

CHAPTER 153.

[S. B. 463.]

MOSQUITO CONTROL DISTRICTS.

AN ACT relating to the public health; the formation, government, operation and dissolution of mosquito control districts in Adams, Benton, Franklin, Grant, Kittitas, Walla Walla and Yakima Counties; providing for the assessment, levy, collection and disbursement of taxes within such districts; provides for penalties; and defines the districts, jurisdiction and powers of the district, and declares an emergency.

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

SECTION 1. When used in this act, the following terms, words or phrases shall have the following meaning: Definitions.

(1) "District" means any mosquito control district formed pursuant to this act. "District."

(2) "Board" or "district board" means the board of trustees governing the district. "Board," "district board."

(3) "County commissioners" means the governing body of the county. "County commissioners."

(4) "Unit" means all unincorporated territory in a proposed district in one county, regarded as an entity, or each city in a proposed district, likewise regarded as an entity. "Unit."

(5) "Territory" means any city or county or portion of either or both city or county having a population of not less than one hundred persons. "Territory."

(6) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof. "Person."

SEC. 2. Any number of units of a territory within the state of Washington in Adams, Benton, Franklin, Grant, Kittitas, Walla Walla and Yakima counties may be organized as a mosquito control district under the provisions of this act. Who may organize mosquito control district.

A petition to form a district may consist of any number of separate instruments which shall be presented at a regular meeting of the county commis- Petition—Necessary signatures.

sioners of the county in which the greater area of the proposed district is located. Petitions shall be signed by registered voters of each unit of the proposed district, equal in number to not less than ten percent of the votes cast in each unit respectively for the office of governor at the last gubernatorial election prior to the time of presenting the petition.

Mosquito control districts.
Petition method—
Description of boundaries—
Verification of signatures—
Resolution to include city.

SEC. 3. Before a city can be included as a part of the proposed district its governing body shall have requested that the city be included by resolution, duly authenticated.

The petition shall set forth and describe the boundaries of the proposed district and it shall request that it be organized as a mosquito control district. Upon receipt of such a petition, the auditor of the county in which the greater area of the proposed district is located shall be charged with the responsibility of examining the same and certifying to the sufficiency of the signatures thereon. For the purpose of examining the signatures on such petitions, the auditor shall be permitted access to the voters' registration books of each city and county located in the proposed district and may appoint the respective county auditors and city clerks thereof as his deputies. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the board of commissioners of the county in which the greater area of the proposed district is located, together with his certificate as to the sufficiency thereof.

Publication of petition and notice of meeting.

SEC. 4. Upon receipt of a duly certified petition, the board of commissioners shall cause the text of the petition to be published once a week for at least three consecutive weeks in one or more newspapers of general circulation within the county where the petition is presented and at each city a portion of

which is included in the proposed district. If any portion of the proposed district lies in another county, the petition and notice shall be likewise published in that county.

Only one copy of the petition need be published even though the district embraces more than one unit. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated.

With the publication of the petition there shall be published a notice of the time of the meeting of the county commissioners when the petition will be considered, stating that all persons interested may appear and be heard.

SEC. 5. Such districts may also be organized upon the adoption by the county commissioners of a resolution of intention so to do, in lieu of the procedure hereinbefore provided for the presentation of petitions. In the event the county commissioners adopt a resolution of intention, such resolution shall describe the boundaries of the proposed district and shall set a time and place at which they will consider the organization of the district, and shall state that all persons interested may appear and be heard. Such resolution of intention shall be published in the same manner and for the same length of time as a petition.

Resolution
method.

SEC. 6. At the time stated in the notice of the filing of the petition or the time mentioned in the resolution of intention, the county commissioners shall consider the organization of the district and hear those appearing and all protests and objections to it. The commissioners may adjourn the hearing from time to time, not exceeding two months in all.

Hearing—
Defective peti-
tion—Estab-
lishment of
boundaries.

No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings

if the petition has a sufficient number of qualified signatures.

On the final hearing the county commissioners shall make such changes in the proposed boundaries as are advisable, and shall define and establish the boundaries.

Mosquito control districts. Procedure to include other territory.

SEC. 7. If the county commissioners deem it proper to include any territory not proposed for inclusion within the proposed boundaries, they shall first cause notice of intention to do so to be mailed to each owner of land in the territory whose name appears as owner on the last completed assessment roll of the county in which the territory lies, addressed to the owner at his address given on the assessment roll, or if no address is given, to his last known address; or if it is not known, at the county seat of the county in which his land lies. The notice shall describe the territory and shall fix a time, not less than two weeks from the date of mailing, when all persons interested may appear before the county commissioners and be heard.

The boundaries of a district lying in a city shall not be altered unless the governing board of the city, by resolution, consents to the alteration.

Determination of public necessity and compliance with chapter.

SEC. 8. Upon the hearing of the petition the county commissioners shall determine whether the public necessity or welfare of the proposed territory and of its inhabitants requires the formation of the district, and shall also determine whether the petition complies with the provisions of this act, and for that purpose shall hear all competent and relevant testimony offered.

Declaration establishing and naming district.

SEC. 9. If, from the testimony given before the county commissioners, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within

the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the county commissioners, subject to approval of the voters of the district as hereinafter provided. The name shall contain the words "mosquito control district."

At the time of the declaration establishing and naming the district, the county commissioners shall by resolution call a special election to be held not less than thirty days and not more than sixty days from the date thereof, and shall cause to be published a notice of such election at least once a week for three consecutive weeks in a newspaper of general circulation in the county, setting forth the hours during which the polls will be open, the boundaries of the proposed district as finally adopted, and the object of the election. If any portion of the proposed district lies in another county, a notice of such election shall likewise be published in that county.

Election to
form district—
Establishment
of district.

The election on the formation of the mosquito control district shall be conducted by the auditor of the county in which the greater area of the proposed district is located in accordance with the general election laws of the state and the results thereof shall be canvassed by that county's canvassing board. For the purpose of conducting an election under this section, the auditor of the county in which the greater area of the proposed district is located may appoint the auditor of any county or the city clerk of any city lying wholly or partially within the proposed district as his deputies. No person shall be entitled to vote at such election unless he is a qualified voter under the laws of the state in effect at the time of such election and has resided within the mosquito control district for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"Shall a mosquito control district be estab-

Mosquito control districts.
Election to form district—
Establishment of district.

lished for the area described in a resolution of the board of commissioners of..... county adopted on the..... day of, 19.....?

YES
NO ”

If a majority of the persons voting on the proposition shall vote in favor thereof, the mosquito control district shall thereupon be established and the county commissioners of the county in which the greater area of the district is situated shall immediately file for record in the office of the county auditor of each county in which any portion of the land embraced in the district is situated, and shall also forward to the county commissioners of each of the other counties, if any, in which any portion of the district is situated, and also shall file with the secretary of state, a certified copy of the order of the county commissioners. From and after the date of the filing of the certified copy with the secretary of state, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this act, or necessarily incident thereto.

If a majority of the persons voting on the proposition shall vote in favor thereof, all expenses of the election shall be paid by the mosquito control district when organized. If the proposition fails to receive a majority of votes in favor, the expenses of the election shall be borne by the respective counties in which the district is located in proportion to the number of votes cast in said counties.

Election on proposition to levy tax.

SEC. 10. At the same election there shall be submitted to the voters residing within the district, for their approval or rejection, a proposition authorizing the mosquito control district, if formed, to levy at the earliest time permitted by law on all taxable property located within the mosquito control district a general tax, for one year, of one mill in excess

of any constitutional or statutory limitation for authorized purposes of the mosquito control district. The proposition shall be expressed on the ballots in substantially the following form:

“ONE YEAR ONE MILL LEVY

“Shall the mosquito control district, if formed, levy a general tax of one mill for one year upon all the taxable property within said district in excess of the forty mill tax limit for authorized purposes of the district?

YES
 NO ”

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax and the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area of the proposed mosquito control district at the last preceding county or state general election.

SEC. 11. 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:

Board of trustees—
Composition.

(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 the district at large by the county commissioners 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

Mosquito control districts.
Board of trustees—
Composition.

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 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 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.

Name of board
—Qualifications of members.

SEC. 12. The district board shall be called "The board of trustees of mosquito control district."

Each member of the board appointed by the governing body of a city shall be an elector of the city from which he is appointed and a resident of that portion of the city which is in the district.

Each member appointed from a county or portion of a county shall be an elector of the county and a resident of that portion of the county which is in the district.

Each member appointed at large shall be an elector of the district.

SEC. 13. The members of the first board in any district shall classify themselves by lot at their first meeting so that:

Terms—
Vacancies.

