

Short title. SEC. 33. This act may be cited as the Washington pesticide application act.

General penalty. SEC. 34. Any person who shall violate any provisions or requirements of this act or rules adopted hereunder shall be deemed guilty of a misdemeanor.

Severability. SEC. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Repeal. SEC. 36. Section 2, chapter 120, Laws of 1945 as last amended by sections 1, 2, 3 and 4, chapter 261, Laws of 1953 and RCW 17.20.010 through 17.20.040, sections 3 and 4, chapter 120, Laws of 1945 and RCW 17.20.050 and 17.20.060 and section 5, chapter 61, Laws of 1951 and RCW 17.20.070 are each repealed.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 250.

[H. B. 314.]

WEED DISTRICTS.

AN ACT relating to weed districts; providing procedures and penalties; amending sections 1 and 11, chapter 125, Laws of 1929 as amended by sections 1 and 2, chapter 193, Laws of 1937 and RCW 17.04.010 and 17.04.200; amending sections 4, 8, 9, 10, 12, and 13, chapter 125, Laws of 1929 and RCW 17.04.070, 17.04.150, 17.04.180, 17.04.190, 17.04.210, and 17.04.220; amending section 4, chapter 13, Laws of 1957 and RCW 17.04.260; adding a new section to chapter 125, Laws of 1929 and to chapter 17.04 RCW; and providing a penalty.

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

RCW 17.04.010 amended.

SECTION 1. Section 1, chapter 125, Laws of 1929, as amended by section 1, chapter 193, Laws of 1937

and RCW 17.04.010 are each amended to read as follows:

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 agricultural experiment station of Washington state university as noxious weeds, or plants detrimental to or destructive of crops, 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 districts, or which lie adjacent to such cultivated or farming lands and which are infested, or which may reasonably be expected to become 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 percent of which is cultivated or farming land, shall be considered cultivated and farming land within the meaning of this chapter.

Weed districts.
Authorized—
Area and
boundaries.

SEC. 2. Section 4, chapter 125, Laws of 1929, and RCW 17.04.070 are each amended to read as follows:

RCW 17.04.070
amended.

Meetings—
 Qualifications
 of electors and
 directors—
 Elections—
 Officers—
 Bonds—Terms
 of office—
 Vacancies—
 Rules and
 regulations.

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 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 affirmation, 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 Monday of March following his election.

Annually thereafter, there shall be held a meeting of the electors of such district on the last Monday in February, except that the directors may, by giving the same notice as is required for the initial meeting, fix an earlier time for the annual meeting

on any nonholiday during the months of December, January or 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 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. In conducting directors' elections, the chairman may accept nominations from the floor but voting shall not be limited to those nominated.

All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified. 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. The qualified electors of any weed district, at any annual meeting, may make other weeds that are not on the petition subject to control by the weed district by a two-thirds vote of the electors present: *Provided*, That said weeds have been classified by the agricultural experiment station of Washington state university as noxious and: *Provided further*, That the directors of the weed district give public notice in the manner required for initial meetings of the proposed new control of said weeds by the weed district.

SEC. 3. Section 9, chapter 125, Laws of 1929 and RCW 17.04.150 are each amended to read as follows:

RCW 17.04.150
amended.

The board of directors of such weed district shall have power:

Powers—Weed
inspector.

(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 or salary for the time employed in the discharge of his duties as the directors shall determine.

SEC. 4. Section 8, chapter 125, Laws of 1929 and RCW 17.04.180 are each amended to read as follows:

RCW 17.04.180
amended.

County and
state lands.

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, or if the land is under use as state highway right of way, to the director of highways, 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, or the director of highways, as the case may be, shall cause a proper record to be made in their respective 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 percent per annum on the amount of such charges, and without penalties.

RCW 17.04.190
amended.

SEC. 5. Section 10, chapter 125, Laws of 1929 and RCW 17.04.190 are each amended to read as follows:

Duties of weed
inspector.

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 or mail 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 thereof to nonresident land owners or shall deposit a copy of the same in the United States post office in an envelope with postage prepaid thereon 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.

SEC. 6. Section 11, chapter 125, Laws of 1929 as amended by section 2, chapter 193, Laws of 1937 and RCW 17.04.200 are each amended to read as follows:

RCW 17.04.200 amended.

(1) 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, the weed inspector shall give forthwith a notice in writing, on a form to be prescribed by the directors,

Violation of rules and regulations—
Notice to destroy weeds—
—Destruction.

to the owners, tenants, mortgagees, and occupants, or to the accredited resident agent of any nonresident owner of such lands within the district whereon noxious weeds are standing, being or growing and in danger of going to seed, requiring him to cause the same to be cut down, otherwise destroyed or eradicated on such lands in the manner and within the time specified in the notice, such time, however, not to exceed seven days. It shall be the duty of the county auditor and county treasurer to make available to the weed inspector lists of owners, tenants, and mortgagees of lands within such district;

(2) If a resident agent of any nonresident owner of lands where noxious weeds are found standing, being or growing cannot be found, the local weed inspector shall post said notice in the form provided by the directors in three conspicuous places on said land, and in addition to posting said notice the local weed inspector shall, at the same time mail a copy thereof by registered or certified mail with return receipt requested to the owner of such nonresident lands, if his post office address is known or can be ascertained by said inspector from the last tax list in the county treasurer's office, and it shall be the duty of the treasurer to furnish such lists upon request by the weed inspector. Proof of such serving, posting and mailing of notice by the weed inspector shall be made by affidavit forthwith filed in the office of the county auditor and it shall be the duty of the county auditor to accept and file such affidavits;

(3) If the weeds are not cut down, otherwise destroyed or eradicated within the time specified in said notice, the local weed inspector shall personally, or with such help as he may require, cause the same to be cut down or otherwise destroyed in the manner specified in said notice.

SEC. 7. Section 12, chapter 125, Laws of 1929 and RCW 17.04.210 are each amended to read as follows:

The weed inspector shall keep an accurate account of expenses incurred by him in carrying out the provisions of this chapter with respect to each parcel of land entered upon, and the prosecuting attorney of the county or the attorney for the weed district shall cause to be served, mailed or posted in the same manner as provided in this chapter 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 or attorney for the weed district 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.

Statement of expense.

SEC. 8. Section 13, chapter 125, Laws of 1929 and RCW 17.04.220 are each amended to read as follows:

At the time of such hearing as provided in RCW 17.04.210, or at such time to which the same may be continued or adjourned, the board of directors shall proceed to examine expenses incurred by the weed inspector in controlling weeds on the parcel of land in question, and shall hear such testimony of such other persons who may have legal interest in the proceedings, and shall enter an order upon its minutes as to what amount, if any, is properly chargeable against the lands for weed control. Cost of serving, mailing and posting shall be added to any amount so found to be due and shall be considered part of the cost of weed control on the land in question. The amount so charged by the directors

RCW 17.04.220 amended.

Hearing—Expense as tax on land—Effect of failure to serve notice provided herein.

shall be a tax on the land on which said work was done after the expiration of ten days from the date of entry of said order, unless an appeal be taken as in this chapter 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 chapter, 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 chapter.

RCW 17.04.260 amended.

SEC. 9. Section 4, chapter 13, Laws of 1957 and RCW 17.04.260 are each amended to read as follows:

Limit of indebtedness.

No weed district shall contract any obligation in any year in excess of the total of the funds which will be available during the current year from the tax levy made in the preceding year and funds accumulated from previous years.

New section.

SEC. 10. There is added to chapter 125, Laws of 1929, as amended, and to chapter 17.04 RCW, a new section to read as follows:

Right of entry
—Interference
with, misde-
meanor.

All weed district directors, all weed inspectors, and all official agents of all weed districts, in the performance of their official duties, have the right to enter and go upon any of the lands within their weed district at any reasonable time for any reason necessary to effectuate the purposes of the weed district. Any person who prevents or threatens to prevent any lawful agent of the weed district, after said agent identifies himself and the purpose for which he is going upon the land, from entering or

going upon the land within said weed district at a reasonable time and for a lawful purpose of the weed district, is guilty of a misdemeanor.

Passed the House February 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 251.

[H. B. 326.]

STATE RESIDENTIAL SCHOOLS—TRAINING CENTER AGREEMENTS.

AN ACT relating to mentally or physically deficient persons; authorizing the director of institutions to enter into agreements for the payment of all, or a part of, the cost of the care, maintenance, support and training of mentally or physically deficient persons, accepted for admission to state residential schools, in day training centers or group training homes or a combination thereof which have been approved by the department; authorizing payments to be made by the department not in excess of one hundred dollars per month to supplement payment by parents or guardians of mentally or physically deficient persons; providing authorization to make rules and regulations for such supplementary payments and granting, denying or revoking certification of day training centers or group training homes or combinations thereof; authorizing determination of type and extent of care and training and payments therefor; defining terms and adding four new sections to chapter 28, Laws of 1959 and to chapter 72.33 RCW; and providing for the expiration of the act on July 1, 1963.

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

SECTION 1. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

New section.

The director of the department of institutions is hereby authorized to enter into agreements with any person, corporation or association operating a day training center or group training home or a combination thereof approved by the department

Contracts for care of persons admitted to state residential schools. Authorized.