the election. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted.

Enacted without amendment.

Dissolving district or determination whether continuance of district is practicable.

SEC. 26. (RCW 89.08.360) If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. If two-thirds of the votes are against dissolution, the committee shall determine whether the continuance of the district is practicable. In making the determination it shall consider all the factors considered by it in determining that the district was practicable originally. If it finds that further operation of the district is impracticable it shall order it dissolved and certify its determination to the supervisors.

Enacted without amendment.

Termination of affairs of district.

SEC. 27. (RCW 89.08.370) If the district is ordered dissolved, the supervisors shall forthwith terminate the affairs of the district and dispose of all district property at public auction, and pay the proceeds therefrom to the state treasurer.

Verified application for dissolution of district.

They shall then file a verified application with the secretary of state for the dissolution of the district, accompanied by a certificate of the committee reciting the determination that further operation of the district is impracticable. The application

shall recite that the property of the district has been disposed of, that the proceeds therefrom have been paid to the treasurer, and contain a full accounting of the property and proceeds. Thereupon the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his records.

Certificate of dissolution.

SEC. 28. (RCW 89.08.380) A dissolution of a district shall not affect any contracts or obligations of the district. Upon the issuance of the certificate of dissolution, the committee shall be substituted for the supervisors and it shall assume all the duties, liabilities, and powers of the supervisors.

Enacted without amendment.

When a petition for the dissolution of a district is rejected, no new petition may be filed for a period of five years.

SEC. 29. Sections 9 through 12, chapter 187, Laws of 1939 and RCW 89.08.230 through 89.08.330 are each repealed.

Repeal.

Passed the Senate February 22, 1955.

Passed the House March 5, 1955.

Approved by the Governor March 21, 1955.

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## CHAPTER 305.

[ S. B. 244. ]

### PSYCHOLOGISTS.

AN ACT relating to psychologists; providing for their certification; creating an examining board and giving it certain powers and duties; and defining crimes and providing penalties.

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

SECTION 1. When used in this act:

- (1) "Director" means director of licenses;
- (2) "Board" means the examining board created by this act.

"Director" defined.  
"Board" defined.