

terfere unnecessarily with the right of the university to obtain revenue from the tract through the marketing of timber or any other enterprise.

Passed the Senate February 27, 1959.

Passed the House February 26, 1959.

Approved by the Governor March 3, 1959.

CHAPTER 64.

[S. B. 214.]

MOSQUITO CONTROL DISTRICTS.

AN ACT relating to the public health and mosquito control districts in certain counties; amending section 11, chapter 153, Laws of 1957 and RCW 17.28.110; amending section 17, chapter 153, Laws of 1957 and RCW 17.28.170; repealing sections 18 through 24, chapter 153, Laws of 1957 and RCW 17.28.180 through 17.28.240; authorizing the levy and collection of taxes and assessments and adding eight new sections to chapter 17.28 RCW.

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

SECTION 1. Section 11, chapter 153, Laws of 1957 and RCW 17.28.110 are each amended to read as follows:

Within thirty days after the filing with the secretary of state of the certified copy of the order of formation, a governing board of trustees for the district shall be appointed. The district board shall be appointed as follows:

(1) If the district is situated in one county only and consists wholly of unincorporated territory, five members shall be appointed by the county commissioners of the county.

(2) If the district is situated entirely in one county and includes both incorporated and unincorporated territory one member shall be appointed from each commissioner district lying wholly or partly within the district by the county commis-

RCW 17.28.110 amended.

Board of trustees—Composition.

sioners of the county, and one member from each city, the whole or part of which is situated in the district, by the governing body of the city; but if the district board created consists of less than five members, the county commissioners shall appoint from the district at large enough additional members to make a board of five members.

(3) If the district is situated in two or more counties and is comprised wholly of incorporated territory, one member shall be appointed from each commissioner district of each county or portion of a county situated in the district by the county commissioners; but if the district board created consists of less than five members, the county commissioners of the county in which the greater area of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

(4) If the district is situated in two or more counties and consists of both incorporated and unincorporated territory, one member shall be appointed by the county commissioners of each of the counties from that portion of the district lying within each commissioner district within its jurisdiction; and one member from each city, a portion of which is situated in the district by the governing body of the city; but if the board created consists of less than five members, the county commissioners in which the greater area of the district is situated shall appoint from the district at large enough additional members to make a board of five members.

SEC. 2. Section 17, chapter 153, Laws of 1957 and RCW 17.28.170 are each amended to read as follows:

Any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition is a public nuisance: *Provided*, That conditions or usage of land which are beyond the control

RCW 17.28.170
amended.

Breeding
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nuisance.

of the land owner or are not contrary to normal, accepted practices of water usage in the district, shall not be considered a public nuisance.

The nuisance may be abated in any action or proceeding, or by any remedy provided by law.

New section.

SEC. 3. There is added to chapter 17.28 RCW a new section to read as follows:

Borrowing authorized.

A mosquito control district may, prior to the receipt of taxes raised by levy, borrow money or issue warrants of the district in anticipation of revenue, and such warrants shall be redeemed from the first money available from such taxes.

New section.

SEC. 4. There is added to chapter 17.28 RCW a new section to read as follows:

Excess levy authorized.

A mosquito control district shall have the power to levy additional taxes in excess of the forty-mill limitation for any of the authorized purposes of such district, not in excess of two mills a year when authorized so to do by the electors of such district by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the board of trustees for the district, which special election may be called by the board of trustees of the district, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing thereto to vote "No": *Provided*, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said mosquito control district who voted in the last preceding general state or county election. Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election.

SEC. 5. There is added to chapter 17.28 RCW a new section to read as follows: New section.

For the purpose of property taxation and the levying of property taxes the boundaries of the mosquito control district shall be the established official boundary of such district existing on the first day of September of the year in which the levy is made, and no such levy shall be made for any mosquito control district whose boundaries are not duly established on the first day of September of such year. Boundaries for tax purposes.

SEC. 6. There is added to chapter 17.28 RCW a new section to read as follows: New section.

It is hereby declared that whenever the public necessity or welfare has required the formation of a mosquito control district, the abatement or extermination of mosquitoes within the district is of direct, economic benefit to the land located within such district and is necessary for the protection of the public health, safety and welfare of those residing therein. Declaration.

SEC. 7. There is added to chapter 17.28 RCW a new section to read as follows: New section.

The board of trustees shall annually determine the amount of money necessary to carry on the operations of the district and shall classify the property therein in proportion to the benefits to be derived from the operations of the district and in accordance with such classification shall apportion and assess the several lots, blocks, tracts, and parcels of land or other property within the district, which assessment shall be collected with the general taxes of the county or counties. Assessments, determination of.

SEC. 8. There is added to chapter 17.28 RCW a new section to read as follows: New section.

The board of trustees in assessing the property within the district and the rights, duties and liabilities of property owners therein shall be governed, Assessments, guide for.

insofar as is consistent with this chapter, by the provisions for county road improvement districts as set forth in RCW 36.88.090 through 36.88.110.

New section.

SEC. 9. There is added to chapter 17.28 RCW a new section to read as follows:

Road district statutes applicable.

The provisions of RCW 36.88.120, 36.88.140, 36.88.150, 36.88.170 and 36.88.180 governing the liens, collection, payment of assessments, delinquent assessments, interest and penalties, lien foreclosure and foreclosed property of county road improvement districts shall govern such matters as applied to mosquito control districts.

New section.

SEC. 10. There is added to chapter 17.28 RCW a new section to read as follows:

County treasurers' duties.

The county treasurer shall collect all mosquito control district assessments, and the duties and responsibilities herein imposed upon him shall be among the duties and responsibilities of his office for which his bond is given as county treasurer. The collection and disposition of revenue from such assessments and the depository thereof shall be the same as for tax revenues of such districts as provided in RCW 17.28.270.

Repeal.

SEC. 11. Sections 18 through 24, chapter 153, Laws of 1957 and RCW 17.28.180 through 17.28.240 are each hereby repealed.

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