

## CHAPTER 415

[Substitute House Bill No. 843]

## LIVESTOCK

AN ACT Relating to livestock; amending RCW 16.36.030, 16.36.060, 16.36.090, 16.36.096, 16.49.440, 16.49.510, 16.49.610, 16.57.240, 16.65.080, 16.65.320, 16.08.010, 16.13.010, 16.13.020, 16.13.070, 16.20.020, 16.24.065, 16.28.165, 16.60.010, 16.60.011, 16.04.025, 16.04.050, and 16.60.015; adding new sections to chapter 16.49 RCW; creating a new section; repealing RCW 16.49A.490, 16.49A.500, 16.49A.510, 16.36.095, 16.40.010, 16.40.060, 16.40.110, 16.40.120, and 16.40.130; and prescribing penalties.

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

Sec. 1. Section 3, chapter 165, Laws of 1927 as last amended by section 9, chapter 154, Laws of 1979 and RCW 16.36.030 are each amended to read as follows:

It shall be unlawful for the owner or owners of any animal quarantined, or their agents or employees, to fail to place the quarantined animals within the certain described and designated enclosure or area within this state, to break such quarantine or to move, or allow to be moved, any such animal from within the quarantined area, or across the quarantined line, as established, or to sell, exchange or in any other way part with the products of such animals, without first obtaining a permit in writing from the director of agriculture, or his duly authorized representative. Any owner or owners of any quarantined animal or any agent of such owner or owners, who fails to comply with or violates any such quarantine or who negligently allows any such quarantined animal to escape from quarantine, and any other person who removes any quarantined animal from such quarantine shall be guilty of a gross misdemeanor.

Sec. 2. Section 6, chapter 165, Laws of 1927 as last amended by section 12, chapter 154, Laws of 1979 and RCW 16.36.060 are each amended to read as follows:

It shall be unlawful for any person to wilfully hinder, obstruct, or resist the director of agriculture or any duly authorized representative, or any peace officer acting under him or them, when engaged in the performance of the duties or in the exercise of the powers conferred by this chapter, and it shall be unlawful for any person to wilfully fail to comply with or violate any rule, regulation or order promulgated by the director of agriculture or his duly authorized representatives under the provisions of this chapter. The director of agriculture shall have the authority under such rules and regulations as shall be promulgated by him to enter at any reasonable time the premises of any livestock owner to make tests on any animals for diseased conditions, and it shall be unlawful for any person to interfere with such tests in any manner, or to violate any segregation or identification order made in connection with such tests by the director of agriculture, or his duly authorized representative.

Sec. 3. Section 9, chapter 165, Laws of 1927 as last amended by section 13, chapter 154, Laws of 1979 and RCW 16.36.090 are each amended to read as follows:

Whenever in the opinion of the director of agriculture, upon the report of the ~~((supervisor or a duly appointed and qualified veterinarian of the division of animal industry))~~ state veterinarian, the public welfare demands the destruction of any animal found to be affected with any infectious, contagious, communicable or dangerous disease, or held under quarantine for brucellosis when the owner of the animal fails or refuses to follow a herd plan established by the state veterinarian, he shall be authorized to, by written order, direct such animal or animals to be destroyed by or under the direction of the ~~((supervisor or a duly appointed and qualified veterinarian of the division of animal industry))~~ state veterinarian.

Sec. 4. Section 1, chapter 8, Laws of 1963 ex. sess. and RCW 16.36-.096 are each amended to read as follows:

The director of agriculture, in order to protect the public health and welfare, may enter into cooperative programs with the federal government or agencies thereof for the prevention or eradication of any contagious, infectious, or communicable disease which is affecting or which may affect the health of the animal population of this state.

The director of agriculture ~~((, upon entering into such cooperative programs for the prevention or eradication of such a disease;))~~ may also order the slaughter or destruction of any animal affected with or exposed to such a disease and pay indemnities to the owner of such animal. ~~((The payment of indemnities provided for in this section shall be applicable only to animals condemned or slaughtered pursuant to the provisions of this section and shall not be applicable when the director of agriculture orders the condemnation and slaughter of any animal under any other provision of this chapter or any other law of the state;))~~ The director of agriculture may pay an indemnity in an amount not to exceed fifty percent of the appraised or salvage value of the animal ordered slaughtered or destroyed and ~~((such))~~ the actual amount shall ~~((not exceed one hundred dollars, less any salvage value accruing to the owner of the animal slaughtered or destroyed. PROVIDED, That the provisions of this section shall be applicable only when the cooperating agency agrees to pay an amount equal to the amount the director of agriculture has ordered paid to such owner or any amount in excess of such amount up to at least fifty percent of the difference between the appraised value of the animal ordered destroyed or slaughtered and any amount received by the owner of such animal as salvage))~~ be established by the director of agriculture by rule: PROVIDED, HOWEVER, The amount of indemnities paid for cattle under this chapter shall not be less than twenty-five dollars for any grade beef breed female, fifty dollars for any purebred registered beef breed bull or female, one hundred dollars for any

grade dairy breed female or one hundred fifty dollars for any purebred registered dairy breed bull or female.

In ordering the slaughter or destruction of any animals pursuant to this section, the provisions for payment of indemnity shall not apply to animals (1) belonging to the federal government or any of its agencies, this state or political subdivision thereof, or any municipal corporation; and (2) to any animals which have been brought into this state and have been in this state for a period of less than six months before being ordered slaughtered or destroyed by the director of agriculture.

Sec. 5. Section 44, chapter 204, Laws of 1959 and RCW 16.49.440 are each amended to read as follows:

~~((Any person slaughtering meat food animals as a custom farm slaughterer in this state shall apply to the director in writing for a custom slaughterer's license and such application shall be accompanied by a twenty-five dollar annual license fee and such license shall expire on December 31st of any year. Such))~~ It shall be unlawful for any person, firm, or corporation to act as a custom farm slaughterer without first obtaining a license from the director of agriculture. The license shall be an annual license and shall expire on June 30th of each year. A separate license shall be required for each mobile unit. Application for a license shall be a form prescribed by the director of agriculture and accompanied by a twenty-five dollar annual license fee. The application shall include the full name and address of the applicant. If the applicant is a partnership or corporation, the application shall include the full name and address of each partner or officer. The application shall further state the principal business address of the applicant in the state or elsewhere and the name of a resident of this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director of agriculture. The license shall be issued by the director upon his satisfaction that ((such)) the applicant's equipment is properly constructed, has the proper sanitary and mechanical equipment and is maintained in a sanitary manner as required under this chapter and/or rules ((and regulations)) adopted hereunder. The director of agriculture shall also provide for the periodic inspection of equipment used by licensees to assure compliance with the provisions of this chapter and the rules adopted hereunder.

Sec. 6. Section 51, chapter 204, Laws of 1959 and RCW 16.49.510 are each amended to read as follows:

The violation of any provision of this chapter and/or rules and regulations adopted hereunder shall constitute a gross misdemeanor.

Sec. 7. Section 3, chapter 98, Laws of 1971 ex. sess. and RCW 16.49-.610 are each amended to read as follows:

Inspected and uninspected meat may be prepared by any regularly licensed custom meat facility under the following conditions:

(1) Inspected meat and the meat and meat food products prepared therefrom shall be separated at all times from uninspected meat and the meat food products prepared therefrom, by a sufficient distance to prevent inspected meat from coming into contact with uninspected meat.

(2) Preparation of inspected meat and uninspected meat shall be done at different times.

(3) No sales of inspected meat, nor the meat food products derived therefrom shall be made to any person other than a household user.

(4) Uninspected meat shall be prepared for the sole use of the owner of said uninspected meat, who shall be a household user.

(5) Inspected meat may be purchased by a custom meat facility for preparation and sale to a household user only.

(6) Inspected meat (~~(which has been prepared by a custom meat facility)~~) and the meat and meat food products prepared therefrom shall not be sold in less than one full quarter or one side of a meat food animal.

(7) Uninspected meat, as well as the packages and containers containing any meat or meat food products prepared therefrom shall be plainly marked and labeled "not for sale" or equivalent language.

(8) Any custom meat facility shall comply with sanitation rules and regulations promulgated by the director of agriculture.

Sec. 8. Section 24, chapter 54, Laws of 1959 as amended by section 18, chapter 296, Laws of 1981 and RCW 16.57.240 are each amended to read as follows:

Any person purchasing, selling, holding for sale, trading, bartering, transferring title, slaughtering, handling, or transporting cattle shall keep a record on forms prescribed by the director. Such forms shall show the number, specie, brand or other method of identification of such cattle and any other necessary information required by the director. Such records shall be made in triplicate; the original shall be (~~forwarded to the director forthwith~~) kept for a period of three years and shall be furnished to the director upon demand, one copy shall accompany the cattle to their destination and one copy shall be kept by the person handling the transaction for a period of at least twelve months following the transaction and shall be subject to inspection at any time by the director or any peace officer or member of the state patrol: PROVIDED, That in the following instances only, cattle may be moved or transported within this state without being accompanied by a certificate of permit or an official brand inspection certificate or bill of sale:

(1) When such cattle are moved or transported upon lands under the exclusive control of the person moving or transporting such cattle;

(2) When such cattle are being moved or transported for temporary grazing or feeding purposes and have the registered brand of the person having or transporting such cattle.

