

public use. All acts of any such city or county in the exercise or attempted exercise of any powers herein conferred are hereby ratified and confirmed.

Ratification
of former
acts.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Emergency.

Passed the House December 1, 1925.

Passed the Senate December 11, 1925.

Approved by the Governor December 15, 1925.

CHAPTER 43.

[S. B. 84.]

FORESTS AND FOREST FIRE PROTECTION.

AN ACT relating to forests, fire protection therefor, amending Sections 5787, 5788, 5791, 5795-2 and 5805 of Remington's Compiled Statutes, and further amending Remington's Compiled Statutes by adding a new section to Chapter 1, Title XXXVI thereof to be known as Section 5782-1, and providing penalties for violations of this act.

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

SECTION 1. That Chapter 1, Title XXXVI of Remington's Compiled Statutes, be amended by adding thereto a new section to be known as Section 5782-1, as follows:

Section 5782-1. When, in the opinion of the director of the department of conservation and development, any forest region is particularly exposed to fire danger, he may, in his discretion, designate such region, defining the boundaries thereof by legal subdivisions or water courses, watersheds, mountain ranges, or other natural monuments, as a region of extra fire hazard, and he shall have the power and it shall be his duty to make, adopt, amend and promulgate rules and regulations for the protection thereof. All such rules and regulations shall be promulgated by the director by publication in such

Designation
of extra-
hazardous
fire region
by director
of conserva-
tion and
development.

Rules
governing
to be made.

Publication of rules.

newspaper, or newspapers, of general circulation in the county, or counties, wherein such region is situated and for such length of time as the director may determine, and by posting copies of the rules and regulations on roads and trails entering such region; such rules and regulations shall be in force from and after the time specified therein: *Provided*, That

Length of time rules in force.

Rules not to affect industrial operations.

nothing in this act shall authorize the director of conservation and development to prohibit the conduct of industrial operations, public work, or access of permanent residents.

Amends Rem. 1923 Sup. §5787; Pierce's 1923 Sup. §2564.

SEC. 2. That Section 5787 of Remington's Compiled Statutes, as amended by section 3, Chapter 184 of the Laws of 1923, be amended to read as follows:

Officers *ex-officio* rangers.

Section 5787. All state land cruisers, all game wardens, road supervisors and state highway patrolmen, when approved by the state supervisor of forestry, and all rangers and assistant rangers of the United States Forest Service, when recommended by their forest supervisors, and commissioned by the state supervisor of forestry shall be *ex officio* rangers.

Who may be appointed rangers; duties.

Timber cruisers and citizens of the state advantageously located may, at the discretion of the said supervisor, be appointed rangers and vested with the powers and duties of wardens.

Rangers' compensation.

Rangers shall receive no compensation for their services except when employed in cooperation with the state and under the provisions of this act, and shall not create any indebtedness, or incur any liability on behalf of the state: *Provided*, That rangers actually engaged in extinguishing, or preventing the spread of fire in brush, slashings, choppings, timber or elsewhere that may endanger timber or other property, shall when their accounts for such service have been approved by the fire wardens in authority, be entitled to receive compensation for such services

at a rate to be fixed by the director of the department of conservation and development.

SEC. 3. That Section 5788 of Remington's Compiled Statutes be amended to read as follows: Amends
Pierce's
code §2565.

Section 5788. No one shall burn any forest material within any county in this state in which there is a warden or ranger during the period beginning the first day of May, and ending on the first day of October in each year, unless a different date for such beginning and ending is fixed by proclamation of the governor, which period is hereby designated as the closed season, without first obtaining permission in writing from the supervisor of forestry, or a warden, or a ranger, and afterwards complying with the terms of said permit; and anyone violating any provisions contained in the preceding portions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the director of the department of conservation and development shall prescribe, which shall be only such as the director deems necessary for the protection of life or property. Closed season for burning forest material.

The supervisor of forestry, any of his assistants, any warden or ranger, may at his discretion, refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property. Written permission.

SEC. 4. That Section 5791 of Remington's Compiled Statutes be amended to read as follows: Penalties.

Section 5791. Any person who shall wilfully or needlessly deface or remove any warning placard or notice posted under the requirements of this act, shall be guilty of a misdemeanor, and shall upon Conditions to be complied with before permission granted.

Revocation of permits.

Amends
Pierce's
Code § 2568.

Removing notices.

Penalty.

conviction be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense, or by imprisonment in the county jail not exceeding thirty (30) days.

Negligent
spread of
set fires.

Any person who shall upon any land within this state set any fire, except for necessary lumbering operations, or at the proper places on camping grounds which have been prepared and designated for recreation purposes, which fire shall spread and damage or destroy property of any kind not his own, or who shall start any fire, except in a stove, upon any designated camp ground and shall, upon leaving such ground, fail to extinguish such fire, shall upon

Penalty.

conviction be punished by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500). If such fire be set or left maliciously, whether on his own or on another's land, with intent to destroy property not his own, he shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) or imprisonment in the county jail for not less than one month, nor more than one year, or by both such fine and imprisonment.

Malicious
spread of
set fire.

Penalty.

Set fire dur-
ing closed
season.

During the closed season any person who without a written permit from the supervisor of forestry, a fire warden or a ranger shall kindle a fire, in or dangerously near any forest material, except for necessary lumbering operations or at the proper places on camping grounds which have been prepared and designated for recreation purposes, or who shall be a party to kindling such fire, or who shall by throwing away any lighted cigar, cigarette, matches, or by use of firearms, or in any other manner start a fire in forest material, and who shall fail immediately to extinguish the same, shall upon conviction, be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or be im-

Penalty.

prisoned in the county jail not exceeding two (2) months.

Provided, That nothing in this section contained shall absolve any person from liability on account of negligence.

The director of the department of conservation and development is hereby authorized and empowered, and it is his duty to designate and prepare such camping grounds as he may determine for the purpose of carrying out the provisions of this section.

Director of conservation and development to designate camp grounds.

SEC. 5. That Section 5795-2 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. 1923 Sup. § 5795-2; Pierce's 1923 Sup. § 2572-2.

Section 5795-2. It shall be unlawful during the closed season, for any person to throw away any lighted tobacco, cigars, cigarettes, matches, fire crackers, or other lighted material in any forest land in this state. Every person, firm or corporation operating a public conveyance through forest land shall post a copy of this section in a conspicuous place within the smoking compartment of such conveyance; and every person, firm or corporation operating a saw mill, or a logging camp in any forest land shall post a copy of this section in a conspicuous place upon the ground, or buildings of such milling and logging operation. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Lighted cigars, etc., prohibited.

Notices to be posted by common carriers, etc.

Penalty.

SEC. 6. That Section 5805 of Remington's Compiled Statutes as amended by section 10, Chapter 184 of the Laws of 1923, be amended to read as follows:

Amends Rem. 1923 Sup. § 5805; Pierce's 1923 Sup. § 2580.

Section 5805. If any owner or owners of forest land neglect or fail to provide adequate fire protection therefor as required by section 5804, then the state supervisor of forestry under direction from the director of the department of conservation and development shall provide such protection there-

Owner's failure to provide fire protection.

Supplied by
state.

Lien.

Collection
of cost.

for at a cost not to exceed five (5) cents an acre per annum, and for that purpose may divide the forest lands of the state, or any part of the same, 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. Any amounts paid or contracted to be paid by the said 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 said 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 said supervisor to the county assessor of the county or counties in which the property is situated who shall extend the amounts upon the tax rolls covering such property, and the amounts shall be collected at the time and 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 said supervisor certifying the same to the county treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county official shall repay said amounts to the said supervisor to be applied to the expenses incurred in carrying out the provisions of this section: *Provided*, That the said supervisor is hereby authorized and required to include in the assessment herein authorized against the owner or owners of forest lands neglecting to provide adequate fire protection, a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work in-

curred in the enforcement of the provisions of section 5804 *et seq.* and subsequent amendments thereto, and is authorized to expend any sums heretofore collected from owners of forest lands or coming from any other source for any necessary office and clerical expenses in connection with the enforcement of the provisions of section 5807: *Provided, further,* That whenever any lands against which such fire patrol assessments are outstanding are acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of such sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of such sale exceed the amount of the delinquent tax judgment aforesaid shall forthwith remit to the said supervisor the amount of such outstanding patrol assessments: *Provided, further,* That the said supervisor is required to furnish a good and sufficient bond of a surety company running to the State of Washington, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this act, conditioned for the faithful performance of his duties as such officer and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

Pierce's
Code § 2579
et seq.

Pierce's
Code § 2582.

Bond of
supervisor.

Passed the Senate November 24, 1925.

Passed the House December 4, 1925.

Approved by the Governor December 15, 1925.