(1) If the total membership is an even number, the terms of one-half the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

(2) If the total membership is an odd number, the terms of a bare majority of the members will expire at the end of one year, and the terms of the remainder at the end of two years, from the second day of the calendar year next succeeding their appointment.

The term of each subsequent member is two years from and after the expiration of the term of his predecessor.

In event of the resignation, death, or disability of any member, his successor shall be appointed by the governing body which appointed him.

SEC. 14. The members of the first district board shall meet on the first Monday subsequent to thirty days after the filing with the secretary of state of the certificate of incorporation of the district. They shall organize by the election of one of their members as president and one as secretary.

Organization—
Officers—Com-
pensation—
Expenses.

The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board may be allowed and paid.

The secretary shall receive such compensation as shall be fixed by the district board.

SEC. 15. The district board shall provide for the time and place of holding its regular meetings, and the manner of calling them, and shall establish rules for its proceedings.

Meetings—
Rules—
Quorum.

Special meetings may be called by three members, notice of which shall be given to each member at least twenty-four hours before the meeting.

All of its sessions, whether regular or special, shall be open to the public.

A majority of the members shall constitute a quorum for the transaction of business.

Mosquito control districts.
Powers of districts.

SEC. 16. A mosquito control district organized under this act may:

(1) Take all necessary or proper steps for the extermination of mosquitoes.

(2) Subject to the paramount control of the county or city in which they exist, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes.

(3) If necessary or proper, in the furtherance of the objects of this act, build, construct, repair, and maintain necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire by purchase, condemnation, or by other lawful means, in the name of the district, any lands, rights of way, easements, property, or material necessary for any of those purposes.

(4) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals, or ditches.

(5) Enter upon without hindrance any lands within the district for the purpose of inspection to ascertain whether breeding places of mosquitoes exist upon such lands; or to abate public nuisances in accordance with this act; 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.

(6) Sell or lease any land, rights of way, easements, property or material acquired by the district.

(7) Issue warrants payable at the time stated therein to evidence the obligation to repay money borrowed or any other obligation incurred by the district, warrants so issued to draw interest at a rate fixed by the board not to exceed five percent per year payable annually or semiannually as the board may prescribe.

(8) Make contracts with the United States, or any state, municipality, or any department of those entities for carrying out the general purpose for which the district is formed.

(9) Acquire by gift, devise, bequest, lease, or purchase, real and personal property necessary or convenient for its purposes.

(10) Make contracts, employ engineers, health officers, sanitarians, physicians, laboratory personnel, attorneys, and other technical or professional assistants; and publish information or literature and do any and all other things necessary or incident to the powers granted by, and to carry out the projects specified in this act.

SEC. 17. 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.

Mosquito breeding places declared public nuisance—Remedies cumulative.

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

Any remedy provided in this act for the abatement of a nuisance is in addition to any other remedy provided by law.

SEC. 18. Whenever a nuisance specified in this act exists upon any property in the district, the district board may in writing notify the record owner, and the person in charge or in possession of the property, of the existence of the nuisance..

Nuisance—Notice to owner and possessor of property.

The notice shall direct that the owner shall, within a specified time, abate the nuisance by destroying the larvae or pupae that are present.

Mosquito control districts. Nuisance— Notice to owner and possessor of property.

The notice shall further direct that the owner shall, within a specified time, perform any work that may be necessary to prevent the recurrence of breeding in the places specified in the notice.

The notice shall be served upon the owner of record, and the person having charge or possession, of the property upon which the nuisance exists, or upon the agent of either.

The notice may be served by any person authorized by the district board in the same manner as a summons in a civil action.

Notice when owner is non-resident or cannot be found.

SEC. 19. If the property belongs to a person who is not a resident of the district and there is no tenant or agent of the owner upon whom service can be made who can after diligent search be found, or if the owner of the property cannot after diligent search be found, the notice may be served by posting a copy in a conspicuous place upon the property for a period of ten days, and by mailing a copy to the owner addressed to his address as given on the last completed assessment roll of the county in which the property is situated, or, in the absence of an address on the roll, to his last known address.

Hearing before the board.

SEC. 20. Before complying with the requirements of the notice the owner may appear at a hearing before the board at a time and place fixed by the board and stated in the notice.

At the hearing the district board shall redetermine whether the owner shall abate the nuisance and prevent its recurrence and shall specify a time within which the work shall be completed.

Abatement by the district— Expense is lien.

