

CHAPTER 207

[House Bill No. 1034]

FOREST PROTECTION

AN ACT Relating to forest protection; amending section 1, chapter 58, Laws of 1951 and RCW 76.04.010; amending section 16, chapter 125, Laws of 1911 as last amended by section 3, chapter 151, Laws of 1959 and RCW 76.04.310; amending section 4, chapter 105, Laws of 1917 as last amended by section 1, chapter 235, Laws of 1951 and RCW 76.04.370; amending section 3, chapter 105, Laws of 1917 as last amended by section 9, chapter 58, Laws of 1951 and RCW 76.04.380; amending section 11, part, chapter 184, Laws of 1923 and RCW 76.04.390; amending section 1, chapter 332, Laws of 1959 and RCW 76.04.510; amending section 2, chapter 193, Laws of 1945 as last amended by section 1, chapter 79, Laws of 1957 and RCW 76.08.010; amending section 5, chapter 193, Laws of 1945 as last amended by section 3, chapter 79, Laws of 1957 and RCW 76.08.050; amending section 6, chapter 193, Laws of 1945 as last amended by section 2, chapter 44, Laws of 1953 and RCW 76.08.060; amending section 9, chapter 125, Laws of 1911 as last amended by section 3, chapter 207, Laws of 1929 and RCW 76.04.180; amending section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 123, Laws of 1959 and RCW 76.04.360; adding new sections to chapter 76.04 RCW; repealing section 3, chapter 125, Laws of 1911 and RCW 76.04.040; repealing section 2, chapter 223, Laws of 1927, section 2, chapter 207, Laws of 1929, section 1, chapter 140, Laws of 1941, section 1, chapter 102, Laws of 1945, section 3, chapter 58, Laws of 1951, section 8, chapter 142, Laws of 1955, section 1, chapter 154, Laws of 1957 and RCW 76.04.230; making appropriations; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 58, Laws of 1951 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 ((inflammable)) flammable material, to constitute in the judgment of the ((director)) 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" 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. 2. Section 16, chapter 125, Laws of 1911 as last amended by section 3, chapter 151, Laws of 1959, and RCW 76.04.310 are each amended to read as follows:

Everyone clearing land or clearing right of way for railroad, public highway, private road, ditch, dike, pipe or wire line, or for any other transmission, or transportation utility right of way, shall pile and burn ~~((on such right of way))~~ or dispose of by other satisfactory ~~((procedure))~~ means, all ~~((refuse timber, brush, and))~~ forest debris cut thereon, as rapidly as the clearing or cutting progresses, or at such other times as the ~~((forester))~~ department may specify, and if during the closed season, in compliance with the law requiring burning permits.

No one clearing any land or right of way, or in cutting or logging timber for any purpose, shall fell, or permit to be felled, any trees so that they may fall on to land owned by another without first obtaining permission from such owner in addition to complying with the terms of this section for the disposal of refuse. All the terms of this section and other forest laws of the state shall be observed in all clearings of right of way or other land on behalf of the state itself or any county thereof, either directly or by contract; and, unless unavoidable emergency prevents, provision shall be made by all officials directing such work for withholding a sufficient portion of the payment therefor until the disposal is completed, to insure the completion of the disposal in compliance with this section.

Sec. 3. Section 4, chapter 105, Laws of 1917 as last amended by section 1, chapter 235, Laws of 1951 and RCW 76.04.370 are each amended to read as follows:

Any land in the state covered wholly or in part by ~~((inflammable))~~ forest debris ~~((created by logging or other forest operations, land clearing, or right of way clearing))~~ and which by reason of such condition is likely to further the spread of fire and thereby endanger life or property, shall constitute ~~((a))~~ an additional fire hazard, and the owner thereof and/or the person responsible for its existence shall take reasonable measures to reduce the danger of fire spreading from the area and may abate such hazard by burning or other satisfactory means. ~~((If the state shall incur any expense from fire fighting made necessary by reason of such hazard, it may recover the cost thereof from the person responsible for the existence of such hazard or the owner of the land upon which such hazard existed, and the state shall have a lien upon the land therefor enforceable in the same manner and with the same effect as a mechanic's lien. Nothing in this section shall apply to land for which a certificate of clearance has been issued.))~~

Notwithstanding the above, the department shall promulgate rules and regulations defining areas of extreme fire hazard including but not limited to high risk areas such as where life or buildings may be endangered, areas adjacent to public highways, and areas of

frequent public use and the owner and/or person responsible shall abate such hazard; and in addition the department may define other conditions of extreme fire hazard with a high potential for fire spreading to lands in other ownerships and may, under rules and regulations adopted after consultation with the advisory board, prescribe additional measures that shall be taken by the owner and/or person responsible to isolate and/or reduce such hazard.

