

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.

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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

certificate of clearance in duplicate, one copy to be delivered to the applicant and one copy to be retained in the records of his office. Each such certificate of clearance shall describe with reasonable accuracy the slashing, chopping or other area on which the unused material or other debris or fire hazard has been satisfactorily disposed of or the fire hazard abated through deterioration or utilization, by subdivision, section, township, and range, shall give the approximate acreage of the area to which the certificate applies, shall name the person who created such slashing, chopping, unused material, or fire hazard, if known, and name the person by whom the disposal or abatement was done, shall give the date on which the area was inspected and the name of the person making the inspection, and shall certify that in the opinion of the inspector such unused forest material or debris has been properly disposed of or through deterioration or utilization the fire hazard abated. Such certificate of clearance shall be issued for any fraction or part of the area inspected when the inspector finds that only such fraction or part meets the requirements of satisfactory and legal disposition of such unused material or debris and of the abatement of such fire hazard.

Forest protection. Certificates of clearance.

If the supervisor determines that the burning of any slashings will result in the destruction of second growth or will be detrimental to the growth of a new forest crop, such that the harm will be greater than the benefit derived, or that burning such slashings will create a greater fire hazard than already exists, he shall issue a certificate of clearance therefor: *Provided*, That the supervisor has received the application for clearance in writing, within twelve months after completion of logging, describing the area in forty acre subdivisions or less, according to area logged, and the supervisor will have the right to require extra protection measures as a condition precedent to the issuance of such certificate of clear-

Proviso.

Forest protection. Certificates of clearance. Proviso.

ance to be given the area by the owner and/or operator if the hazard warrants it: *Provided further*, That should the owner and/or operator elect he may request the supervisor to be relieved of this responsibility and if the supervisor finds it reasonably possible for the division of forestry, or some other organized protection agency approved by the supervisor, to assume this responsibility and that it can be assumed at a cost per acre not exceeding the average cost per acre for protecting lands of similar type from fire as determined by the supervisor of forestry, and if the owner and/or operator pays to the supervisor of forestry or other protection agency a sum equal to the annual cost multiplied by the estimated number of years necessary for the slash to deteriorate, then upon receiving this amount, the supervisor of forestry shall issue a certificate of clearance certifying that the operator and/or owner of the land is relieved of fire fighting costs that may accrue as a result of the unabated slashings, providing that no negligent act of the operator and/or landowner shall cause a fire to start on land for which such certificate has been issued. All money paid to the supervisor of forestry pursuant to this section shall be deposited in a special permanent revolving fund to be maintained by the supervisor outside the state treasury and designated the "certificate of clearance fund." The supervisor of forestry shall utilize said moneys for discharging the obligations assumed by the state under this section.

All certificates of clearance shall be conclusive evidence of the satisfactory and legal disposition and abatement of the unused material and debris and the fire hazard created thereby to the extent in such certificate set forth; but any such certificate may be canceled or set aside, upon due notice served in writing by the supervisor for fraud or collusion in the

procuring or issuance thereof, or in the event of non-compliance with any provision or condition therein.

Passed the Senate March 5, 1957.

Passed the House March 12, 1957.

Approved by the Governor March 20, 1957.

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CHAPTER 155.

[ H. B. 262. ]

SCHOOL DISTRICTS—EMINENT DOMAIN.

AN ACT relating to education; and amending section 13, page 289, Laws of 1909 as amended by section 1, chapter 54, Laws of 1949, and RCW 28.58.070.

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

SECTION 1. Section 13, page 289, Laws of 1909 as amended by section 1, chapter 54, Laws of 1949 and RCW 28.58.070 are each amended to read as follows:

RCW 28.58.070 amended.

The board of directors of any school district of this state may proceed to condemn and appropriate not more than fifteen acres of land for any elementary school purpose, not more than twenty-five acres for any junior high school purpose and not more than forty acres for any senior high school purpose. Such condemnation proceedings shall be in accordance with the laws of this state providing for appropriating private property for public use.

Eminent domain.

Passed the House February 8, 1957.

Passed the Senate March 11, 1957.

Approved by the Governor March 21, 1957.