

CHAPTER 142.

[H. B. 84.]

FOREST PROTECTION.

AN ACT relating to forest protection, and amending section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 207, Laws of 1929 and RCW 76.04.170; amending section 11, chapter 125, Laws of 1911 as last amended by section 4, chapter 43, Laws of 1925 extraordinary session and RCW 76.04.210; amending sections 2, 3, 4, 5 and 6 of chapter 13, Laws of 1951 and RCW sections 76.04.223, 76.04.224, 76.04.225, 76.04.226 and 76.04.227; amending section 2, chapter 223, Laws of 1927, as last amended by section 3, chapter 58, Laws of 1951 and RCW 76.04.230; amending section 14, chapter 125, Laws of 1911 as amended by section 6, chapter 184, Laws of 1923, section 1, chapter 152, Laws of 1937, section 1, chapter 63, Laws of 1941, sections 4, 5 and 6, chapter 58, Laws of 1951, sections 4, 6 and 7, chapter 24, Laws of 1953 and RCW sections 76.04.250, 76.04.260 and 76.04.270; amending section 17, chapter 125, Laws of 1911 as last amended by section 7, chapter 58, Laws of 1951 and RCW 76.04.320; amending section 2, chapter 105, Laws of 1917 as last amended by section 8, chapter 58, Laws of 1951 and RCW 76.04.360; and prescribing penalties.

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

Amendment.

SECTION 1. Section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 207, Laws of 1929 and RCW 76.04.170 are each amended to read as follows:

Permit for
burning waste
forest material.

Anyone desiring to dispose of the refuse or waste forest material on forest lands, by burning during the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or between the fifteenth day of April and the fifteenth day of October in eastern Washington, unless different dates for such beginning and ending are fixed by order of the supervisor of forestry after a finding that such different dates are necessary for the protection of life and property, may make application to the supervisor, or to any warden or ranger, for a permit so to do. The ap-

plication shall state the location and extent of the area sought to be burned over, and by whom the burning is to be done. Upon receipt of an application the supervisor may inspect, or cause to be inspected the area described in the application and if satisfied that all requirements relating to fire fighting equipment, the work to be done or precautions to be taken before commencing such burning, have been complied with and that no unreasonable danger will result, shall issue a permit. The supervisor, warden, or ranger may impose reasonable conditions in such permits for the protection of life and property. A permit shall be effective only under the conditions and for the period stated therein. Compliance with the terms of the permit shall create a presumption of due care with respect to the starting and control of such fire.

SEC. 2. Section 11, chapter 125, Laws of 1911 as last amended by section 4, chapter 43, Laws of 1925 extraordinary session and RCW 76.04.210 are each amended to read as follows: Amendment.

Any person who wilfully or needlessly defaces or removes any warning notice posted under the requirements of this chapter shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail not exceeding thirty days. Penalties; defacing or removing warning notices.

Any person who upon any land sets any fire, except at the proper places on camping grounds which have been prepared and designated as such by the supervisor or which have been approved by the supervisor, which fire shall spread and damage or destroy property of any kind not his own, or who starts any fire, except in a stove, upon any designated camp ground and, upon leaving the ground, fails to extinguish the fire, shall upon conviction be punished by a fine of not less than twenty-five dollars nor Fire violations.

more than five hundred dollars. If the fire is set or left with intent to destroy property not his own, he shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or imprisonment in the county jail for not less than one month nor more than one year, or by both such fine and imprisonment.

During the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or between the fifteenth day of April and the fifteenth day of October in eastern Washington, unless different dates for such beginning and ending are fixed by order of the supervisor of forestry after a finding that such different dates are necessary for the protection of life and property, any person who without a written permit kindles a fire, in or dangerously near any forest material, except at the proper places on camping grounds as described above, or who is a party to kindling such fire, or who by throwing away any lighted cigar, cigarette, matches, or by use of firearms, or in any other manner starts a fire in forest materials, and who fails immediately to extinguish it, shall upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding two months. Nothing in this section shall absolve any person from liability on account of negligence.

Approved
camp
grounds.

The supervisor shall designate and prepare or approve such camping grounds as he may determine for the purpose of carrying out the provisions of this section.

Amendment.

SEC. 3. Section 2, chapter 13, Laws of 1951 and RCW 76.04.223 are each amended to read as follows:

Snag removal
west of
Cascades.