If the owner or person responsible for the existence of such extreme hazard or for the existence of forest debris subject to RCW 76.04.310 as now or hereafter amended, refuses, neglects, or fails to abate, isolate or reduce the ((hazard)) same, the ((supervisor)) department may summarily cause it to be abated, isolated, or reduced as required in this act and twice the actual cost thereof may be recovered from the owner or person responsible therefor ((and)). Such costs shall include all salaries and expenses of men and equipment incurred therein, including those of the department. All such costs shall also be a lien upon the land enforceable in the same manner with the same effect as a mechanic's lien. The summary action may be taken only after ((twenty)) ten days' notice in writing, which shall include a suggested method of abatement and estimated cost thereof, has been given to the owner or reputed owner of the land on which ((the)) such hazard or forest debris subject to RCW 76.04.310 as now or hereafter amended exists, either by personal service or by registered or certified letter addressed to him at his last known place of residence.

Sec. 4. Section 3, chapter 105, Laws of 1917 as last amended by section 9, chapter 58, Laws of 1951 and RCW 76.04.380 are each amended to read as follows:

Any fire on or threatening any forest land burning uncontrolled and without proper action being taken to prevent its spread, notwithstanding the origin of such fire, is a public nuisance by reason of its menace to life and property. ((The owner, operator, or)) Any person ((in possession of land, on which a fire exists, or from which it may have spread)) engaged in any activity on such lands, having knowledge of such fire, notwithstanding the origin or subsequent spread thereof on his own or other forest lands, and/or the landowner, shall make every reasonable effort to ((control and extinguish)) suppress such fire ((immediately after receiving written notice to do so from the supervisor, or a warden or ranger,)) and to prudently report the same to the department. If such ((owner, operator, or)) person ((in possession refuses, neglects, or fails to do so)) has not suppressed such fire, the ((supervisor or any fire warden or forest ranger)) department shall summarily ((abate)) suppress the ((nuisance thus constituted by controlling or extinguishing the)) fire and the cost thereof may be recovered from

((such)) the owner, ((operator, or person in possession and if the work is performed on the property of the offender,)) lessee, or other possessor of the land and the cost of the work shall also constitute a lien upon the property or chattels under his ownership. Such lien may be filed by the ((supervisor)) department in the office of the county auditor and foreclosed in the same manner provided by law for the foreclosure of mechanics' liens. The prosecuting attorney shall bring the action to recover the cost or foreclose the lien, upon the request of the ((supervisor)) department: PROVIDED, That in the absence of negligence, no costs, other than those provided in section 5 of this 1971 amendatory act shall be recovered from any landowner for lands subject to the forest patrol assessment with respect to the land on which the fire burns.

((The payment of forest patrol assessment on the land shall be interpreted as a reasonable effort in suppressing and extinguishing any fire on the land except when the fire started on that land as a result of owner/operator negligence and except when extra debris is present as described under laws pertaining to slash responsibility.))

When a fire occurs in a ((logging)) land clearing, right of way clearing, or landowner operation it shall be fought to the full limit of the available employees and equipment, and such fire fighting shall be continued with the necessary crews and equipment in such numbers as are, in the opinion of the ((supervisor or his authorized deputies,)) department sufficient to ((bring)) suppress the fire ((to a patrol basis, and)). The fire shall not be left without a fire fighting crew or fire patrol until authority so to do has been granted in writing by the ((supervisor, or his authorized deputies)) department.

NEW SECTION. Sec. 5. There is added to chapter 76.04 RCW a new section to read as follows:

Any person, firm, or corporation, public or private, obligated to take suppression action on any forest fire shall, under the provisions of this section, be entitled to reimbursement for reasonable costs incurred thereby, subject to the following:

(1) If the fire is started in the course of or as a result of a land clearing, right of way clearing, or landowner's operation, the person, firm, or corporation conducting such operation shall supply at his expense the manpower and equipment under his control, within a one-half mile radius of the point of origin of such fire, but in any case never less than five men and one suitable bulldozer, unless, in the opinion of the department, fewer men are needed for the purpose of suppressing the same. If he has no men or equipment within the said one-half mile he shall pay to the department the equivalent of the minimum requirement. If additional manpower and equipment are necessary, in the opinion of the department, he shall supply the

manpower and equipment under his control outside such one-half mile radius, if reasonably available, but he shall be reimbursed for such manpower and equipment as provided herein;

(2) Claims for reimbursement shall be submitted within a reasonable time to the department which shall, upon verifying the amounts therein and the necessity therefor, authorize payment at such rates as established by the department for wages and equipment rental;

(3) No reimbursement provided herein shall be allowed to a person, firm, or corporation negligently responsible for the starting or existence of any fire for which costs may be recoverable by the department pursuant to law.