SEC. 21. In the event that the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae and by taking appropriate measures to prevent the recurrence of further breeding.

The cost of abatement shall be repaid to the district by the owner.

The sums expended by the district in abating a nuisance or preventing its recurrence are a lien upon the property on which the nuisance is abated, or its recurrence prevented.

SEC. 22. Notice of the lien shall be filed and recorded by the district board in the office of the county auditor of the county in which the property is situated within ninety days after the first item of expenditure by the board.

Lien—Filing notice—Action to foreclose—Limitations.

An action to foreclose the lien shall be commenced within six months after the filing and recording of the notice of lien.

The action shall be brought by the district board in the name of the district.

SEC. 23. When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure shall be paid to the district; and the surplus, if any, shall be paid to the owner of the property if known, and if not known, shall be paid into the court in which the lien was foreclosed for the use of the owner when ascertained.

Foreclosure—Disposition of proceeds of sale.

SEC. 24. The lien provisions of this act do not apply to the property of the state or of the county, city, district, or other public corporation. However, the governing body of the county, city, district, or other public corporation shall repay to any mosquito abatement district the amount expended by the district upon any of its property under this act upon presentation by the district board of a verified claim or bill.

Property of state or public corporation—Exempt from lien—Duty to repay district.

SEC. 25. Any person who obstructs, hinders, or interferes with the entry upon any land within the district of any officer or employee of the district in the performance of his duty, and any person who obstructs, interferes with, molests, or damages any

Interference with entry or work of district—Penalty.

work performed by the district, is guilty of a misdemeanor.

Mosquito control districts.
General obligation bonds.

SEC. 26. A mosquito control district shall have the power to issue general obligation bonds and to pledge the full faith and credit of the district to the payment thereof, for any authorized purpose or purposes of the mosquito control district: *Provided*, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the mosquito control district at a special or general election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said mosquito control district at the last preceding county or state general election.

General obligation bonds shall bear interest at a rate of not to exceed six percent per annum. The various annual maturities shall commence not more than two years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall never be issued to run for a longer period than ten years from the date of issue.

The bonds shall be signed by the presiding officer of the board of trustees of the district and shall be attested by the secretary of the board, one of which signatures may be a facsimile signature and the seal of the mosquito control district shall be impressed thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the forty mill tax limitation sufficient to meet the annual or semi-annual payments of the principal and interest on the said bonds maturing as herein provided upon all taxable property within the mosquito control district.

SEC. 27. All taxes levied under this act shall be computed and entered on the county assessment roll and collected at the same time and in the same manner as other county taxes. When collected, the taxes shall be paid into the county treasury for the use of the district.

Collection,
disposition of
revenue—
Depository.

If the district is in more than one county the treasury of the county in which the district is organized is the depository of all funds of the district.

The treasurers of the other counties shall, at any time, not oftener than twice each year, upon the order of the district board settle with the district board and pay over to the treasurer of the county where the district is organized all money in their possession belonging to the district. The last named treasurer shall give a receipt for the money and place it to the credit of the district.

SEC. 28. The funds shall only be withdrawn from the county treasury depository upon the warrant of the district board signed by its president or acting president, and countersigned by its secretary.

Withdrawal of
funds.

SEC. 29. Any part or all of the taxes collected for use of the district may be used for matching funds made available to the district by county, state, or federal governmental agencies.

Matching
funds.

SEC. 30. All expenses of any special election conducted pursuant to the provisions of this act shall be paid by the mosquito control district.

Expenses of
special
elections.

Mosquito control districts. Annual certification of assessed valuation.

SEC. 31. It shall be the duty of the assessor of each county lying wholly or partially within the district to certify annually to the board the aggregate assessed valuation of all taxable property in his county situated in any mosquito control district as the same appears from the last assessment roll of his county.

Annexation of territory authorized—Consent by city.

SEC. 32. Any territory contiguous to a district may be annexed to the district.

If the territory to be annexed is in a city, consent to the annexation shall first be obtained from the governing body of the city. An authenticated copy of the resolution or order of that body consenting to the annexation shall be attached to the annexation petition.

Petition—Hearing—Boundaries.

SEC. 33. The district board, upon receiving a written petition for annexation containing a description of the territory sought to be annexed, signed by registered voters in said territory equal in number to at least ten percent of the number of votes cast in the territory for the office of governor at the last gubernatorial election prior to the time the petition is presented, shall set the petition for hearing. It shall publish notice of the hearing along with a copy of the petition, stating the time and place set for the hearing, in each county in which any part of the district or of the territory is situated, and in each city situated wholly or in part in the territory. Not more than five of the names attached to the petition need appear in the publication, but the number of signers shall be stated.

At the time set for the hearing the district board shall hear persons appearing in behalf of the petition and all protests and objections to it. The district board may adjourn the hearing from time to time, but not exceeding two months in all.

On the final hearing the district board shall make such changes as it believes advisable in the bound-

aries of the territory, and shall define and establish the boundaries. It shall also determine whether the petition meets the requirements of this act.

SEC. 34. If upon the hearing the district board finds that the petition and the proceedings thereon meet the requirements of this act and that it is desirable and to the interests of the district and of the territory proposed to be annexed that the territory, with boundaries as fixed and determined by the district board, or any portion of it, should be annexed to the district, the board shall order the boundaries of the district changed to include the territory, or portion of the territory, subject to approval of the electors of the territory proposed to be annexed. The election to be conducted and the returns canvassed and declared insofar as is practicable in accordance with the requirements of this act for the formation of a district. The expenses of such election shall be borne by the mosquito control district regardless of the outcome of the election.

Order of
annexation—
Election.

The order of annexation shall describe the boundaries of the annexed territory and that portion of the boundary of the district which coincides with any boundary of the territory. If necessary in making this order, the board may have any portion of the boundaries surveyed.

If more than one petition for the annexation of the territory has been presented, the district board may in one order include in the district any number of separate territories.

SEC. 35. The order of annexation shall be entered in the minutes of the board and certified copies shall be filed with the secretary of state and with the county clerk and county auditor of each county in which the district or any part of it is situated.

Filing of order
—Composition
of board.

From and after the date of the filing and recording of the certified copies of the order, the territory described in the order is a part of the district, with all

Mosquito control districts. Annexation of territory authorized. Filing of order—Composition of board.

the rights, privileges, and powers set forth in this act and those necessarily incident thereto.

After the annexation of territory to a district, the district board shall consist of the number of members and shall be appointed in the manner prescribed by this act for a district formed originally with boundaries embracing the annexed territory. However, the members of the district board in office at the time of the annexation shall continue to serve as members during the remainder of the terms for which they were appointed.

Consolidation of districts—Initial proceedings.

SEC. 36. Whenever in the judgment of the district board it is for the best interests of the district that it be consolidated with one or more other districts, it may, by a two-thirds vote of its members, adopt a resolution reciting that fact and declaring the advisability of such consolidation and the willingness of the board to consolidate. The resolution shall be sent to the board of each district with which consolidation is proposed.

The board of each district to which a proposal of consolidation is sent shall consider said proposal and give notice of its decision to the proposing board.

Concurrent resolution.

SEC. 37. Should it appear that two-thirds of the members of each of the boards of districts proposed to be consolidated favor consolidation each of said boards shall then, by a vote of not less than two-thirds of its members adopt a concurrent resolution in favor of consolidation, declaring its willingness to consolidate, specifying a name for the consolidated district. Immediately upon the adoption of said concurrent resolution a copy of same signed by not less than two-thirds of the members of each board shall be forwarded to the county commissioners of the county in which all of or a major portion of the land of all, the districts consolidated are situated.

SEC. 38. When the concurrent resolution for consolidation has been adopted, each board of the districts proposed for consolidation shall forthwith call a special election in its district in which shall be presented to the electors of the districts the question whether the consolidation shall be effected.

Election.

The election shall be conducted and the returns canvassed and declared insofar as is practicable in accordance with the requirements of this act for the formation of a district.

The board of each district shall declare the returns of the election in its district, and shall certify the results to the county commissioners of the county in which all the districts, or the major portion of the land of all the districts, are situated.

SEC. 39. Should not less than two-thirds of the votes of each of the respective districts proposed to be consolidated favor consolidation the county commissioners shall immediately:

Order of consolidation.

(1) Enter an order on its minutes consolidating all of the districts proposed for consolidation into one district with name as specified in the concurrent resolution.

(2) Transmit a certified copy of the order to the county commissioners of any other county in which any portion of the consolidated district is situated.

(3) Record a copy in the office of the county auditor of each of the counties in which any portion of the consolidated district is situated.

(4) File a copy in the office of the secretary of state.

