

ever the maximum term of imprisonment for which any such person was committed is about to expire or has expired, and such person has not otherwise had his civil rights restored, the governor shall have the power, in his discretion, to restore to such person his civil rights in the manner as in this chapter provided.

Passed the Senate February 28, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 188.

[S. B. 46.]

AIR POLLUTION CONTROL.

AN ACT relating to air pollution control; providing penalties; making an appropriation, and adding nine new sections to chapter 232, Laws of 1957 and to chapter 70.94 RCW.

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

New section.

SECTION 1. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

State air pollution control board. Established—Members.

There is established in the department of health a state air pollution control board, hereinafter called the "state board", consisting of nine members to be appointed as follows: The state director of health shall be an ex officio member with vote and shall act as chairman of the state board; one member to be appointed by the governor who shall be representative of the public; one member to be alternately appointed by the governor from the faculty of the University of Washington or Washington State University, with the advice of the president thereof; one member to be appointed by the governor who shall be representative of the majority of workmen and selected from a list of names submitted to the governor by an organization, statewide in scope,

which through its affiliates embraces a cross-section and a majority of labor in the state; two members to be appointed by the governor, one each from a list of three names submitted by the association of Washington cities and the association of county commissioners; one agricultural representative to be appointed by the governor from a list of three names submitted by the director of agriculture, no two of which shall be from the same farm organization; two members to be appointed by the governor from a list of six names submitted by a recognized state-wide organization of industry representing a majority of the industries in this state most concerned with the problems of air pollution, no two appointees to be from the same general industrial category. The state board may employ an executive secretary who shall be selected from the staff of the state department of health.

Executive
secretary.

The original terms of office of members of the state board hereunder shall commence on July 1, 1961, and each appointed member shall serve for a term of four years and until his successor shall have been appointed, except, that the first terms of office of the members first appointed hereunder shall be as follows: Two members shall serve for four years; two members shall serve for three years; two members shall serve for two years; and two members shall serve for one year; the determination of which members shall serve for which original terms shall be by lot taken at the first meeting of the board.

Terms of
members.

Five members of the state board shall constitute a quorum and the affirmative vote of a majority of the board shall be necessary for any action taken by the board. No vacancy in the membership of the state board shall impair the right of the quorum to exercise all rights and perform all the duties of the board. If a vacancy shall occur by death, resignation or otherwise of those appointed to the state

Quorum.

Vacancies,
how filled.

board, the governor shall fill the same for the unexpired term in the same manner as the original appointment.

New section. SEC. 2. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Meetings of board. As soon as practicable following appointment of the members of the state board, the director of health shall call a meeting of such board and thereafter the board shall meet periodically upon call of the chairman or upon call of a majority of the board, but not less than once in each three-month period.

New section. SEC. 3. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Board members' expenses paid. Members of the state board shall serve without compensation other than reimbursement for their actual and necessary expenses while attending meetings of the board and for such other expenses incurred in the performance of their duties as approved by a majority of the board.

New section. SEC. 4. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Director of health—Air pollution control duties. The director of health with the approval of the state board shall:

(1) Conduct research, investigations, tests and surveys to determine the existence and extent of air pollution conditions in areas of the state of Washington;

(2) Relate proportions of emissions from sources such as: Transportation; residential heating, incinerators and burning; agriculture; governmental buildings, installations and operations; and, institutional, industrial and commercial operations and installations;

(3) Formulate and recommend standards of ambient air quality for various components which would constitute either a health hazard, economic damage or a nuisance condition;

(4) Delineate natural air basins in which the component concentrations found from above indicate an air pollution problem when related to the considerations set forth in subsection 6 hereof;

(5) Recommend standards for uniform control based upon known, available and reasonable methods of correction;

(6) Relate all recommendations to the following considerations:

(a) The character and degree of injury to, or interference with safety, health or the reasonable use of property which is caused or threatened to be caused;

(b) The social and economic value of the activity involved;

(c) The suitability or unsuitability of such activity to the area in which it is located;

(d) The practicability, both scientific and economic, of reducing or eliminating the discharge from such activity.

SEC. 5. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows: New section.

The state director of health shall prepare quarterly reports over his signature, with the approval of the members of the state board. Such reports shall be distributed to the legislative council and interested parties including the affected units of local government. When deemed necessary as the result of a test or survey, the director with the approval of the state board may transmit copies of special studies and recommendations to affected governmental entities.

Director of health—Duties include reports.

New section.

SEC. 6. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Director of health— Authorized to hire personnel.

The director of health is authorized to contract for or otherwise agree to the use of personnel of municipal corporations or other agencies or private persons; and the director of health is further authorized to reimburse such municipal corporations or agencies for the employment of such personnel. Due to the interim nature of the program established under this act, merit system regulations or standards for the employment of personnel may be waived for personnel engaged in carrying out the functions of this act.

New section.

SEC. 7. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Right of entry under act.

For the purpose of carrying out the provisions of this act, the director of health, the state board or their agents shall have the power to enter at reasonable times upon any private or public property. The results of any investigations shall be confidential and shall not be disclosed without the written permission of affected parties.

New section.

SEC. 8. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Construction of act—Not limiting in nature.

No provision of this act or any recommendation of the state board or of any local or regional air pollution program is a limitation:

(1) On the power of a city, town, county or district to exercise powers granted under chapter 70.94 RCW or to adopt standards other than those recommended by the board.

(2) On the power of any city, town or county to declare, prohibit and abate nuisances.

(3) On the power of the director of health to provide for the protection of the public health under

any authority presently vested in that office or which may be hereafter prescribed by law.

(4) On the power of a state agency in the enforcement, or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(5) On the right of any person to maintain at any time any appropriate action for relief against any air pollution.

SEC. 9. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

The wilful violation by an person of any provision of chapter 70.94 RCW, or of any rule, regulation, or order issued in pursuance thereof, shall constitute a gross misdemeanor.

Violation,
GROSS
misdemeanor.

SEC. 10. If any section, subsection or clause of this act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, subsection, sentence or clause hereof not adjudged unconstitutional.

Severability.

Passed the Senate March 3, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 189.

[S. B. 57.]

FALSE, DECEPTIVE, MISLEADING ADVERTISING.

AN ACT relating to and prohibiting false, deceptive and misleading advertising, and providing for enforcement thereof.

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

SECTION 1. It shall be unlawful for any person to publish, disseminate or display, or cause directly or indirectly, to be published, disseminated or displayed in any manner or by an means, including solicita-

False, de-
ceptive or
misleading
advertising
unlawful.