

This section provides \$500,000 from the State Wildlife Fund for a continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy Creek. Funds available to the State Wildlife Fund are extremely limited. Revenues may not be sufficient to cover projected expenditures next biennium. Additionally, initial studies by the Department of Wildlife have shown that the amount of water available at Grandy Creek is marginal to support a hatchery. Moreover, this project is being developed outside the normal Capital budget process, without a thorough review by the Department of Wildlife or the Office of Financial Management. The Department of Wildlife has not had the opportunity to rank this project in terms of its other capital needs. Given these factors, approval of the appropriation is not prudent. While I am opposing the project at this time, I am willing to work with the Department of Wildlife, the Legislature, and interested groups in pursuing the feasibility of a steelhead facility on the Skagit River.

For the reasons stated above, I have vetoed section 315 of Engrossed Substitute Senate Bill No. 6417.

With the exception of section 315, Engrossed Substitute Senate Bill No. 6417 is approved.*

CHAPTER 300

[Senate Bill No. 6292]

MOSQUITO CONTROL

AN ACT Relating to the control of mosquitos; amending RCW 17.28.010; adding new sections to chapter 17.28 RCW; and declaring an emergency.

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

***Sec. 1. Section 1, chapter 153, Laws of 1957 and RCW 17.28.010 are each amended to read as follows:**

When used in this chapter, the following terms, words or phrases shall have the following meaning:

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

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

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

(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.

(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.

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

(7) "Owner" means the person in actual control of property, or an agent, whether such control is based on legal or equitable title or on any other interest entitling the owner to possession or management control.

*Sec. 1 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 2. A board established pursuant to RCW 17.28.110 may adopt, by resolution, a policy declaring that the control of

mosquitos within the district is the responsibility of the owner of the land from which the mosquitos originate. To protect the public health or welfare, the board may, in accordance with policies and standards established by the board following a public hearing, adopt a regulation requiring owners of land within the district to perform such acts as may be necessary to control mosquitos.

NEW SECTION. Sec. 3. (1) Whenever the board finds that the owner has not taken prompt and sufficient action to comply with regulations adopted pursuant to section 2 of this act to control mosquitos originating from the owner's land, the board shall notify the owner that a violation of this chapter exists. The notice shall be in writing and sent by certified mail, or served by personal service. The notice shall provide a reasonable time period for action to be taken to control mosquitos. If the board deems that a public nuisance or threat to public health or welfare caused by the mosquito infestation is sufficiently severe, it may require immediate control action to be taken within forty-eight hours following the time that notification is reasonably expected to have been received by the owner or agent by certified mail or personal service.

(2) If the owner does not take sufficient action to control mosquitos in accordance with the notice, the board may control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien. The owner shall be liable for payment of the expenses, and nothing in this chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien. Necessary costs and expenses, including reasonable attorneys' fees, incurred by the board in carrying out this section, may be recovered at the same time, as a part of the action filed under this section. The venue in proceedings for reimbursement of expenses brought pursuant to this section, including those involving governmental entities, shall be the county in which the real property that is the subject of the action is situated.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act are each added to chapter 17.28 RCW.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 9, 1990.

Passed the House March 2, 1990.

Approved by the Governor March 30, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 30, 1990.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 1, Senate Bill No. 6292 entitled:

"AN ACT Relating to the control of mosquitos."

This bill allows local mosquito control districts to establish a policy that the control of mosquitos within the district is the responsibility of the owner of the land from which the mosquitos originate. However, section 1 of the bill expands the common definition of owner from the possessor of the legal or equitable title to include anyone with any other interest entitling the person to possession or management control. Individuals who are renting or leasing property would, therefore, be responsible for mosquito control. This definition would confuse landowners and tenants and would be inconsistent with other statutes relating to property ownership and management. For these reasons I have vetoed section 1.

With the exception of section 1, Senate Bill No. 6292 is approved."

CHAPTER 301

[Second Substitute Senate Bill No. 5835]

ENERGY EDUCATION

AN ACT Relating to energy education; adding new sections to Title 28A RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that the state is facing an impending energy supply crisis. The legislature further finds that keeping the importance of energy in the minds of state residents is essential as a means to help avert a future energy supply crisis and that citizens need to be aware of the importance and trade-offs associated with energy efficiency, the implications of wasteful uses of energy, and the need for long-term stable supplies of energy. One efficient and effective method of informing the state's citizens on energy issues is to begin in the school system, where information may guide energy use decisions for decades into the future.

NEW SECTION. Sec. 2. A new section is added to Title 28A RCW to read as follows:

The office of the superintendent of public instruction shall develop an energy information program for use in local school districts. The program shall utilize existing curriculum which may include curriculum as developed by districts or the state relating to the requirement under RCW 28A.05.010 that schools provide instruction in science with special reference to the environment, and shall include but not be limited to the following elements:

(1) The fundamental role energy plays in the national and regional economy;

(2) Descriptions and explanations of the various sources of energy which are used both regionally and nationally;

(3) Descriptions and explanations of the ways to use various energy sources more efficiently; and