On forest lands west of the summit of the Cascade mountains, all snags or standing dead trees over twenty-five feet in height and sixteen inches and over in diameter breast high, shall be felled cur-

rently with the felling of live timber or with the current logging operation: *Provided*, That where the majority of the timber has been killed prior to logging, the operator, timber owner and/or landowner will not be required to fell more non-merchantable snags than the average number of non-merchantable snags per acre in green timber in the stands of the county. The average number of non-merchantable snags per acre in green timber will be determined for the various counties of the state by the supervisor of forestry with the approval of the state forest board.

SEC. 4. Section 3, chapter 13, Laws of 1951 and RCW 76.04.224 are each amended to read as follows: Amendment.

On areas where only part of the live merchantable timber is cut and removed, the number of non-merchantable snags to be felled shall be in the same proportion to the number of non-merchantable snags in the stand, as the volume, Scribner scale, of green trees cut over twelve inches diameter breast high is to the total volume, Scribner scale, of green trees over twelve inches diameter breast high in the stand. Number of snags required to be removed.

SEC. 5. Section 4, chapter 13, Laws of 1951 and RCW 76.04.225 are each amended to read as follows: Amendment.

In stands wherever the operator, timber owner and/or landowner is not required to fall all the snags on the area, as provided in RCW 76.04.222 to 76.04.227, the supervisor will designate which snags shall be felled in an effort to remove the snags in patterns to establish snag-free fire breaks. Pattern of snag removal.

SEC. 6. Section 5, chapter 13, Laws of 1951 and RCW 76.04.226 are each amended to read as follows: Amendment.

If an operator, timber owner and/or landowner shall fail to comply with the provisions of RCW 76.04.222 to 76.04.227 he shall be charged with violation of such sections, and the supervisor may subsequently have the snags felled and the cost thereof Penalty and lien for failure to remove snags.

may be recovered by a lien against any property of the violators, which lien may be enforced in the same manner and with the same effect as a mechanic's lien.

Amendment.

SEC. 7. Section 6, chapter 13, Laws of 1951 and RCW 76.04.227 are each amended to read as follows:

Snag removal violation is misdemeanor.

Any person violating the provisions of RCW 76.04.222 to 76.04.227 shall be guilty of a misdemeanor, and upon conviction be fined not less than twenty-five dollars nor more than two hundred and fifty dollars and/or be imprisoned in the county jail not exceeding thirty days.

Amendment.

SEC. 8. Section 2, chapter 223, Laws of 1927 as last amended by section 3, chapter 58, Laws of 1951 and RCW 76.04.230 are each amended to read as follows:

Certificates of clearance; application.

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.

Supervisor to inspect.

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

Issuance of certificate.

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.

Whenever the supervisor determines that the burning of any area 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 area will create a greater fire hazard than already exists, he shall issue a certificate of clearance therefor: *Provided*, That the owner and/or operator will still be responsible for the costs of fire fighting made necessary by said fire hazard and the supervisor will have the right to require extra protection 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 not to continue to be responsible for fire fighting costs, he may in lieu thereof 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

If burning
would be
detrimental.

Liability for
fire fighting.

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.

Certificate of clearance fund.

Certificates are conclusive evidence.

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 noncompliance with any provision or condition therein.

Cancellation of certificates.

Division and amendment.

SEC. 9. Section 14, chapter 125, Laws of 1911 as amended by section 6, chapter 184, Laws of 1923, section 1, chapter 152, Laws of 1937, section 1, chapter 63, Laws of 1941, sections 4, 5, and 6, chapter 58, Laws of 1951, sections 4, 6, and 7, chapter 24, Laws of 1953; (heretofore divided and codified as RCW 76.04.250, 76.04.260 and 76.04.270) is divided and

amended as set forth in sections 10, 11 and 12 of this act.

SEC. 10. (RCW 76.04.250) It shall be unlawful for anyone to operate within one-eighth mile of any forest land during the period April fifteenth to October fifteenth inclusive, which period shall be designated as the closed season unless the designated season is extended by the supervisor due to dangerous fire conditions:

Closed season operation:

(1) Any woods operation or mill using spark emitting or electric engines unless provided with the following fire tools, or the serviceable equivalent thereof, at each landing and/or yarding tree or mill:

Spark emitting or electric engines:

(a) For operations employing more than five men:

Five men or more.

To be kept in a sealed tool box: Three double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles, six long handle round point shovels or "D" handle round point shovels and six adze eye forestry fire fighting hoes;

Equipment required.