Sec. 9. Section 8, chapter 107, Laws of 1959 as last amended by section 2, chapter 192, Laws of 1971 ex. sess. and RCW 16.65.080 are each amended to read as follows:

(1) The director is authorized to deny, suspend, or revoke a license in the manner prescribed herein, when there are findings by the director that any licensee (a) has been guilty of fraud or misrepresentation as to titles, charges, numbers, brands, weights, proceeds of sale, or ownership of livestock; (b) has attempted payment to a consignor by a check the licensee knows not to be backed by sufficient funds to cover such check; (c) has violated any of the provisions of this chapter or rules and regulations adopted hereunder; ~~((c))~~ (d) has violated any laws of the state that require health or brand inspection of livestock; ~~((d))~~ (e) has violated any condition of the bond, as provided in this chapter. However, the director may deny a license if the applicant refuses to accept the sales day or days allocated to him under the provisions of this chapter.

(2) In all proceedings for revocation, suspension, or denial of a license the licensee or applicant shall be given an opportunity to be heard in regard to such revocation, suspension or denial of a license. The director shall give the licensee or applicant twenty days' notice in writing and such notice shall specify the charges or reasons for such revocation, suspension or denial. The notice shall also state the date, time and place where such hearing is to be held. Such hearings shall be held in the city where the licensee has his principal place of business, or where the applicant resides, unless some other place be agreed upon by the parties, and the defendant may be represented by counsel.

(3) The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books or documents anywhere in the state. The applicant or licensee shall have opportunity to be heard, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be recorded, and may be taken by deposition under such rules as the director may prescribe.

(4) The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in his office, together with a record of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

Sec. 10. Section 32, chapter 107, Laws of 1959 and RCW 16.65.320 are each amended to read as follows:

For the purpose of enforcing the provisions of this chapter, the director ~~((is authorized to receive verified complaints from))~~ on the director's own motion or upon the verified complaint of any vendor or consignor against any licensee, or agent, or any person assuming or attempting to act as such, ~~((and upon receipt of such verified complaint))~~ shall have full authority to

make any and all necessary investigations (~~(relative to such complaint)~~). The director is empowered to administer oaths of verification of such complaints.

NEW SECTION. Sec. 11. A new section is added to chapter 16.49 RCW to read as follows:

If the application for the renewal of any license provided for under this chapter is not filed prior to July 1st in any year, an additional fee of twenty-five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued; PROVIDED, That the additional fee shall not be charged if the applicant furnishes an affidavit certifying that the applicant has not carried on the activity for which the applicant was licensed under this chapter subsequent to the expiration of the applicant's license.

NEW SECTION. Sec. 12. A new section is added to chapter 16.49 RCW to read as follows:

The director of agriculture may, subsequent to a hearing under chapter 34.04 RCW, deny, suspend, or revoke any license required under this chapter if it is determined that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this chapter, the rules and regulations adopted hereunder, or any lawful order of the department of agriculture;

(2) Refused, neglected, or failed to keep and maintain records required by this chapter, or to make the records available when requested under this chapter; or

(3) Refused the director of agriculture access to any facilities or parts of the facilities subject to this chapter.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 49, chapter 145, Laws of 1969 ex. sess., section 1, chapter 18, Laws of 1974 ex. sess. and RCW 16.49A.490;

(2) Section 50, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A-.500;

(3) Section 51, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A-.510;

(4) Section 2, chapter 160, Laws of 1957, section 14, chapter 154, Laws of 1979, section 23, chapter 3, Laws of 1983 and RCW 16.36.095;

(5) Section 11, chapter 165, Laws of 1927, section 1, chapter 210, Laws of 1929, section 9, chapter 172, Laws of 1947, section 1, chapter 161, Laws of 1959, section 15, chapter 154, Laws of 1979 and RCW 16.40.010;

(6) Section 12, chapter 165, Laws of 1927, section 1, chapter 146, Laws of 1937, section 1, chapter 196, Laws of 1939, section 10, chapter

172, Laws of 1947, section 16, chapter 154, Laws of 1979, section 9, chapter 238, Laws of 1979 ex. sess. and RCW 16.40.060;

(7) Section 2, chapter 146, Laws of 1937 and RCW 16.40.110;

(8) Section 15, chapter 165, Laws of 1927, section 2, chapter 177, Laws of 1933, section 11, chapter 172, Laws of 1947 and RCW 16.40.120; and

(9) Section 6, chapter 22, Laws of 1957 and RCW 16.40.130.

Sec. 14. Section 5, chapter 198, Laws of 1929 and RCW 16.08.010 are each amended to read as follows:

The owner or keeper of any dog shall be liable to the owner of any animal killed or injured by such dog for the amount of damages sustained and costs of collection, to be recovered in a civil action(~~(: PROVIDED, That in case the owner or keeper of such dog or dogs is unknown or the damages can not be collected, the person suffering damages may present a claim for such damages to a justice of the peace of the county in which he resides within not more than forty days after any such animal or animals are killed or injured and make affidavit, stating the number of such animals killed or injured, the amount of the damages and the name of the owner of the dog or dogs, if known. The damages shall be proven by not less than two witnesses who shall be freeholders of the county. Justices of the peace are hereby required to administer oaths in such cases and shall issue and file with the county treasurer a certificate stating the amount of damages sustained. Such damages allowed in no event shall exceed the following amounts:~~

~~UNREGISTERED ANIMALS OR UNACCREDITED POULTRY:~~

	Per Head
For sheep or goats killed or injured .....	\$ 12.50
For cattle killed or injured .....	50.00
For horses or mules killed or injured .....	75.00
For turkeys killed or injured .....	4.00
For other poultry killed or injured .....	1.50
For swine killed or injured .....	12.50
For rabbits killed or injured .....	1.50

~~REGISTERED ANIMALS OR ACCREDITED POULTRY:~~

	Per Head
For sheep or goats killed or injured .....	\$ 25.00
For cattle killed or injured .....	100.00
For horses or mules killed or injured .....	150.00
For turkeys killed or injured .....	8.00
For other poultry killed or injured .....	3.00
For swine killed or injured .....	25.00
For rabbits killed or injured .....	3.00

~~Upon the filing with the county treasurer of the certificate of the justice of the peace fixing the damages as above provided, the treasurer shall pay to the claimant out of the county dog license tax fund the amount of damages sustained as certified by the justice of the peace).~~

Sec. 15. Section 1, chapter 31, Laws of 1951 as amended by section 13, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.010 are each amended to read as follows:

It shall be unlawful for the owner of any horses, mules, donkeys, or cattle of any age to permit such animals to run at large and not under the care of a herder(~~(- PROVIDED, That))~~ in any territory which has been designated as a stock restricted area under chapter 16.24 RCW. Such animals may only run at large upon lands belonging to the state or to the United States when the owner thereof has in writing been granted grazing privileges(, and has filed a copy of such permit or certificate with the director of agriculture. PROVIDED FURTHER, That)). Cattle of any age may run at large in a range area as provided in chapter 16.24 RCW without a herder except upon any land which has been enclosed by a lawful fence as set forth in chapter 16.60 RCW.

Sec. 16. Section 2, chapter 31, Laws of 1951 as last amended by section 6, chapter 154, Laws of 1979 and RCW 16.13.020 are each amended to read as follows:

Any horses, mules, donkeys, or cattle of any age running at large or trespassing in violation of RCW 16.13.010 as now or hereafter amended are declared to be a public nuisance, and shall be impounded by the sheriff of the county where found(~~(- PROVIDED, That))~~. The nearest brand inspector shall also have authority to impound class I estrays as defined in RCW 16.13.025.

Sec. 17. Section 7, chapter 31, Laws of 1951 and RCW 16.13.070 are each amended to read as follows:

~~((Sales of animals impounded under this chapter shall be governed by the provisions of Title 20 RCW.))~~ The proceeds of the sale of animals impounded under this chapter, after deducting the costs of sale, shall be impounded in the estray fund of the department of agriculture, and if no valid claim is made within one year from the date of sale, the director of the department of agriculture shall transfer the proceeds of sale to the brand fund of the department to be used for the enforcement of this chapter.

Sec. 18. Section 1, chapter 111, Laws of 1917 and RCW 16.20.020 are each amended to read as follows:

It shall be unlawful for any person, firm, association or corporation to turn upon or allow to run (~~(upon the open range))~~ at large on any range area in this state any bull other than a registered (~~(purebred))~~ bull of a recognized beef breed.

NEW SECTION. Sec. 19. RCW 16.20.020 and 16.20.030 shall not apply to counties lying west of the summit of the Cascade mountains.

Sec. 20. Section 6, chapter 40, Laws of 1937 and RCW 16.24.065 are each amended to read as follows:

No person owning or in control of any livestock shall wilfully or negligently allow such livestock to run at large in any stock restricted area, nor shall any person owning or in control of any livestock allow such livestock to wander or stray upon the right-of-way of any public highway of two or more lanes lying within a stock restricted area when not in the charge of some person.

Sec. 21. Section 1, chapter 12, Laws of 1891 and RCW 16.28.165 are each amended to read as follows:

~~((That))~~ No person shall ~~((be permitted to lead, drive, or in any manner))~~ remove any ~~((horse, mare, colt, jack, jenny, mule, or any head of neat cattle, or hog, sheep, goat, or any number of these animals, the same being the property of another person,))~~ livestock belonging to another from the range on which they are permitted to run ((in common)) at large, without the prior consent of the owner thereof ((first had and obtained: PROVIDED;)). The owner of any ~~((such animals, as aforesaid, finding the same running on the herd grounds or on common range with other animals of the same, may be permitted to drive))~~ livestock may move his or her own ((animal or animals)) livestock, together with such other ((animals as he cannot conveniently separate)) livestock as cannot be separated from his or her own, to the nearest ((and most convenient)) corral, or other ((place for separating his own from other animals, if he in such case, immediately with all convenient speed, drive all such animals not belonging to himself back to the herd ground or range from which he brought such animals)) facility in order to separate his or her own livestock, if the other livestock are returned to the same location from which they were moved within twenty-four hours.

Sec. 22. Section 1, page 323, Laws of 1869 as last amended by section 2488, Code of 1881 and RCW 16.60.010 are each amended to read as follows:

~~((The following shall be considered lawful fences in this state: Post and rail or plank fences, five feet high, made of sound posts five inches in diameter, set substantially in the ground, not more than ten feet apart, with four planks not less than one inch thick and six inches wide, securely fastened by nails or otherwise, said planks not more than nine inches apart. Posts and rail fences, with posts not more than ten feet apart and rails not less than four inches wide (five of them) made in all other respects the same as the first described in this section. Worm fences made in the usual way, of sound, substantial rails or poles, five feet high, including riders with stakes firmly set in the ground and spaces no greater than in post and plank or rail~~

~~fences, except the two lower spaces which shall not be more than four inches, and the top spaces between riders, not to be more than sixteen inches. Ditch and pole, or board or rail fence, shall be made of a ditch not less than four feet wide on top and three feet deep, embankment thrown up on the inside of the ditch, with substantial posts set in the embankment not more than ten feet apart, and a plank, pole, or rail securely fastened to said posts, at least seven feet high from the bottom of the ditch.)) A lawful fence shall be of at least four barbed, horizontal, well-stretched wires, spaced so that the top wire is forty-eight inches, plus or minus four inches, above the ground and the other wires at intervals below the top wire of twelve, twenty-two, and thirty-two inches. These wires shall be securely fastened to substantial posts set firmly in the ground as nearly equidistant as possible, but not more than twenty-four feet apart. If the posts are set more than sixteen feet apart, the wires shall be supported by stays placed no more than eight feet from each other or from the posts.~~

Sec. 23. Section 2, page 324, Laws of 1869 as last amended by section 2489, Code of 1881 and RCW 16.60.011 are each amended to read as follows:

All other fences as strong and as well calculated (~~to protect inclosures as either of those~~) as the fence described in RCW 16.60.010 shall be lawful fences.

Sec. 24. Section 3, chapter 31, Laws of 1893 as amended by section 2, chapter 56, Laws of 1925 ex. sess. and RCW 16.04.025 are each amended to read as follows:

If the owner or the person having in charge or possession such animals is unknown to the person sustaining the damage, (~~the notice provided in RCW 16.04.020 shall be given by posting three notices, in three public places in the neighborhood where the animals are restrained~~) the person retaining such animals shall, within twenty-four hours, notify the county sheriff or the nearest state brand inspector as to the number, description, and location of the animals. The county sheriff or brand inspector shall examine the animals by brand, tattoo, or other identifying characteristics and attempt to ascertain ownership. If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector or county sheriff shall furnish this information and other pertinent information to the person holding the animals who in turn shall send the notice required in RCW 16.04.020 to the animals' owner of record by certified mail.

