

CHAPTER 283.

[S. B. 548.]

DEPARTMENT OF HEALTH—MOSQUITO CONTROL.

AN ACT providing for the control or elimination of mosquitoes.

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

Purpose.

SECTION 1. The purpose of this act is to establish a state-wide program for the control or elimination of mosquitoes as a health hazard.

Studies on and control of mosquitoes authorized.

SEC. 2. The director of the state department of health is hereby authorized and empowered to make or cause to be made such inspections, investigations, studies and determinations as he may from time to time deem advisable in order to ascertain the effect of mosquitoes as a health hazard, and, to the extent to which funds are available, to provide for the control or elimination thereof in any or all parts of the state.

Cooperation with other agencies.

SEC. 3. The director of health shall coordinate plans for mosquito control work which may be projected by any county, city or town, municipal corporation, taxing district, state department or agency, federal government agency, or any person, group or organization, and arrange for cooperation between any such districts, departments, agencies, persons, groups or organizations.

Contracts with, receipt of funds from other agencies authorized.

SEC. 4. The director of health is authorized and empowered to receive funds from any county, city or town, municipal corporation, taxing district, the federal government, or any person, group or organization to carry out the purpose of this act. In connection therewith the director is authorized and empowered to contract with any such county, city or town, municipal corporation, taxing district, the federal government, person, group or organization with respect to the construction and maintenance

of facilities and other work for the purpose of effecting mosquito control or elimination, and any such county, city or town, municipal corporation, or taxing district obligated to carry out the provisions of any such contract entered into with the director of health is authorized, empowered and directed to appropriate, and if necessary, to levy taxes for and pay over such funds as its contract with the director may from time to time require.

Appropriations from taxation by political subdivisions authorized.

SEC. 5. To carry out the purpose of this act, the director of health may

Powers incident to purpose.

(1) enter, with the consent of the owner and occupant thereof, upon any lands within the state for the purpose of inspection to ascertain whether breeding places of mosquitoes exist upon such lands; or to abate public nuisances; or to ascertain if notices to abate the breeding of mosquitoes upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes upon such lands;

Vetoed.

(2) abate as nuisances breeding places for mosquitoes as defined in RCW 17.28.170;

(3) acquire by gift, devise, bequest, lease, or purchase, real and personal property necessary or convenient for carrying out the purpose of this act;

(4) make contracts, employ engineers, health officers, sanitarians, physicians, laboratory personnel, attorneys, and other technical or professional assistants;

(5) publish information or literature;

(6) do any and all other things necessary to carry out the purpose of this act: *Provided*, That no program shall be permitted nor any action taken in pursuance thereof which may be injurious to the life or health of game or fish.

SEC. 6. Each state department, agency, and political subdivision shall cooperate with the director of health in carrying out the purposes of this act.

State agency cooperation mandatory.

Severability.

SEC. 7. 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.

Passed the Senate March 3, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 21, 1961, with the exception of Subsection 1, of Section 5, which is vetoed.

Veto message, excerpt.

NOTE: Excerpt of Governor's veto message reads as follows:

"This bill is approved with the exception of subsection 1 of section 5, which is vetoed.

"Subsection 1 of section 5 requires the consent of both the owner and occupant prior to any inspection to determine the existence of mosquito breeding places. This requirement would unnecessarily restrict health officials in establishing a proper program for the control or elimination of mosquitoes. It would in effect make routine inspections during the short mosquito breeding season administratively impossible, and add considerably to the public expense of mosquito control. Since the health department is already given the power to make inspections and investigations in section 2 of the bill, the requirement of prior consent, particularly in instances where property is owned by an absentee landlord, imposes an unequal burden on resident land owners and undue expense and restriction on public health authorities.

"The reasons stated in the preceding paragraph impel me to veto subsection 1, of section 5. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.