After the transmission, recording and filing of the order, the territory in the districts entering into the consolidation proposal forms a single consolidated district.

SEC. 40. After the consolidation, the board of the consolidated district shall consist of the number and

Composition of board.

shall be appointed in the manner prescribed by this act for a district originally formed.

The terms of the members of the district boards of the several districts consolidated who are in office at the time of consolidation shall terminate at the time the consolidation becomes effective.

Mosquito control districts. Annexation of territory authorized. Powers of consolidated district—Indebtedness of former districts.

SEC. 41. The consolidated district has all the rights, powers, duties, privileges and obligations of a district formed originally under the provisions of this act.

If at the time of consolidation there is outstanding an indebtedness of any of the former districts included in the consolidated district, that indebtedness shall be paid in the manner provided for the payment of indebtedness upon dissolution of a district.

A consolidated district shall not be liable for any indebtedness of any of the former districts included in it which was outstanding at the time of consolidation.

No property in any of the former districts shall be taxed to pay any indebtedness of any other former district existing at the date of the consolidation.

Dissolution—Election.

SEC. 42. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors in the district at a special election called by the district board upon the question. The question shall be submitted as, "Shall the district be dissolved?", or words to that effect.

Notice of the election shall be published at least once a week for at least four weeks prior to the date of the election in a newspaper of general circulation in each county of the district.

Result of election to be certified—Certificate of dissolution.

SEC. 43. Should two-thirds or more of the votes at the election favor dissolution the district board shall certify that fact to the secretary of state. Upon receipt of such certification the secretary of state shall issue his certificate reciting that the district (naming it) has been dissolved, and shall transmit

to and file a copy with the county clerk of each county in which any portion of the district is situated.

After the date of the certificate of the secretary of state, the district is dissolved.

SEC. 44. If the district at the time of dissolution was wholly within unincorporated territory in one county, its property vests in that county.

Disposition
of property.

If the district at the time of dissolution was situated wholly within the boundaries of a single city, its property vests in that city.

If the district at the time of dissolution comprised only unincorporated territory in two or more counties, its property vests in those counties in proportion to the assessed value of each county's property within the boundaries of the district as shown on the last equalized county assessment roll.

If the district at the time of dissolution comprised both incorporated and unincorporated territory, its property vests in each unit in proportion as its assessed property value lies within the boundaries of the district: *Provided, however,* That any real property, easements, or rights of way vest in the city in which they are situated or in the county in which they are situated.

Proviso.

SEC. 45. If, at the time of election to dissolve, a district has outstanding any indebtedness, the vote to dissolve the district dissolves it for all purposes except the levy and collection of taxes for the payment of the indebtedness, and expenses of assessing, levying, and collecting such taxes.

Collection of
taxes to dis-
charge indebt-
edness.

Until the indebtedness is paid, the county commissioners of the county in which the greater portion of the district was situated shall act as the ex officio district board and shall levy taxes and perform such functions as may be necessary in order to pay the indebtedness.

SEC. 46. If any part, or parts, of this act shall be held unconstitutional, the remaining provisions shall

Severability.

be given full force and effect, as completely as if the part held unconstitutional had not been included therein, if any such remaining part can then be administered in furtherance of the purposes of this act.

Emergency.

SEC. 47. This act is necessary for the immediate preservation of public peace, health or safety, support of state government, and its existing state institutions, and shall take effect immediately.

Passed the Senate March 1, 1957.

Passed the House March 10, 1957.

Approved by the Governor March 20, 1957.

CHAPTER 154.

[S. B. 488.]

FOREST PROTECTION—CERTIFICATES OF CLEARANCE.

AN ACT relating to protection of forests; providing for burning of slashings; and amending section 8, chapter 142, Laws of 1955 and RCW 76.04.230.

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

RCW 76.04.230 amended.

SECTION 1. Section 8, chapter 142, Laws of 1955 and RCW 76.04.230 are each amended to read as follows:

Certificates of clearance.

When any fire hazard exists or has been created by any logging or clearing operations, and whether the supervisor has declared the same to be a fire hazard or not, and whether or not an effort has been made to remove or abate such fire hazard, an application may be made to the supervisor for a certificate of clearance.

As soon as practicable after the receipt of such written request the supervisor shall cause the area to be carefully inspected and if it is found that the unused material and debris has been properly disposed of or the fire hazard abated through deterioration or utilization, the supervisor shall issue a