

urer'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;

Destruction
of weeds by
inspector.

(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.

Passed the House February 19, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 194.

[H. B. 336.]

WEED EXTERMINATION AREAS.

AN ACT relating to noxious weeds, defining "Weed Extermination Areas," and making an appropriation.

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

SECTION 1. In this act unless the context otherwise requires:

"Weed
district."

(a) "Weed District" means an area of agricultural land, together with permitted inclusions of other types of lands, whose owners have joined together for weed control purposes and having an elective board of directors who are authorized to make and enforce rules and regulations for the district;

"Weed ex-
termination
area."

(b) "Weed Extermination Area" means an area set up by the boards of county commissioners and the director of the state department of agriculture

covering any type of land and in which they are responsible for rules, regulations and enforcement and wherein extermination and prevention are emphasized;

(c) "Crop Land" means lands devoted to the usual cultivated crops in the area and including orchards, small fruits, hay meadows, and rotation pastures, and including lanes, fence rows, irrigation and drainage ditches, and farmsteads, included therein. "Crop land."

SEC. 2. Upon petition of registered land owners representing not less than five per centum of the number of farms in the county as shown by the last United States census, the boards of county commissioners of the respective counties and the director of the state department of agriculture shall thoroughly investigate, which investigation shall include a public hearing, notice of which shall be posted under the direction of the director of the state department of agriculture, in at least five conspicuous places within the posted area at least fifteen (15) days prior to the hearing. If such investigation shall indicate a need therefor there shall be created, by a regularly promulgated order, a weed extermination area or areas, within their counties or within the State of Washington for the purpose of destroying, preventing, and exterminating any particular weed, weeds or plants, or all weeds or plants, which are now or may hereafter be classed by the agricultural experiment station of the state college of Washington as noxious or poison weeds or plants detrimental to agriculture or to livestock, when the boards of county commissioners and the director of the department of agriculture of the State of Washington find the creation of such an area and the extermination of noxious or poison weeds or plants growing thereon to be in the interest of the general public welfare of their respective counties or of the State Petition for inclusion.

Weed extermination area created.

of Washington, and when such investigation shows that conditions are such as to prevent the organization of a weed district in the manner prescribed in sections 2771 to 2775, both inclusive, of Remington's Revised Statutes. If the boards of county commissioners and the director of the state department of agriculture cannot agree on the establishment or in other matters pertaining to weed extermination areas, the decision of the director shall be final. Upon the establishing of any weed extermination area or areas as provided in this section, the boards of county commissioners and the director of the state department of agriculture shall cause this fact to be published in a newspaper published in the county in which such weed extermination area is situated and of general circulation in such county and such notice shall state the boundaries of the weed extermination area so established. A weed extermination area when established as provided herein shall be maintained as such for a period of not less than five years. Any weed district organized or reorganized as provided in sections 2771 to 2775, both inclusive, of Remington's Revised Statutes is hereby authorized to maintain its status and organization and to exercise all powers and subject to the limitations granted to it in prior sections of this act, even when part or all of such weed district is also included in a weed extermination area.

State college
to cooperate
with com-
missioners.

SEC. 3. It shall be the duty of the state college of Washington through its experiment station and extension service to cooperate with the boards of county commissioners and with the state department of agriculture: (a) To inform them of the names, habits, and growth of noxious or poison weeds and plants which are prevalent in the respective counties in the State of Washington and which are detrimental to agriculture or livestock; (b) to describe methods for the destruction, prevention or extermi-

nation of such weeds or plants; and (c) to publish lists of such weeds and plants designated as noxious or poison together with pertinent information thereon for public distribution.

It shall be the duty of the boards of county commissioners and the director of the state department of agriculture: (a) To determine what methods, rules and regulations are to be used and the specific weed, weeds or plants to be destroyed, prevented or exterminated in the weed extermination areas established: *Provided*, That the directors of any weed district organized and continuing under sections 2771 to 2775, both inclusive, of Remington's Revised Statutes shall have final approval of any regulations applying on crop lands to weeds generally distributed within the boundaries of such weed districts; (b) to carry out, or cause to be carried out, these designated methods, rules and regulations on the weeds or plants specified; but whenever such methods, rules and regulations require only the prevention of seed production of noxious or poison weeds on crop lands, it shall be the duty of the owner thereof to prevent such seed production; and (c) upon information of the existence of any noxious or poison weed not generally distributed within this state, to thoroughly investigate the existence and the probability of the spread thereof and to establish, maintain and enforce such regulations as in their opinion are necessary to circumscribe and exterminate or prevent the spread of such weed.

Methods,
rules and
regulations
determined.

Methods, rules and regulations to be followed in extermination areas may be changed or modified by the authority setting up the areas whenever in their judgment such change is justified, practical and in the interest of the public welfare. Upon the determination of methods, rules and regulations to be followed in any weed extermination area, the

boards of county commissioners and the director of the state department of agriculture shall publish such methods, rules and regulations weekly for three consecutive weeks in a newspaper published in the county in which such weed extermination area is located and of general circulation in such county and by mailing a copy of such methods, rules and regulations to the registered owners and mortgagees of each parcel of land within said weed extermination area at their addresses as shown by the records of the county auditor's office.

Weed
supervisor
employed.

The boards of county commissioners and the director of the state department of agriculture are hereby authorized to employ a weed supervisor and such additional help and to purchase such equipment and materials as may be necessary in carrying out these duties: *Provided*, That whenever feasible and practicable the land owner shall be employed to carry out the practices required but when so hired the portion of the costs to be paid by him shall be deducted from any payments accruing to him because of such employment.

Entry upon
lands.

These commissioners and director or their agents may enter upon any and all lands at any reasonable time in carrying out the duties or making investigations specified above and may take such samples of weeds, weed seeds, or other material necessary in the conduct of these duties or investigations and shall not be subject to action for trespass or damage because of such entrance or the taking of such samples.

Cost of
eradication
work.

SEC. 4. The boards of county commissioners and the state department of agriculture are authorized to cooperate with other governmental, public or private agencies for the purposes of, and within the limitations of this act. The cost of eradication work performed in any weed extermination area shall be paid in the following manner: Three fourths thereof shall

be paid from the weed control fund of the county in which the land is located and the remaining one fourth by the owner of the land upon which such eradication work is performed: *Provided, however,* That on crop land the share of the cost to be paid by the owner of such land may be increased by the board of county commissioners to one half the cost of such eradication work: *Provided, further,* That when prevention of seed production only is required on crop land the entire cost shall be paid by the owner of such crop land. The term "land" shall include all rights of way for any purpose whatsoever, which rights of way shall pay the same percentage of cost as that charged against the contiguous lands. Any portion of the owner's share of the expense paid out of the county weed fund shall be included on the tax rolls against the land for the current year and collected as other taxes are collected, and when so collected it shall be paid into the county weed control fund.

SEC. 5. If the board of county commissioners and the director of the state department of agriculture shall find that noxious or poison weeds are standing, being or growing and in danger of going to seed on crop land contrary to such adopted methods, rules and regulations, they or their agents shall give notice and follow the procedure set forth in sections 2778-3, 2778-4, 2778-5, and 2778-6 of Remington's Revised Statutes, for weed districts.

Procedure of eradication.

SEC. 6. For the purpose of carrying out the object and provisions of this act, the sum of one hundred thousand (\$100,000) is hereby appropriated for the biennium from the general fund to the state department of agriculture for a weed control fund to be used as follows: Fifteen per centum (15%) shall be allocated to the state college of Washington for research, experimental and educational work on weed control; seventy-five per centum (75%) shall be al-

Vetoed.

located to the various counties of the state in proportion to funds appropriated therein by the boards of county commissioners or other agencies for weed control purposes and including funds raised for weed district operation; and ten per centum (10%) shall remain as a reserve to be used or allocated by the director of the state department of agriculture for any of the purposes of this act which in his opinion will provide most protection for the public welfare. Boards of county commissioners are authorized to annually levy a tax in such amount as in their judgment they may deem necessary and advisable, but not to exceed one mill upon all taxable property in the county, for the purpose of noxious or poison weed control work in their respective counties and for the purpose of creating a "Weed Control Fund."

Vetoed. SEC. 7. The allocation from the state weed control fund to the state college of Washington, specified in section 6, shall be made by the state treasurer, annually on or before April 1, and the sums so allocated shall be drawn upon by the state college of Washington for experimental, research and educational work in weed control in the same manner as other funds appropriated to the state college of Washington. The boards of county commissioners shall on or before November 1 of each year notify the director of the state department of agriculture of the total appropriations for noxious or poison weed control work in their respective counties for the ensuing calendar year by all agencies. The director shall thereupon and not later than December 1 make allocations to the various counties as provided in the preceding section, which allocations he shall certify to the state treasurer. Upon receipt of such certificate of allocations to the various counties, it shall be the duty of the state treasurer to transmit in the usual manner the monies so allocated to the county treasurers of the designated counties respectively. It shall be the

duty of the county treasurers of the various counties to receive such allocated monies and to place them in a weed control fund subject to the order of the boards of county commissioners of the respective counties. Monies allocated and transmitted shall be accounted for in the usual manner covering such funds. } Vetoed.

SEC. 8. If any provision or section of this act shall be adjudicated to be unconstitutional, such adjudication shall not affect the act as a whole or any part thereof not adjudicated unconstitutional. } Partial invalidity.

Passed the House March 4, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 17, 1937, with the exception of sections 6 and 7 which are vetoed.

CHAPTER 195.

[H. B. 667.]

STATE APPLE ADVERTISING COMMISSION.

AN ACT relating to apples, declaring the public policy of this state to promote the consumption and sale of apples by providing for research and a publicity advertising and sales promotion campaign to increase the consumption of Washington grown apples, levying an assessment and providing for its collection, creating an apple advertising commission and vesting in it the administration of this act, providing for the powers, duties and authority of said commission, providing penalties for the violation of this act, and providing that this act shall take effect immediately.

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

SECTION 1. That this act is passed:

(a) In the exercise of the police power of the state to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the apple industry of the state; } Exercise of police power.