

CHAPTER 233.

[S. B. 107.]

COOPERATIVE CONTROL OF FOREST INSECTS AND FOREST DISEASES.

AN ACT providing for cooperative control of forest insects and forest diseases between the state of Washington, federal government and/or private forest land owners; creating the forest insect and disease control fund of which the state treasurer shall be the custodian; making appropriations; and declaring an emergency.

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

Declaration of public nuisance.

SECTION 1. Forest insects and forest tree diseases which threaten the permanent timber production of the forest areas of the state of Washington are hereby declared to be a public nuisance.

SEC. 2. As used in this act:

"Supervisor." "Board."

"Supervisor" means the supervisor of forestry; "Board" means the state forest board;

"Owner."

"Owner" means and includes individuals, partnerships, corporations and associations;

"Agent."

"Agent" means the recognized legal representative, representatives, agent or agents for any owner;

"Timber land."

"Timber land" means any land on which there is a sufficient number of trees, standing or down, to constitute, in the judgment of the board, a forest insect or forest disease breeding ground of a nature to constitute a menace, injurious and dangerous to permanent forest growth in the district under consideration.

Administration of act.

SEC. 3. This act shall be administered by the division of forestry under the guidance and approval of the state forest board.

Owners to eradicate pests and diseases.

SEC. 4. Every owner of timber lands, or his agent, shall make every reasonable effort to control, destroy and eradicate such forest insect pests and forest tree diseases which threaten the existence of any stand of timber or provide for the same to be done on tim-

ber lands owned by him or under his control. In the event he fails, neglects, or is unable to accomplish such control, the action may be performed as provided for in this act.

SEC. 5. Whenever the supervisor finds timber lands threatened by infestations of forest insects or forest tree diseases, and if he finds that such infestation is of such character as to threaten destruction of timber stands, the supervisor shall with the approval of the board declare and certify an infestation control district and fix and declare the boundaries thereof, so as to definitely describe such district. Said district may include timber lands threatened by the infestation as well as those timber lands already infested.

Infestation
control
district.

Thereafter the supervisor shall at once serve written notice to all owners of timber lands or their agents within the said district to proceed under the provisions of this act without delay to control, destroy and eradicate the said forest insect pests or forest tree diseases as provided herein. The said notice may be made by personal service, or by mail addressed to the last known place or address of such owner or agent. Said notice shall list and describe the method or methods of action that will be acceptable to the board if the owner or agent elects to control, destroy and eradicate said insects or diseases on his own property.

Notice
to eradicate
insect pests.

SEC. 6. If the owner or agent so notified shall fail, refuse, neglect or is unable to comply with the requirements of said notice, within a period of thirty days after the date thereof, it shall be the duty of the supervisor or his agents, using such funds as have been, or hereafter may be, made available to proceed with the control, eradication and destruction of such forest pests or forest tree diseases with or without the cooperation of the owner involved in a manner approved by the forest board.

Failure
to comply
with notice;
supervisor
to perform
work.

Statement of expenses prepared by supervisor.

Lien

limitation.

Collection.

Report and levy only on commercial timber lands.

SEC. 7. Upon the completion of the work directed, authorized and performed under the provisions of this act, the supervisor shall prepare a verified statement of the expenses necessarily incurred in performing the work of controlling, eradicating and destroying said forest insects or forest tree diseases. The balance of such expenses after deducting such amounts as may be contributed to the control costs by the state, by the federal government, or by any other agencies, companies, corporations or individuals, shall be a lien to be prorated per acre upon the property, or properties involved: *Provided*, That the amount of said lien shall not exceed twenty-five per cent of the total costs incurred on such owner's lands including necessary buffer strips. Said lien shall be reported by the supervisor to the county assessor of the county in which said lands are situated, and shall be levied and collected with the next taxes on such lands in the same manner and with the same interest, penalty and cost charges as apply to *ad valorem* property taxes in this state: *Provided further*, Such report and levy shall be made only on commercial timber lands. The assessor shall extend the amounts on the assessment roll in a separate column, and the procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto, and, upon the collection thereof, the county treasurer shall repay the same to the supervisor to be applied to the expenses incurred in carrying out the provisions of this act.

Forest insect and disease control fund.

SEC. 8. There is hereby created the forest insect and disease control fund of which the state treasurer shall be the custodian. The state treasurer shall keep an account of his records of said fund and all sums deposited therein and expended or withdrawn therefrom. Any sums placed in said fund shall be kept separate and apart from the funds of the state treasurer, and shall not be deemed to be a part of the

state funds, but shall be pledged for the purpose of paying costs incurred for the control, eradication, and destruction of forest insect pests and forest diseases. No funds shall be expended for payment of said costs, until so authorized by the board.

SEC. 9. All moneys collected under the provisions of section 7, together with such moneys as may be appropriated by the legislature for the purposes of this act, by the federal government or by any owner or agent, shall be deposited by the supervisor in the forest insect and disease control fund, and the moneys therein hereby are made available to the board for the purposes of this act.

Same;
deposits.

All unexpended balances remaining in said fund shall continue to be available for the purposes of this act and shall not revert to the state general fund.

Same;
balances.

SEC. 10. Any money appropriated to the forest insect and disease control fund is hereby made available to the division of forestry for the purposes of this act.

Appropriations to fund are available to division.

SEC. 11. Every owner, and all owners or representatives, who upon receiving notice as provided in section 5 of this act, shall proceed and continue in good faith to control, eradicate and destroy said forest insects and forest tree diseases in accordance with standards established by the supervisor shall be exempt from the provisions hereof as to the lands upon which he or they are so proceeding.

Owners complying with notice, exempt.

SEC. 12. Whenever the board shall determine that insect control work within the designated district of infestation is no longer necessary or feasible, said board by resolution may dissolve said district.

Dissolution of district.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 9, 1951.

Passed the House March 5, 1951.

Approved by the Governor March 19, 1951.

CHAPTER 234.

[S. B. 7.]

CHILDREN AND YOUTH SERVICES.

AN ACT relating to children with behavior problems, defective and feeble-minded persons, deaf children, and blind children; providing for their custody, education, care, treatment, and rehabilitation; establishing in the department of public institutions a division to be known as the division of children and youth services; providing for the appointment, removal, and dismissal of the members and employees thereof; providing for the appointment of a supervisor thereof; prescribing his powers and duties; providing for establishment and operation of parental schools or homes, farm units, and forest camps, and diagnostic and special facilities for the treatment and rehabilitation of children with behavior problems; providing for the supervision, management, and control of the Washington State Training School, the State School for Girls, Lakeland Village, Rainier State School, the State School for the Blind, and the State School for the Deaf; creating a state council for children and youth; and prescribing its powers and duties; and creating a forest camp revolving fund.

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

Declaration
of purposes.

SECTION 1. The purposes of this act are: To provide for every child with behavior problems, defective and feeble-minded person, and deaf and blind children, within the purview of this act, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to insure non-political and qualified operation, supervision, management, and control of the Washington State Training School, the State School for Girls, Lakeland Village, Rainier State School, the