

CHAPTER 140.

[S. H. B. 135.]

EXTERMINATION OF RODENTS.

AN ACT relating to injurious rodents and providing an appropriation for their extermination.

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

"Rodent" defined.

SECTION 1. The term "rodent" wherever used in this act shall be held and construed to mean and include ground squirrels, pocket gophers, rabbits, and such other rodents as the State College of Washington shall designate as injurious to the agricultural interests of the state.

Owner of land to destroy.

SEC. 2. It shall be the duty of every person, firm or corporation owning, possessing or having the care or charge of any land or lands in the state to destroy and exterminate any and all such rodents thereon.

Administration of act.

SEC. 3. The administration of this act shall be under the supervision and control of the state of Washington by and through the extension service of the State College of Washington, in co-operation with the board of county commissioners in the various counties of the state and the bureau of biological survey of the United States department of agriculture.

Supervision.

SEC. 4. The State College of Washington is hereby empowered and it shall be its duty to employ persons as it may deem necessary to inspect rodent conditions and to supervise the destruction and extermination of injurious rodents in such counties as shall co-operate with said State College in such work: *Provided*, That nothing herein contained shall authorize said State College to contract for or expend a greater sum of money during the next

biennium, for the purposes of this act, than that provided for by the appropriation contained herein.

SEC. 5. The State College of Washington is hereby authorized to co-operate with the bureau of biological survey of the United States department of agriculture, and to make such arrangements as it may deem advisable to join with said bureau in the employment of persons to inspect rodent conditions and to supervise the destruction and extermination of injurious rodents.

Co-operation
with Federal
department.

SEC. 6. The board of county commissioners of any county in the state desiring to co-operate with the State College of Washington in the extermination of rodents is hereby authorized to purchase poisons, grain and other supplies, or to prepare poisoned grain or other baits, and to furnish the same at cost to owners, occupants, agents in charge, or lessees of land infested with rodents, and for that purpose shall levy a tax of not to exceed one-half of one mill on all the taxable property within the county. The proceeds from the collection of such taxes shall be placed in a special rotating fund, which fund is hereby created. The purchases of all poisons, grain and other supplies shall be made from said rotating fund and the proceeds of the sale of such poisons, grain and supplies shall be placed therein. The balance in such fund on December 31st of each year shall be transferred to the county current expense fund: *Provided*, That in the year 1921 the board shall be authorized, by resolution to that end, to purchase said poisons, grain and supplies with any moneys in the hands of the county treasurer, and the fund or funds from which said purchases have been made shall be reimbursed from said rotating fund from time to time as moneys are paid therein.

Authority to
purchase and
distribute
poison.

Tax levy.

SEC. 7. The State College of Washington shall be authorized and directed to supervise the extermi-

Powers and
duties of
state
college.

nation of rodents by any land owner, occupant, agent in charge, or lessee, to prepare poisons and baits for that purpose, and to enter upon any farm, rights-of-way, grounds, or premises for the purpose of ascertaining rodent conditions or for the purpose of exterminating the same as in this act provided.

Notice to
exterminate.

SEC. 8. Whenever the person or persons designated and employed by the State College of Washington for that purpose shall, upon inspection and investigation, determine that the owner, occupant, agent in charge, or lessee of any land has failed or neglected to exterminate the rodents on said land, and that such land is infested with such rodents, it shall notify said owner, occupant, agent in charge or lessee to that effect. Said notice shall describe the land involved, contain a finding that said land is infested with rodents, naming the kind, direct what steps shall be taken to exterminate said rodents, and inform the owner, occupant, agent in charge, or lessee that, unless such steps are begun within a period of ten (10) days after service of said notice (exclusive of the day of service), said land will be entered upon and the rodents exterminated and the expense of such extermination will be charged as a tax against said land, and collected as general taxes are collected. A copy of said notice shall be served personally upon the owner, occupant, agent in charge or lessee if the same is found in the county in which such land is situated. If said owner, occupant, agent in charge, or lessee cannot with reasonable diligence be found in the county, a certificate to that effect, together with said notice, shall be mailed to the person appearing on the records of the county treasurer's office as last paying general taxes on said land, and a copy of said notice shall be posted in a conspicuous place on said land. After the expiration of ten days from the date of service, or mailing and

Non-com-
pliance.

posting, as the case may be, of said notice as herein provided, the State College of Washington shall enter said land and exterminate the rodents thereon.

SEC. 9. An itemized account shall be kept of the expenses of exterminating the rodents on said land and, upon the conclusion of such work, a sworn itemized statement of such expense, together with the description of the land and a return of the service, or mailing and posting, of the notice to the owner, occupant, agent in charge, or lessee shall be filed with the board of county commissioners of the county in which said land is situated. The board shall thereupon fix a time and place when and where such statement of expense will be considered, and shall give notice of same. Said notice shall be signed by the clerk of the board, shall be served in the same manner, by the same agency, and shall be given for the same length of time and to the same parties as the notice provided for in section 8 herein.

Notice of
time for con-
sideration of
expenses.

SEC. 10. The board of county commissioners shall meet at the time and place fixed in said notice, and shall examine said statement of expenses, hear testimony if offered, and shall determine that said statement, or so much thereof as is just and correct, shall be established as a tax against the land involved. Said board shall also make an order that the total amount of such expenses so approved shall be a tax on the land on which said work was done after the expiration of ten days from the date of the entry of said order on the minutes of the board, unless sooner paid or unless an appeal be taken as in this act provided, in which event the same shall become a tax at the time the amount charged shall be determined by the court: *Provided*, That in no case shall the total expense for the extermination of rodents for any one year charged against any tract of land exceed a sum which in the aggregate shall amount to

Expense
made a tax.

more than twenty cents per acre or fraction thereof included in the tract.

Expenses entered on tax rolls against land.

SEC. 11. The county treasurer shall enter the amount of such expense according to the order of the board, on the tax rolls against the land for the current year, and the same shall become a part of the general taxes for that year to be collected at the same time and with the same interest and penalties and when so collected the same shall be credited to the rotating fund herein provided for.

Appeals.

SEC. 12. Any person feeling himself aggrieved at the decision and order of the board of county commissioners approving the amount of such expenses and establishing the same as a tax against the land involved may appeal therefrom to the superior court of the county, by serving a written notice of appeal on the board and by filing a copy of same with proof of service attached, together with a good and sufficient cost bond to be approved by the county clerk in the sum of two hundred dollars (\$200.00), said cost bond to run to the county and in all other respects to comply with the laws relating to cost bonds required of non-resident plaintiffs in the superior court. Said notice of appeal must be served and filed within ten days from the date of the decision and order of the board approving the amount of said expense and establishing the same as a tax against the land involved, and said appeal must be brought on for hearing upon a certified copy of the records in the matter without further pleadings, at the next term of court thereafter. An appeal from the judgment of the superior court in the matter may be taken to the supreme court of the state as in other cases of appeal to that tribunal. Upon the final conclusion of any appeal so taken, the county clerk shall certify to the county treasurer the result of such appeal.

SEC. 13. No baits containing phosphorus or phosphorous compounds shall be employed in the extermination of rodents. All poisons and poisoned baits prepared and distributed under authority of the board of county commissioners shall be placed in containers plainly labeled to show the character and purpose of the contents thereof.

Distribution
of poisons.

SEC. 14. For the purpose of carrying out the provisions of this act there is appropriated out of the general fund for the use of the State College of Washington the sum of five thousand dollars (\$5,000.00).

Vetoed
L. F. H.

SEC. 15. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Emergency.

Passed the House March 5, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor, with the exception of Section 14, which is vetoed, March 19, 1921.

CHAPTER 141.

[H. B. 153.]

HORTICULTURE.

AN ACT relating to horticulture and horticultural plants and products and the protection thereof, and providing for the enforcement of the provisions hereof and amending sections 1, 2, 3, 5, 14, 16, 17, 18, 27, and 30, chapter 166, Laws of 1915, and sections 2 and 29 of chapter 166, Laws of 1915, as amended by sections 1 and 4 of chapter 195, Laws of 1919.

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

SECTION 1. That Section 1 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Section 1. That the term "commissioner" whenever used in this act shall be held and con-

Definition of
terms.