

dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2) (b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the special fuel dealer.

Passed the House February 16, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of the Secretary of State February 28, 1972.

CHAPTER 136

[Engrossed Substitute House Bill No. 47]

AIR POLLUTION CONTROL--OUTDOOR FIRES

AN ACT Relating to air pollution control; and adding new sections to chapter 70.94 RCW.

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

NEW SECTION. Section 1. It is the policy of the state to achieve and maintain high levels of air quality and to this end to minimize to the greatest extent reasonably possible the burning of outdoor fires. Consistent with this policy, the legislature declares that such fires should be allowed only on a limited basis under strict regulation and close control.

NEW SECTION. Sec. 2. It shall be the responsibility and duty of the department of natural resources, department of ecology, fire districts and local air pollution control authorities to establish, through regulations, ordinances or policy, a limited burning program for the people of this state, consisting of a one-permit system, until such time as an alternate technology or method of disposing of the organic refuse described in this chapter shall have been developed which is reasonably economical and less harmful to the environment. It is the policy of this state to encourage the fostering and development of such alternate method or technology.

NEW SECTION. Sec. 3. The following outdoor fires described in this section may be burned subject to the provisions of the program established pursuant to section 4 of this 1972 act for any area and subject to city ordinances, county resolutions, and rules and regulations of fire districts and laws and rules and regulations enforced by the department of natural resources:

(1) Fires consisting of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his designee.

(2) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control; provided the fires described in this subsection may be prohibited in those areas having a general population density of one thousand or more persons per square mile.

NEW SECTION. Sec. 4. Each activated air pollution control authority, and the department of ecology in those areas outside the jurisdictional boundaries of an activated air pollution control authority, shall establish, through regulations, ordinances or policy, a program implementing the limited burning policy authorized by section 3 of this 1972 act in all unincorporated areas. Each

V program shall include the following:

(1) Periods during which outdoor fire burning may take place, said periods to be determined by the appropriate regulatory unit to insure that the minimum possible degradation of atmospheric quality shall result and that air quality standards will not be violated;

(2) A means of informing the public of the periods of time when burning authorized under this section may take place; and

(3) A provision that authorization for the burning of outdoor fires may be suspended whenever necessary to avoid endangering the public health and safety.

NEW SECTION. Sec. 5. Nothing contained in this 1972 act is intended to alter or change the provisions of RCW 70.94.660, 70.94.710 through 70.94.730, and 76.04.150 through 76.04.170.

NEW SECTION. Sec. 6. Nothing in this 1972 act shall be construed as prohibiting a local air pollution control authority or the department of ecology in those areas outside the jurisdictional boundaries of an activated pollution control authority from allowing the burning of outdoor fires.

NEW SECTION. Sec. 7. Sections 1 through 6 are each hereby added to chapter 70.94 RCW.

Passed the House February 16, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 25, 1972 with the exception of an item in section 4 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...House Bill 47 provides for certain types of outdoor burning on a limited basis, under strict regulation and close control so as to achieve and maintain high levels of air quality. In addition, it directs state agencies to establish a one-permit system for burning permits until an alternate technology or method of disposing of the organic refuse shall have been developed. Veto
Message

It is clear from section 1 of the bill that the legislature intended a comprehensive regulation and control of outdoor burning in the categories allowed and that the best available methods for controlling burning are to be required. Unfortunately, the language in section 4 which delineates the program for burning control, while appropriate as to content, might be interpreted as being exclusive of any other regulation and control such as best available burning methods. In order to avoid any question as to intent I am vetoing those portions of section 4 which might appear to inadvertently limit the regulatory authority only to those items listed in section 4 so that the limited burning program with strict regulation and close control contemplated by the act can be put into effect.

With the exception of those portions of section 4 discussed above, Engrossed Substitute House Bill 47 is approved."

CHAPTER 137

[House Bill No. 130]

LOCAL IMPROVEMENTS--NOTICE OF ASSESSMENT--
COLLECTION, DEFERRAL

AN ACT Relating to local improvements; amending section 35.49.010, chapter 7, Laws of 1965 as last amended by section 13, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.010; amending section 35.50.030, chapter 7, Laws of 1965 and RCW 35.50.030; amending section 35.50.050, chapter 7, Laws of 1965 and RCW 35.50.050; adding a new section to chapter 35.43 RCW; adding a new section to chapter 35.54 RCW; and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 35.49.010, chapter 7, Laws of 1965 as last amended by section 13, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.010 are each amended to read as follows: