HOUSE BILL REPORT
SSB 5002

As Passed House - Amended:
April 17, 2013

Title: An act relating to mosquito control districts.

Brief Description: Concerning mosquito control districts.

Sponsors: Senate Committee on Governmental Operations (originally sponsored by Senators Honeyford, Fraser and Ericksen).

Brief History:
Committee Activity:
Local Government: 3/14/13, 3/19/13 [DP].
Floor Activity:
Passed House - Amended: 4/17/13, 60-37.

Brief Summary of Substitute Bill
(As Amended by House)

- Authorizes mosquito control districts to enter without hindrance upon lands adjacent to lands within the district in carrying out certain powers and duties, and to cut or remove shrubbery or undergrowth to carry out pest control objectives.
- Establishes that mosquito control districts may treat places where mosquitos are found or likely to exist using integrated pest management methods, a process requiring use of the most appropriate pest control methods and strategy in an environmentally and economically sound manner to meet pest management objectives.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 5 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Liias, Springer and Upthegrove.

Minority Report: Do not pass. Signed by 3 members: Representatives Taylor, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Buys.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Michaela Murdock (786-7289).

Background:

Mosquito Control Districts.

Mosquito control districts (districts) are special purpose districts created to protect public health, safety, and welfare by abating or exterminating mosquitoes within the district. Districts may be comprised of all or a portion of one or more counties. They are governed by a board of trustees.

Districts have powers enumerated in statute, including the power to: (1) take all necessary or proper steps for the extermination of mosquitoes; (2) abate as nuisances all stagnant pools of water and other breeding places for mosquitoes; (3) build, construct, repair, and maintain necessary dikes, levees, cuts, canals, or ditches upon any land, and acquire any lands, rights-of-way, easements, property, or other necessary material to carry out its duties; and (4) enter upon any lands within the district to ascertain whether mosquito breeding places exist upon the land, to abate public nuisances, to ascertain if notices to abate mosquito breeding places have been complied with, or to treat with oil or other larvicidal material any mosquito breeding places.

Statute declares any mosquito breeding place that exists by reason of any use of land or any artificial change in the natural condition of land to be a public nuisance. However, conditions or usage of land that are beyond the control of the landowner or that are not contrary to normal, accepted practices of water usage in the district are not considered a public nuisance. Any public nuisance may be subject to abatement as provided by law.

It is a misdemeanor for any person to obstruct, hinder, or interfere with entry of a district officer or employee upon land within the district to perform official duties; or to obstruct, interfere with, molest, or damage any work performed by the district. Misdemeanors are punishable under law by a maximum penalty of 90 days in jail and a $1,000 fine.

Integrated Pest Management.

Integrated pest management is a coordinated decision-making and action process that requires use of the most appropriate pest control methods and strategy in an environmentally and economically sound manner to meet pest management objectives. Integrated pest management includes:

- preventing and monitoring the presence of pests and pest damage;
- establishing pest population densities that can be tolerated or that warrant treatment based on health, public safety, economic, or aesthetic thresholds;
- reducing pest populations using treatment strategies that may include biological, cultural, mechanical, and chemical control methods and that must consider human health, ecological impact, feasibility, and cost-effectiveness; and
- evaluating the effects and efficacy of pest treatments.

State agencies or institutions, including for example, the Department of Agriculture, the Department of Ecology, and the Department of Fish and Wildlife, are currently required to

implement integrated pest management practices when carrying out duties related to pest control.

Summary of Bill:

Districts are authorized to enter without hindrance upon lands adjacent to lands within the district to ascertain whether there are mosquito breeding places located on those lands, to abate public nuisances, to ascertain whether notices to abate mosquito breeding places have been complied with, or to treat mosquito breeding places. Districts must give property owners prior written notice of the intent to enter lands adjacent to lands within the district.

Instead of using oil or other larvicidal material in treating mosquito breeding places, districts are authorized to use integrated pest management as that term is defined in current law.

Districts are authorized to cut or remove shrubbery or undergrowth, in consultation with the landowner, as necessary or proper in carrying out their duties.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The statutes governing districts were first adopted in the 1950s. Since that time, the practices for controlling mosquitoes have changed dramatically; however, the statutes have not been (and should be) updated to reflect these new practices. For example, districts and other entities now use Integrated Pest Management to combat mosquitoes. In the 1950s it was common practice to use diesel oil or used motor oil on the surface of ponds to control mosquito larvae. Such practices are no longer used.

Districts were originally created in response to repeated epidemics of encephalitis in the mid-twentieth century. In 2012 there were 5,387 human cases of West Nile Virus in the United States, and 50 percent of those people experienced neurological symptoms, including coma, paralysis, long-term symptoms, or death. Every year since 2008, Benton County has identified mosquitoes in the district carrying the virus. Preventing this virus is important.

Districts would like the ability to enter and treat lands adjacent to the district. Mosquitoes do not honor political boundaries, and will often fly into district land from adjacent land. For example, if there is a pond located just outside the border of a district (mosquitoes in their immature stages exist in water), mosquitoes will mature and then fly into the district. Rather than treating mosquitoes at their sources, districts end up having to treat them after they have hatched and flown into the district. This costs districts more money and the affected area is much greater. Under current law, districts are not authorized to enter adjacent lands to treat mosquitoes. If they do so, it creates a liability. Districts would like to eliminate this liability, as well as have the authority to effectively treat mosquitoes at their source.

(Opposed) None.

Persons Testifying: Senator Honeyford, prime sponsor; Stephen Ingalls, Yakima County Mosquito Control District; and Angela Beehler, Benton County Mosquito Control District.

Persons Signed In To Testify But Not Testifying: None.