If the county sheriff or the brand inspector determines that there is no apparent damage to the property of the person retaining the animals, or if the person sustaining the damage contacts the county sheriff or brand inspector to have the animals removed from his or her property, such animals shall be removed in accordance with chapter 16.13 RCW. Such removal

shall not prejudice the property owner's ability to recover damages through civil suit.

**\*Sec. 25. Section 7, chapter 31, Laws of 1893 and RCW 16.04.050 are each amended to read as follows:**

***If the owner or keeper of such offending animals is unknown to plaintiff at the commencement of the action, or if on the trial it appears that the defendant is not the proper party, defendant, and the proper party is unknown, service of the summons or notice shall be made by publication, by publishing a copy of the summons or notice, with a notice attached, stating the object of the action and giving a description of the animals seized, at least once a week for two consecutive weeks in a ((weekly)) newspaper ((published nearest to the residence of)) of general circulation in the county in which the plaintiff((, if there be one published in the county, and if not, by posting said summons or notice with said notice attached in three public places in the county, in either case)) resides. The most recent notice shall be published not less than ten days previous to the day of trial.***

\*Sec. 25 was vetoed, see message at end of chapter.

Sec. 26. Section 3, page 324, Laws of 1869 as last amended by section 2490, Code of 1881 and RCW 16.60.015 are each amended to read as follows:

Any person making and maintaining in good repair around his or her enclosure or enclosures, any fence such as is described in RCW 16.60.010 and 16.60.011, may recover in a suit for trespass before the nearest court having competent jurisdiction, from the owner or owners of any animal or animals which shall break through such fence, in full for all damages sustained on account of such trespass, together with the costs of suits; and the animal or animals, so trespassing, may be taken and held as security for the payment of such damages and costs: PROVIDED, That such person shall provide notice as required under RCW 16.04.020 and 16.04.025: PROVID- ED FURTHER, That such person shall have such fences examined and the damages assessed by three reliable, disinterested parties and practical farmers, within five days next after the trespass has been committed: AND, PROVIDED FURTHER, That if, before trial, the owner of such trespassing animal or animals, shall have tendered the person injured any costs which may have accrued, and also the amount in lieu of damages which shall equal or exceed the amount of damages afterwards awarded by the court or jury, and the person injured shall refuse the same and cause the trial to proceed, such person shall pay all costs and receive only the damag- es awarded.

Passed the House April 26, 1985.

Passed the Senate April 25, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 843, entitled:

"AN ACT Relating to livestock;"

Section 25 of this bill amends a notice that was also amended in Section 8 of Senate Bill No. 3800. The latter is preferable because it is part of a statewide standardization of notice provisions.

With the exception of Section 25, which is vetoed, the remainder of Substitute House Bill No. 843 is approved."

## CHAPTER 416

[Substitute House Bill No. 891]

### METROPOLITAN PARK DISTRICTS

AN ACT Relating to metropolitan park districts; and amending RCW 35.61.010, 35.61.060, 35.61.090, 35.61.250, 35.61.290, and 35.61.300.

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

Sec. 1. Section 35.61.010, chapter 7, Laws of 1965 and RCW 35.61.010 are each amended to read as follows:

Cities of ~~((the first class))~~ five thousand or more population and such contiguous property the residents of which may decide in favor thereof in the manner set forth in this chapter may create a metropolitan park district for the management, control, improvement, maintenance, and acquisition of parks, parkways, and boulevards: PROVIDED, That no municipal corporation of the fourth class shall be included within such metropolitan park district, and any such fourth class municipal corporation heretofore included within such district is hereby automatically withdrawn.

Sec. 2. Section 35.61.060, chapter 7, Laws of 1965 and RCW 35.61.060 are each amended to read as follows:

The election of metropolitan park commissioners shall be held in conjunction with and in the manner provided by the laws of the state for cities ~~((of the first class within which said metropolitan park district may be situated))~~ and towns. Nominations for the metropolitan park commissioners shall be by petition of one hundred qualified electors of the park district to be filed ~~((in the office of the city clerk for the first election and with the secretary of the metropolitan park district for all succeeding elections: Nominations))~~ with the auditor and must be filed and certified as provided by statute for cities and districts.

Sec. 3. Section 35.61.090, chapter 7, Laws of 1965 and RCW 35.61.090 are each amended to read as follows:

The manner of holding any general or special election in a metropolitan park district shall be in accordance with the general election laws of this state ~~((and charter provisions of the city within which said park district lies))~~ insofar as they are not inconsistent with the provisions of this chapter.