Reimbursement of emergency fire costs incurred or approved by the department in suppressing a forest fire may be paid from the appropriate contingency account as provided therein. Such payment shall be without restriction to the right of the department to recover costs pursuant to the provisions of RCW 76.04.390 as now or hereafter amended or other laws but any such recovery by the department shall be returned into the account from which it was spent, less reasonable costs of collection.

Sec. 6. Section 11, part, chapter 184, Laws of 1923 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 provided that such expense was ((at the time incurred;)) authorized or subsequently approved by the ((state supervisor of forestry or by one of his duly appointed and acting district or state fire wardens)) department. 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.

Sec. 7. Section 1, chapter 332, Laws of 1959 and RCW 76.04.510 are each amended to read as follows:

There is created a general contingency forest fire suppression account which shall be a separate account in the general fund. The account is for the purpose of paying the emergency fire costs and expenses incurred and/or approved by the department in forest fire suppression ((and shall be used by the department of natural resources for emergency employment of men, rental of equipment, and purchase of supplies over and above those regularly employed, or purchased by the department of natural resources, when such employment, rental, or purchase is made necessary by forest fire suppression)) or in reacting to any potential forest fire situation. When a determination is made that the fire started in the course of or as a result of a participating landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from the landowner contingency forest fire suppression account. The ((commissioner of public lands)) department shall transmit to the state treasurer for deposit in the general contingency forest fire suppression account any moneys paid out of said account which are later recovered and said moneys may be spent for purposes set forth herein during the current biennium, without reappropriation. Interfund loans to and from this account are authorized at the then current rate of interest as determined by the state treasurer.

NEW SECTION. Sec. 8. There is added to chapter 76.04 RCW a new section to read as follows:

There is created a landowner contingency forest fire suppression account which shall be a separate account in the general fund. This account shall be for the purpose of paying emergency fire costs incurred or approved by the department in the suppression of forest fires. When a determination is made that the fire was started by other than a participating landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from the general contingency forest fire suppression account. Moneys spent from this account shall be by appropriation. The department shall transmit to the state treasurer for deposit in the landowner contingency forest fire suppression account any moneys paid out of said account which are later recovered, less reasonable costs of recovery, which moneys may be expended for purposes set forth herein during the current biennium, without reappropriation.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating forest landowners at rates to be established by the department, but not to exceed five cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in said account of one million dollars. The assessments with respect to forest lands in western and eastern Washington may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by participating landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made, and may be collected as directed by the department in the same manner as forest patrol assessments. This account shall be held by the state treasurer who is authorized to invest so much of said account as is not necessary to meet current needs. Any interest earned on moneys from said account shall be deposited in and remain a part of the account, and shall be computed as part of the same in determining the balance thereof. Interfund loans to and from this account are authorized at the then current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments. Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.390 as now or hereafter amended, or other laws.

When the department determines that a forest fire was started in the course of or as a result of a participating landowner operation, it shall notify any person, firm, or corporation, public or private, in whose operation the fire started, and the forest fire advisory board of such determination. Such determination shall be final, unless, within ninety days of such notification, the person, firm, or corporation notified, or the forest fire advisory board or any interested party, serves a request for a hearing before the department. Such hearing shall constitute a contested case under chapter 34.04 RCW and any appeal therefrom shall be to the superior court of Thurston county.

NEW SECTION. Sec. 9. There is added to chapter 76.04 RCW a new section to read as follows:

There is hereby created a forest fire advisory board, consisting of seven members who shall represent private and public forest landowners and other interested segments of the public. The members shall be appointed by the commissioner of public lands and shall serve at his pleasure, without compensation.

The duties of the forest fire advisory board shall be strictly advisory and shall include, but not necessarily be limited to, reviewing forest fire policy and protection budgets of the

department; monitoring expenditures from and recoveries for the landowner contingency forest fire suppression account; recommending appropriate assessments and allocations for establishment and replenishment of said account based upon the proportionate expenditures necessitated by participating landowner operations in western and eastern Washington; recommending to the department appropriate rules and regulations or amendments to existing rules and regulations and reviewing nonemergency rules and regulations, affecting the protection of forest lands from fire, including reasonable alternative means or procedures for the abatement, isolation, or reduction of forest fire hazards. Except where an emergency exists, all rules and regulations as to the above shall be promulgated by the department after consultation with the forest fire advisory board.

Sec. 10. Section 2, chapter 193, Laws of 1945 as last amended by section 1, chapter 79, Laws of 1957 and RCW 76.08.010 are each amended to read as follows:

As used in this chapter:

The term "supervisor" means the supervisor of forestry;

The term "department" means the department of conservation and development;

The term "owner" means the owner of any forest land;

The term "adequate restocking or stocking" means a stand of not less than three hundred thrifty established live seedlings per acre of commercial species predominant on the area cut of which at least one hundred shall be well distributed, or not less than three hundred surviving trees per acre which were established by artificial means;

The term "merchantable stand of timber" means any stand of timber consisting of not less than two thousand board feet per acre of currently merchantable live timber as measured by the Scribner Decimal C log rule, or three hundred cubic feet as measured by the Sorenson log rule, or four standard cords;

The term "seed trees" means trees of commercial species that are sixteen inches or more in diameter breast high having a moderately dense live crown making up at least one-third of the total tree height. Seed trees must be thrifty and must be undamaged;

The term "operator" means any person who engages in logging of timber for commercial purposes from any land within the state;

The term ("~~certificate of clearance~~" means a ~~certificate of slash clearance as defined by RCW 76-04-230~~) "additional fire hazard" means an additional fire hazard as defined in RCW 76.04.010.

Sec. 11. Section 5, chapter 193, Laws of 1945 as last amended by section 3, chapter 79, Laws of 1957 and RCW 76.08.050 are each amended to read as follows:

The provisions of this chapter shall be deemed to have been complied with in the area east of the summit of the Cascade mountains if ((at the time of issuance of a certificate of clearance by the supervisor) the department finds that an additional fire hazard created by logging operations has been abated or five years have elapsed after completion of such logging, and there shall have been reserved a sufficient number of thrifty undamaged seedlings and/or trees to adequately stock the areas cut over or there shall have been left uncut seed trees of commercial species predominant in the stand that are sixteen inches in diameter or larger breast high outside the bark in a quantity sufficient to aggregate four thrifty seed trees per acre well distributed over each forty acre subdivision or portion thereof cut over by the permittee, provided that the distance from seed trees to cut over areas that are not adequately stocked shall not be more than two hundred feet.

On areas which support stands other than Ponderosa pine the permittee may leave five percent of each forty-acre subdivision or portion thereof reserved and uncut and well stocked with thrifty commercial species predominant in the stand that are sixteen inches or more in diameter or are of a diameter representative of the stand harvested.

Sec. 12. Section 6, chapter 193, Laws of 1945 as last amended by section 2, chapter 44, Laws of 1953 and RCW 76.08.060 are each amended to read as follows:

The provisions of this chapter shall be deemed to have been complied with in the area west of the summit of the Cascade mountains, if ((at time of issuance of a certificate of clearance by the supervisor) the department finds an additional fire hazard created by logging operations has been abated or five years have elapsed after completion of such logging, except ten years where fifty percent or more of the volume was cedar, and there ((have)) has been reserved and left uncut not less than five percent of each quarter section, or lesser subdivision, well stocked with commercial coniferous trees not less than sixteen inches in diameter breast high outside the bark until such time as the area is adequately stocked by natural means. On areas that support stands where the average tree is less than sixteen inches in diameter the designated seed area left uncut shall be not less than five percent of each quarter section or lesser subdivision and shall be left untouched unless the entire subdivision is being cut on the basis of thinning for stand improvement. The foregoing may be accomplished by leaving marginal long corners of timber between logged areas, or strips of timber across valleys, or along ridges and natural firebreaks, or by leaving staggered settings and uncut settings.

Sec. 13. Section 9, chapter 125, Laws of 1911 as last amended

by section 3, chapter 207, Laws of 1929, and RCW 76.04.18C are each amended to read as follows:

No one shall burn any forest material or the waste or debris resulting from logging or land clearing operations until such work shall have been done in and around the slashing or chopping and/or the area proposed to be burned over to prevent the spread of fire therefrom as shall be required to be done by the state supervisor of forestry, or any warden or ranger. The said supervisor or any warden or ranger may require the cutting of such dry snags, stumps and dead trees within the area to be burned, which in his judgment constitute a menace or are likely to further the spread of fire therefrom.

When any person shall have obtained permission from the said supervisor, warden or ranger, to burn any slashings made for the purpose of clearing land, the warden may, at his discretion, furnish him with a man to supervise and control the burning, who shall represent and act for such warden, and shall have all the power and authority of a warden while engaged in such service, including the right to revoke such permit, if in his opinion the burning authorized would endanger any valuable timber or other property. Such a man shall serve only until such time as the party burning may be able to keep the fire under control himself.

The said supervisor and wardens are hereby authorized and empowered to employ a sufficient number of men to extinguish or prevent the spreading of any fires that may be in danger of destroying any valuable timber or other property of the state. The said supervisor, or any warden by special authority of the said supervisor, may provide needed tools and supplies, and transportation when necessary for men so employed.

Every man so employed, and also the representative of the warden supervising the burning, shall be entitled to compensation at a rate to be fixed by the director of the department of conservation and development, and the warden shall issue a certificate to each man so employed showing the number of hours worked by him and the amounts due to him, upon which, after approval by said supervisor, the men shall be entitled to receive payment from the state ((in the manner provided for in RCW 76-04-040)).

Any person refusing to render assistance when called upon by any warden, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

Sec. 14. Section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 123, Laws of 1959 and RCW 76.04.360 are each amended 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

administrator of) the department ((of natural resources, through the supervisor of natural resources;)) shall provide such protection therefor, notwithstanding the provisions of section 9 of this act, at a cost to the owner of not to exceed nine cents an acre per year on lands west of the summit of the Cascade mountains and seven cents an acre per year on lands east of the summit of the Cascade mountains; PROVIDED, That for the calendar years 1971 and 1972 the cost to the owner for such protection shall be 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((+)) after which time said additional assessment shall revert to the 1970 level. During said calendar years Legislative Budget Committee shall study the costs of forest fire protection to determine the ratio of financial support to be borne by the state to that of the forest land owner.

The findings of the Legislative Budget Committee shall be considered when establishing the forest patrol assessment for the ensuing biennium.

((and)) For ((that)) the purpose of this act, 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 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 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 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 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.

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 assessment may be corrected at any time by the supervisor 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 natural resources to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor 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 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 natural resources the amount of the outstanding patrol assessments.

The supervisor of natural resources shall furnish a good and sufficient 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, 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.

NEW SECTION. Sec. 15. The following acts or parts of acts are each hereby repealed:

(1) Section 3, chapter 125, Laws of 1911 and RCW 76.04.040; and

(2) Section 2, chapter 223, Laws of 1927, section 2, chapter 207, Laws of 1929, section 1, chapter 140, Laws of 1941, section 1, chapter 102, Laws of 1945, section 3, chapter 58, Laws of 1951, section 8, chapter 142, Laws of 1955, section 1, chapter 154, Laws of 1957 and RCW 76.04.230.

NEW SECTION. Sec. 16. There is hereby appropriated to the department of natural resources from the landowner contingency forest fire suppression account for the fiscal biennium ending June 30, 1971, the sum of one million dollars, or so much thereof as may be necessary to carry out the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 17. There is hereby appropriated to the

department of natural resources from the landowner contingency forest fire suppression account for the fiscal biennium ending June 30, 1973, the sum of one million dollars, or so much thereof as may be necessary to carry out the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 18. Nothing in this 1971 amendatory act shall be construed to repeal, affect, or limit either directly, indirectly, or by implication any claims or liability for costs incurred by the department or others prior to the effective date of this 1971 amendatory act.

NEW SECTION. Sec. 19. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Passed the House May 9, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 208

[Engrossed House Bill No. 876]

INTOXICATING LIQUOR--

LICENSES FOR PUBLIC OWNED CIVIC CENTERS--

REMOVING STATE PARKS FROM THE DEFINITION OF PUBLIC PLACE

AN ACT Relating to intoxicating liquor; amending section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 and RCW 66.24.400; and amending section 2, chapter 13, Laws of 1970 ex. sess. and RCW 66.24.420; and adding a new section to chapter 66.04 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 and RCW 66.24.400 are each amended to read as follows:

There shall be a retailer's license, to be known and designated as class H license, to sell beer, wine and spirituous liquor by the individual glass, and beer and wine by the opened bottle, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only. Such class H license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, and to such other establishments