To be kept adjacent to the tool box: Two bucking saws with handles unless power chain saw in working condition is kept on landing during the period of actual operation and until the end of the watchman service as required by RCW 76.04.320, and one five-gallon back pack pump can filled with water and one hundred gallons of water;

(b) For operations employing five men or less:

Five men or less. Equipment required.

To be kept in a sealed tool box: Two double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles, three long handle round point shovels or "D" handle round point shovels, and three adze eye forestry fire fighting hoes;

To be kept adjacent to the tool box: One bucking saw with handles unless power chain saw in working condition is kept on landing during actual operation

and until the end of the watchman service as required in RCW 76.04.320, and one five-gallon back pack pump can filled with water and fifty gallons of water, or one hundred gallons of water and two buckets.

Yarding, skidding or loading engines. Equipment required.

(2) Any gasoline, diesel, or electric yarding, skidding, or loading engine unless:

(a) Equipped with two chemical fire extinguishers of not less than one and one-half quart capacity each;

(b) Exhaust is turned up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrester.

Tractors. Equipment required.

(3) Any tractor unless:

(a) Equipped with one chemical fire extinguisher of not less than one quart capacity;

(b) It has exhaust turned up perpendicular or is equipped with an adequate spark arrester.

Trucks hauling forest products.

(4) Any truck hauling forest products from any forest area unless:

Equipment required.

(a) Equipped with a chemical fire extinguisher of at least one quart capacity;

(b) Equipped with one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle;

(c) Equipped with one long handle round point shovel or a "D" handle round point shovel;

(d) Exhaust is turned up perpendicular or equipped with adequate spark arrester or muffler.

Portable power saws.

(5) Any portable power saw unless the power saw operators keep in their immediate possession a suitable chemical fire extinguisher of at least eight ounce capacity, or a suitable shovel and the power saw is equipped with a muffler or other device adequate to prevent the emission of sparks.

Other gasoline or diesel engines.

(6) Any gasoline or diesel engine used in a mill or for uses not specifically mentioned above unless:

(a) Equipped with chemical fire extinguisher of at least one quart capacity;

(b) Exhaust is pointed up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrester;

Equipment required.

(c) One hundred gallons of water and two buckets.

All equipment required in this act must be kept in serviceable condition at all times. Tool boxes must have waterproof lids, must be of sound construction and provided with hinges and hasp so arranged that the box can be properly sealed.

Equipment standards.

The supervisor of forestry may reduce the requirements set forth herein by written permission whenever in his judgment the operation is of such type or location and/or the weather is such that all of the requirements herein are not required for the protection of life and property.

Modification of requirements.

SEC. 11. (RCW 76.04.260) It shall be unlawful for anyone to operate within one-eighth mile of any forest land during the period April fifteenth to October fifteenth inclusive, which period shall be designated as the closed season unless the designated season is extended by the supervisor due to dangerous fire condition:

Closed season operation.

(1) Any spark emitting railroad logging locomotive unless:

Spark emitting railroad logging locomotives. Equipment required.

(a) Equipped with a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle;

(d) Equipped with all the complement of hand tools listed under subdivision 1 (a) of RCW 76.04.250,

kept in a sealed tool box on such locomotive ready for instant use;

(e) Equipped with a sprinkler system which can be capable of wetting the tracks and at least two feet on either side of each rail. Such sprinkler system shall be manually controlled from the cab. The water supply tank for such sprinkler shall be capable of carrying an adequate supply of water in direct relation to the mileage of track covered and the available water supply;

Follow up patrol.

(f) During the closed season it is followed by a speeder or other patrol. Such patrol shall be equipped with two long handle round point shovels or "D" handle round point shovels, one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle, and one five-gallon back pack pump can filled with water. When a logging train operates on a common carrier track the patrol will be regulated under laws pertaining to common carrier railroads.

Common carrier railroad trains. Conditions of operation.

(2) Any common carrier railroad trains operating through forest lands unless:

(a) Such trains are followed by a speeder patrol at such times and in such places as the supervisor may designate, each patrol to be equipped with a five-gallon back pack pump can, two long handle round point shovels or "D" handle round point shovels and one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle. In case a railroad company fails to provide patrol as required, the supervisor is hereby authorized to employ patrolmen for such purpose and the railroad company concerned shall be liable for the expense of the same to be collected in a civil suit brought by the state against said railroad company;

(b) At the request of the supervisor, such common carrier shall maintain pumping equipment and

fire fighting tools specified by the supervisor but not to exceed those required of logging locomotives.

(3) Any steam logging engine or boiler unless:

Steam logging engines or boilers. Equipment required.

(a) Being equipped with and using a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures of not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle.

(4) Any railroad locomotive, logging locomotive, logging or other engine or boiler unless equipped with an adequate device to prevent the escape of fire or live coals or other burning substance from all ash pans, and all fire boxes, except when ash pans or fire boxes are being cleaned when not in motion. Any donkey boiler, when equipped to operate without the use of exhaust steam within the stack, and without any artificial means of creating a forced draught, shall not require a spark arrester.

Locomotives, engines and boilers; ash pan and fire box devices.

(5) Any railroad speeder unless:

(a) Equipped with one No. 2 shovel round point;

Railroad speeders. Equipment required.

(b) Exhaust is pointed up perpendicular and is cleared of all obstructions or is equipped with an adequate spark arrester.

SEC. 12. (RCW 76.04.270) Every person upon receipt of written notice issued by the supervisor or any regularly employed warden or ranger, that such person has or is violating any of the provisions of RCW 76.04.240, 76.04.245, 76.04.250, 76.04.260 and 76.04.320, as amended, shall cease such operations until the provisions of the sections specified in such notice have been complied with. The forest officer may specify in the notice of violation the special conditions and precautions under which the opera-

Penalties.

tion would be allowed to continue until the end of that working day. Any person violating the statutory provisions above referenced, and as amended, or the written notice provided for herein, shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

Amendment.

SEC. 13. Section 17, chapter 125, Laws of 1911 as last amended by section 7, chapter 58, Laws of 1951 and RCW 76.04.320 are each amended to read as follows:

Spark emitting or electric engines; conditions of operation.

Every person who operates a spark emitting or electric engine within one-eighth mile of forest land for the logging of timber, the clearing of land of wood material or for the processing of wood material during the period April fifteenth to October fifteenth inclusive, shall:

Watchman.

(1) Provide at least one competent man as a watchman at each logging side, construction or land clearing area, or wood processing plant where the above described spark emitting engine was operated. Such watchman shall be trained in the suppression of fire and shall be vigilant to detect fire. Said watchman service shall continue for a minimum of two hours following each time the spark emitting or electric engine ceases operations.

Clearing.

(2) Cut down all snags, stubs and dead trees over fifteen feet in height within a radius of one hundred fifty feet and clear the ground of all inflammable debris within a radius of thirty-five feet from each spark emitting or electric engine.

Modification of requirements.

(3) The supervisor of forestry may modify in writing the provisions herein contained in reference to watchmen whenever in his judgment the operation is so located or the weather is such that a watchman would be unnecessary for the protection of life and property.

SEC. 14. Section 2, chapter 105, Laws of 1917 as last amended by section 8, chapter 58, Laws of 1951 and RCW 76.04.360 are each amended to read as follows: Amendment.

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the director, through the supervisor, shall provide such protection therefor at a cost to the owner of not to exceed seven cents an acre per year on lands west of the summit of the Cascade mountains and five cents an acre per year on lands east of the summit of the Cascade mountains and for that purpose 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 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 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 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 forestry levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the

Director may provide protection where owner does not; costs.

Administration.

Lien.

Assessments.

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

The supervisor 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 the amount of the outstanding patrol assessments.

The supervisor shall furnish a good and sufficient surety company bond running to the state, in a sum as great as the probable amount of money

Proceeds from
delinquency
sale.

Bond of
supervisor.

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.

SEC. 15. If any section or part of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other sections or parts of this act or the application thereof, if it can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable and independent of any other provision of law. Severability.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 15, 1955.

CHAPTER 143.

[H. B. 124.]

FOREIGN CORPORATIONS—AGENTS.

AN ACT relating to the qualifications of foreign corporations to do business in this state; providing for the appointment of an agent in this state; validating certain previous appointments; adding three new sections to chapter 23.52 RCW; and repealing section 18, chapter 70, Laws of 1937, and RCW 23.52.050.

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

SECTION 1. There is added to chapter 23.52 RCW, New section.
a new section to read as follows:

Every foreign corporation must also constitute Appointment
of agents
required.
and appoint an agent, which agent may be either an individual residing in the state, who shall have his place of residence or a business office at the place in this state where the principal office of the corporation is to be located, or a corporation author-