
CHAPTER 102
[House Bill No. 298]
FOREST PROTECTION

AN ACT Relating to forest protection; amending and reenacting section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 182, Laws of 1973 1st ex. sess. and by section 87, chapter 195, Laws of 1973 1st ex. sess. and RCW 76.04.360; amending section 1, chapter 58, Laws of 1951 as amended by section 1, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.010; amending section 1, chapter 105, Laws of 1917 as amended by section 2, chapter 168, Laws of 1941 and RCW 76.04.350; and amending section 11, chapter 184, Laws of 1923 as amended by section 6, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.390.

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

Section 1. Section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 182, Laws of 1973 1st ex. sess. and by section 87, chapter 195, Laws of 1973 1st ex. sess. and RCW 76.04.360 are each amended and reenacted to read as follows:

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the department shall provide such protection therefor, notwithstanding the provisions of RCW 76.04.520, at a cost to the owner of not to exceed eighteen cents an acre per year on lands west of the summit of the Cascade mountains and fourteen cents an acre per year on lands east of the summit of the Cascade mountains.

For the purpose of ((this act)) chapter 76.04 RCW, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of the department of natural resources for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of the department of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of the department of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of the department of natural resources levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in chapter 52.04 RCW.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the supervisor of the department of natural

resources certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of the department of natural resources to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor of the department of natural resources shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

When land against which ~~((fire))~~ forest patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of the department of natural resources the amount of the outstanding patrol assessments.

All public bodies owning or administering forest lands shall pay the forest patrol assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.515. The forest patrol assessments and special forest fire suppression account assessments shall be payable by public bodies from any available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the publicly owned land but shall constitute a debt by the public body to the department and shall be subject to interest charges in the same amount as other unpaid forest patrol assessments.

A public body, having failed to previously pay forest patrol assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of any costs incurred by the public body in the suppression activities.

The supervisor of the department of natural resources shall furnish ~~((a good and sufficient))~~ the surety company bond ~~((running to the state, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this chapter))~~ under RCW 43.30.170(6), conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

Sec. 2. Section 1, chapter 58, Laws of 1951 as amended by section 1, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.010 are each amended to read as follows:

As used in this chapter:

"Additional fire hazard" means a condition of forest land resulting from the existence of forest debris so located and in such amounts and flammability as to readily support, intensify and/or continue the spread of fire beyond the spread that would occur in the absence of such debris or if the debris had been abated in a manner approved by the department of natural resources;

"Department" means the department of natural resources or its authorized representatives;

"Director" means the director of conservation and development as that term occurred in pre-1957 law and means the department in all subsequent law;

"Supervisor" means the supervisor of forestry as that term occurred in pre-1957 law and means the department in all subsequent law;

"Emergency fire costs" means those costs incurred or approved by the department for emergency forest fire suppression, including the employment of men, rental of equipment, and purchase of supplies over and above costs regularly budgeted and provided for nonemergency fire expenses for the biennium in which such costs occur;

"Forest debris" includes forest slashing, chopping, and any other vegetative residue resulting from activities on forest land;

"Forest fire service" includes all wardens, rangers, and other help employed especially for preventing or fighting forest fires;

"Forest land" means any land which has enough timber, standing or down, or flammable material, to constitute in the judgment of the department a fire menace to life or property: PROVIDED, That sagebrush and grass areas east of the summit of the Cascade mountains are not included unless such areas are adjacent to or intermingled with areas supporting tree growth;

"Forest landowner", "owner of forest land", "landowner", or "owner" means the owner or the person in possession of any public or private forest land defined in this section;

"Forest material" means forest slashing, chopping, woodland, or brushland;

"Landowner operation" means every activity, and supporting activities, of a forest landowner, his agents, employees, or independent contractors or permittees therewith in the management and use of forest land for the primary benefit of the owner. Such activities may include, but are not limited to, the growing and harvesting of forest products, development of transportation systems, utilization of mineral or other natural resources, disposing of forest debris, and the clearing of land: PROVIDED, That recreational and/or residential activities not associated with the above shall not be included;

"Participating landowner" means an owner of forest land, which land is subject to the forest patrol assessment provided in RCW 76.04.360 as now or hereafter amended(~~(, including publicly owned forest land paying a like amount in lieu thereof)~~);

"Suppression" means all activities involved in the containment and control of forest fires, including the patrolling thereof until such fires are extinguished or deemed by the department of natural resources to pose no further threat to life or property.

Sec. 3. Section 1, chapter 105, Laws of 1917 as amended by section 2, chapter 168, Laws of 1941 and RCW 76.04.350 are each amended to read as follows:

Every owner of forest land in the state of Washington shall furnish or provide therefor, during the season of the year when there is danger of forest fires, adequate protection against the spread of fire thereon or therefrom which shall meet with the approval of the ~~((state forest board: PROVIDED, That for the purposes of this section forest lands, lying in counties east of the summit of the Cascade~~

~~mountains, shall be deemed to be adequately protected where patrol is furnished by the United States forest service of a standard and efficiency and seasonal duration, deemed by the state forest board to be sufficient for the proper protection of the forest land of such counties))~~ department of natural resources.

Sec. 4. Section 11, chapter 184, Laws of 1923 as amended by section 6, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.390 are each amended to read as follows:

Any person, firm, or corporation negligently responsible for the starting or existence of a fire which spreads on forest land, including permitting the existence of an extreme fire hazard under RCW 76.04.370, as now or hereafter amended, after failure to abate, isolate, or reduce, as required in this 1971 amendatory act, or for the existence of forest debris subject to RCW 76.04.310 as now or hereafter amended, and which contributes to the spread of said fire, shall be liable for any expense made necessary by such negligence, incurred by the state, a municipality, or a forest protective association, in fighting such fire, together with costs of investigation and litigation including reasonable attorneys' fees and taxable court costs, provided that any such expense was authorized or subsequently approved by the department of natural resources. The department or agency incurring such expense shall have a lien for the same against any property of said person, firm, or corporation liable as above provided by filing a claim of lien naming said person, firm, or corporation describing the property against which the lien is claimed, specifying the amount expended on the lands on which the fire fighting took place and the period during which the expenses were incurred, and signed by the claimant with post office address. No claim of lien shall be valid unless filed with the county auditor of the county in which the property sought to be charged is located within a period of ninety days after the expenses of the claimant were incurred. The claimant may recover said expenses incurred in a civil action against said person, firm, or corporation liable therefor, and shall have in addition the lien remedy above provided. Said lien may be foreclosed in the same manner as a mechanic's lien is foreclosed under the statutes of the state of Washington.

Passed the House April 1, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

CHAPTER 103

[Substitute House Bill No. 267]

HIGHWAYS—ACQUISITION OF PUBLIC LANDS FOR HIGHWAY ETC., PURPOSES

AN ACT Relating to public lands; amending section 47.56.100, chapter 13, Laws of 1961 and RCW 47.56.100; adding new sections to chapter 47.12 RCW; repealing section 47.12.020 chapter 13, Laws of 1961, section 1, chapter 156, Laws of 1961 and RCW 47.12.020; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 47.12 RCW a new section to read as follows: