

SENATE BILL REPORT

SB 5519

As Passed Senate, January 31, 2020

Title: An act relating to mosquito control districts.

Brief Description: Concerning mosquito control districts.

Sponsors: Senators Cleveland, King, Takko, Warnick, Short, Braun, Wilson, L. and Honeyford.

Brief History:

Committee Activity: Local Government: 2/07/19 [DP].

Floor Activity:

Passed Senate: 2/26/19, 48-0; 1/31/20, 45-0.

Brief Summary of Bill

- Changes the statutory provisions that govern liens, collections, payment of assessments, delinquent assessments, interest and penalties, lien foreclosure and foreclosed property as applied to mosquito control districts from the local county road improvement district statutes to the statutes relating to the collection of property taxes.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford.

Staff: Greg Vogel (786-7413)

Background: Mosquito Control Districts. Mosquito control 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. Such districts are controlled by a five-member board of trustees.

Mosquito control districts have powers enumerated in statute, including the power to:

- take all necessary or proper steps for the extermination of mosquitoes;

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- abate as nuisances all stagnant pools of water and other breeding places for mosquitoes;
- 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
- 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.

Assessments. Mosquito control districts are funded through assessments on all property in the district. The amount of the assessment is determined by the value of a property and the proportionate benefit it receives from the district's services.

The county legislative authority must, by resolution, provide: (1) the time frame assessments must be paid; (2) the entity responsible for collecting assessment payments and collection of interest; and (3) the rate of interest to be charged on that portion of any assessment which remains unpaid over 30 days after the assessment payment due date. Upon passage of a resolution, delinquent assessments may also incur a penalty totaling not less than 5 percent as prescribed by resolution. All interest and penalties incurred become a part of the assessment lien on the property. Once property is charged a mosquito control district assessment, the assessment becomes a lien upon the property at the time the assessment rolls are turned over to the county treasurer for collection. The county road improvement district statutes govern the process for handling liens; the collection and payment of current and delinquent assessments, interest, and penalties; and property foreclosures on behalf of mosquito control districts.

County Road Improvement District. The county road improvement district statutes authorize counties to create county road improvement districts to facilitate the construction of new roads or the improvement of existing roads and other related facilities. Such counties have the power to levy and collect special assessments against the real property specially benefited by the district for the purpose of paying the whole or any part of the cost of such acquisition of rights-of-way, construction, or improvement.

Property Taxes. Under property tax statutes, if property taxes have remained delinquent for three or more years, then the county treasurer must begin foreclosure activities by issuing a certificate of delinquency on the property for all years' taxes, interest, and costs. However, the county treasurer, with the consent of the county legislative authority, may elect to issue a certificate for fewer than all years' taxes, interest, and costs to a minimum of the taxes, interest, and costs for the earliest year.

County treasurers may impose an annual fee for collecting special assessments on behalf of special purpose districts.

Summary of Bill: The provisions relating to liens, collections, payment of assessments, delinquent assessments, interest and penalties, lien foreclosure and foreclosed property as applied to mosquito control districts are changed from the county road improvement district statutes to the statutes governing the collection of property taxes.

As a result, the delinquency period for unpaid mosquito control district assessments is extended to three years before a treasurer may begin any foreclosure activities. Additionally, county treasurers may impose an annual fee for collecting special assessments on behalf of mosquito control districts.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is endorsed by county treasurers. A 1959 statute requires county treasurers to institute a foreclosure for delinquent mosquito control district assessments after two years, a year earlier than the practice for real property. Aligning these statutes prevents county treasurers from instituting foreclosure on very low assessments.

Persons Testifying: PRO: Doug Lasher, citizen.

Persons Signed In To Testify But Not Testifying: No one.