

Should the payee or legal owner of such a canceled warrant thereafter present it for payment, the state treasurer may, upon proper showing by affidavit and the delivery of the warrant into his possession, issue a new warrant in lieu thereof, and the state treasurer is authorized to pay the new warrant.

Passed the House February 11, 1986.

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CHAPTER 100

[Substitute House Bill No. 1403]

FOREST PROTECTION—FIRE PROTECTION—DUTIES

AN ACT Relating to forest protection; amending RCW 43.30.300, 46.09.200, 52.18.030, 52.20.027, 70.94.760, 76.14.120, and 84.33.130; adding new sections to chapter 43.30 RCW; adding new sections to chapter 76.04 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 79.01 RCW; creating a new section; repealing RCW 76.04.010, 76.04.020, 76.04.030, 76.04.050, 76.04.060, 76.04.070, 76.04.080, 76.04.090, 76.04.100, 76.04.110, 76.04.120, 76.04.130, 76.04.140, 76.04.150, 76.04.170, 76.04.180, 76.04.190, 76.04.200, 76.04.210, 76.04.220, 76.04.222, 76.04.240, 76.04.242, 76.04.245, 76.04.251, 76.04.252, 76.04.270, 76.04.273, 76.04.275, 76.04.277, 76.04.280, 76.04.290, 76.04.300, 76.04.310, 76.04.340, 76.04.350, 76.04.360, 76.04.370, 76.04.380, 76.04.385, 76.04.390, 76.04.395, 76.04.400, 76.04.410, 76.04.420, 76.04.430, 76.04.440, 76.04.490, 76.04.500, 76.04.510, 76.04.515, and 76.04.520; and prescribing penalties.

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

ADMINISTRATION

NEW SECTION. Sec. 1. DEFINITIONS. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Additional fire hazard" means a condition existing on any land in the state covered wholly or in part by forest debris which is likely to further the spread of fire and thereby endanger life or property.

(2) "Closed season" means the period between April 15 and October 15, unless the department designates different dates because of prevailing fire weather conditions.

(3) "Department" means the department of natural resources, or its authorized representatives, as defined in chapter 43.30 RCW.

(4) "Department protected lands" means all lands subject to the forest protection assessment under section 35 of this act or covered under contract or agreement pursuant to section 14 of this act by the department.

(5) "Emergency fire costs" means those costs incurred or approved by the department for emergency forest fire suppression, including the employment of personnel, rental of equipment, and purchase of supplies over and above costs regularly budgeted and provided for nonemergency fire expenses for the biennium in which the costs occur.

(6) "Forest debris" includes forest slash, chips, and any other vegetative residue resulting from activities on forest land.

(7) "Forest fire service" includes all wardens, rangers, and other persons employed especially for preventing or fighting forest fires.

(8) "Forest land" means any unimproved lands which have enough trees, standing or down, or flammable material, to constitute in the judgment of the department, a fire menace to life or property. Sagebrush and grass areas east of the summit of the Cascade mountains may be considered forest lands when such areas are adjacent to or intermingled with areas supporting tree growth. Forest land, for protection purposes, does not include structures.

(9) "Forest landowner," "owner of forest land," "landowner," or "owner" means the owner or the person in possession of any public or private forest land.

(10) "Forest material" means forest slash, chips, timber, standing or down, or other vegetation.

(11) "Landowner operation" means every activity, and supporting activities, of a forest landowner and the landowner's agents, employees, or independent contractors or permittees in the management and use of forest land subject to the forest protection assessment under section 35 of this act for the primary benefit of the owner. The term includes, but is not limited to, the growing and harvesting of forest products, the development of transportation systems, the utilization of minerals or other natural resources, and the clearing of land. The term does not include recreational and/or residential activities not associated with these enumerated activities.

(12) "Participating landowner" means an owner of forest land whose land is subject to the forest protection assessment under section 35 of this act.

(13) "Slash" means organic forest debris such as tree tops, limbs, brush, and other dead flammable material remaining on forest land as a result of a landowner operation.

(14) "Slash burning" means the planned and controlled burning of forest debris on forest lands by broadcast burning, underburning, pile burning, or other means, for the purposes of silviculture, hazard abatement, or reduction and prevention or elimination of a fire hazard.

(15) "Suppression" means all activities involved in the containment and control of forest fires, including the patrolling thereof until such fires are extinguished or considered by the department to pose no further threat to life or property.

(16) "Unimproved lands" means those lands that will support grass, brush and tree growth, or other flammable material when such lands are not cleared or cultivated and, in the opinion of the department, are a fire menace to life and property.

NEW SECTION. Sec. 2. FIRE PROTECTION DUTIES OF DEPARTMENT. (1) The department may, at its discretion, appoint trained personnel possessing the necessary qualifications to carry out the duties and supporting functions of the department and may determine their respective salaries.

(2) The department shall have direct charge of and supervision of all matters pertaining to the forest fire service of the state.

(3) The department shall:

(a) Enforce all laws within this chapter;

(b) Be empowered to take charge of and direct the work of suppressing forest fires;

(c) Investigate the origin and cause of all forest fires;

(d) Furnish notices or information to the public calling attention to forest fire dangers and the penalties for violation of this chapter;

(e) Be familiar with all timbered and cut-over areas of the state; and

(f) Regulate and control the official actions of its employees, the wardens, and the rangers.

(4) The department may:

(a) Authorize all needful and proper expenditures for forest protection;

(b) Adopt rules for the prevention, control, and suppression of forest fires as it considers necessary including but not limited to: Fire equipment and materials; use of personnel; and fire prevention standards and operating conditions including a provision for reducing these conditions where justified by local factors such as location and weather;

(c) Remove at will the commission of any ranger or suspend the authority of any warden;

(d) Inquire into:

(i) The extent, kind, value, and condition of all timber lands within the state;

(ii) The extent to which timber lands are being destroyed by fire and the damage thereon.

(5) When the department considers it to be in the best interest of the state, it may cooperate with any agency of another state, the United States or any agency thereof, the Dominion of Canada or any agency or province thereof, and any county, town, corporation, individual, or Indian tribe within the state of Washington in forest fire fighting and patrol.

NEW SECTION. Sec. 3. FEDERAL FUNDS. The department shall receive and disburse any and all moneys contributed, allotted, or paid by the United States under the authority of any act of Congress for use in cooperation with the state of Washington in protecting and developing forests.

NEW SECTION. Sec. 4. WARDENS—APPOINTMENT—DUTIES. (1) The department may appoint any of its employees as wardens, at the times and localities as it considers the public welfare demands, within any area of the state where there is forest land requiring protection.

(2) The duties of wardens shall be:

(a) To provide forest fire prevention and protection information to the public;

(b) To investigate discovered or reported fires on forest lands and take appropriate action;

(c) To patrol their areas as necessary;

(d) To visit all parts of their area, and frequented places and camps as far as possible, and warn campers or other users and visitors of fire hazards;

(e) To see that all locomotives and all steam, internal combustion, and other spark-emitting equipment are provided with spark arresters and adequate devices for preventing the escape of fire or sparks in accordance with the law;

(f) To see that operations or activities on forest land have all required fire prevention and suppression equipment or devices as required by law;

(g) To extinguish wildfires;

(h) To set back-fires to control fires;

(i) To summons, impress, and employ help in controlling wildfires;

(j) To see that all laws for the protection of forests are enforced;

(k) To investigate, arrest, and initiate prosecution of all offenders of this chapter or other chapters as allowed by law; and

(l) To perform all other duties as prescribed by law and as the department directs.

(3) All wardens and rangers shall render reports to the department on blanks or forms, or in the manner and at the times as may be ordered, giving a summary of how employed, the area visited, expenses incurred, and other information as required by the department.

(4) The department may suspend the authority of any warden who may be incompetent or unwilling to discharge properly the duties of the office.

(5) The department shall determine the placement of the wardens and, upon its request to the county commissioners of any county, the county commissioners shall designate and furnish the wardens with suitably equipped office quarters in the county courthouse.

(6) The authority of the wardens regarding the prevention, suppression, and control of forest fires, summoning, impressing, or employing help, or making arrests for violations of this chapter may extend to any part of the state.

NEW SECTION, Sec. 5. RANGERS—APPOINTMENT—EX OFFICIO RANGERS—COMPENSATION. (1) All Washington state patrol officers, wildlife agents, fisheries patrol officers, deputy state fire marshals, and state park rangers, while in their respective jurisdictions, shall be ex officio rangers.

(2) Employees of the United States forest service, when recommended by their forest supervisor, and citizens of the state advantageously located

may, at the discretion of the department, be commissioned as rangers and vested with the certain powers and duties of wardens as specified in this chapter and as directed by the department.

(3) Rangers shall receive no compensation for their services except when employed in cooperation with the state and under the provisions of this chapter 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 on forest land or elsewhere that may endanger forest land shall, when their accounts for such service have been approved by the department, be entitled to receive compensation for such services at a rate to be fixed by the department.

(4) The department may cancel the commission of any ranger or authority granted to any ex officio ranger who may be incompetent or unwilling to discharge properly the duties of the office.

NEW SECTION. Sec. 6. SERVICE OF NOTICES. Any notice required by law to be served by the department, warden, or ranger shall be sufficient if a written or printed copy thereof is delivered, mailed, telegraphed, or electronically transmitted by the department, warden, or ranger to the person to receive the notice or to his or her responsible agent. If the name or address of the person or agent is unknown and cannot be obtained by reasonable diligence, the notice may be served by posting the copy in a conspicuous place upon the premises concerned by the notice.

NEW SECTION. Sec. 7. ARRESTS WITHOUT WARRANTS. Department employees appointed as wardens, persons commissioned as rangers, and all police officers may arrest persons violating this chapter, without warrant, as prescribed by law.

NEW SECTION. Sec. 8. RULES—PENALTY. Any person who violates any of the orders or rules adopted under this chapter for the protection of forests from fires is guilty of a misdemeanor and subject to the penalties for a misdemeanor under RCW 9A.20.021, unless another penalty is provided.

NEW SECTION. Sec. 9. PENALTY FOR VIOLATIONS. Unless specified otherwise, violations of the provisions of this chapter shall be a misdemeanor and subject to the penalties for a misdemeanor under RCW 9A.20.021.

NEW SECTION. Sec. 10. COOPERATIVE PROTECTION. When any responsible protective agency or agencies composed of timber owners other than the state agrees to undertake systematic forest protection in cooperation with the state and such cooperation appears to the department to be more advantageous to the state than the state-provided forest fire services, the department may designate suitable areas to be official cooperative districts and substitute cooperative services for the state-provided services.

The department may cooperate in the compensation for expenses of preventing and controlling fire in cooperative districts to the extent it considers equitable on behalf of the state.

NEW SECTION. Sec. 11. **CONTRACTS FOR PROTECTION AND DEVELOPMENT.** The department may enter into contracts and undertakings with private corporations for the protection and development of the forest lands within the state, subject to the provisions of this chapter.

NEW SECTION. Sec. 12. **ARTICLES OF INCORPORATION—REQUIREMENTS.** Before any private corporation may enter into any contract under section 11 of this act, there shall be incorporated into the articles of incorporation or charter of such corporation a provision requiring that the corporation, out of its earnings or earned surplus, and in a manner satisfactory to the department, annually set apart funds to discharge any contract entered into between such corporation and the department.

NEW SECTION. Sec. 13. **REQUISITES OF CONTRACT.** Any undertaking for the protection and development of the forest lands of the state under section 11 of this act shall be regulated and controlled by a contract to be entered into between the private corporation and the department. The contract shall outline the lands involved and the conditions and details of the undertaking, including an exact specification of the amount of funds to be made available by the corporation and the time and manner of disbursement. Before entering into any such contract, the department shall be satisfied that the private corporation is financially solvent and will be able to carry out the project outlined in the contract. The department shall have charge of the project for the protection and development of the forest lands described in the contract, and any expense incurred by the department under any such contract shall be payable solely by the corporation from the funds provided by it for these purposes. The state of Washington shall not in any event be responsible to any person, firm, company, or corporation for any indebtedness created by any corporation under a contract pursuant to section 11 of this act.

NEW SECTION. Sec. 14. **COOPERATIVE AGREEMENTS—PUBLIC AGENCIES.** (1) For the purpose of promoting and facilitating cooperation between fire protection agencies and to more adequately protect life, property, and the natural resources of the state, the department may enter into a contract or agreement with a municipality, county, state, or federal agency to provide fire detection, prevention, presuppression, or suppression services on property which they are responsible to protect.

(2) Contracts or agreements under subsection (1) of this section may contain provisions for the exchange of services on a cooperative basis or services in return for cash payment or other compensation.

(3) No charges may be made when the department determines that under a cooperative contract or agreement the assistance received from a

municipality, county, or federal agency on state protected lands equals that provided by the state on municipal, county, or federal lands.

NEW SECTION. Sec. 15. FOREST FIRE ADVISORY BOARD. (1) 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 the commissioner's pleasure, without compensation.

(2) The duties of the forest fire advisory board shall be strictly advisory and shall include, but not necessarily be limited to:

(a) Reviewing forest fire prevention and suppression policies of the department;

(b) Monitoring expenditures from and recoveries for the landowner contingency forest fire suppression account;

(c) Recommending appropriate assessments and allocations for establishment and replenishment of the account based upon the proportionate expenditures necessitated by participating landowner operations in western and eastern Washington;

(d) Recommending to the department appropriate rules or amendments to existing rules and reviewing nonemergency rules affecting the protection of forest lands from fire, including reasonable alternative means or procedures for the abatement, isolation, or reduction of forest fire hazards.

(3) Except where an emergency exists, all rules concerning matters listed in subsection (2)(d) of this section shall be adopted by the department after consultation with the forest fire advisory board.

NEW SECTION. Sec. 16. FIRE FIGHTING—EMPLOYMENT—ASSISTANCE. (1) The department may employ a sufficient number of persons to extinguish or prevent the spreading of any fire that may be in danger of damaging or destroying any timber or other property on department protected lands. The department may provide needed tools and supplies and may provide transportation when necessary for persons so employed.

(2) Every person so employed is entitled to compensation at a rate to be fixed by the department. The department shall, upon request, show the person the number of hours worked by that person and the rate established for payment. After approval of the department, that person is entitled to receive payment from the state.

(3) It is unlawful to fail to render assistance when called upon by the department to aid in guarding or extinguishing any fire.

PERMITS

NEW SECTION. Sec. 17. BURNING PERMITS. (1) Except in certain areas designated by the department or as permitted under rules adopted by the department, a person shall have a valid written burning permit obtained from the department to burn:

(a) Any flammable material on any lands under the protection of the department; or

(b) Refuse or waste forest material on forest lands protected by the department.

(2) To be valid a permit must be signed by both the department and the permittee. Conditions may be imposed in the permit for the protection of life, property, or air quality and may suspend or revoke the permits when conditions warrant. A permit shall be effective only under the conditions and for the period stated therein. Signing of the permit shall indicate the permittee's agreement to and acceptance of the conditions of the permit.

(3) The department may inspect or cause to be inspected the area involved and may issue a burning permit if:

(a) All requirements relating to fire fighting equipment, the work to be done, and precautions to be taken before commencing the burning have been met;

(b) No unreasonable danger will result; and

(c) Burning will be done in compliance with air quality standards established by chapter 70.94 RCW.

(4) The department, authorized employees thereof, or any warden or ranger may refuse, revoke, or postpone the use of permits to burn when necessary for the safety of adjacent property or when necessary in their judgment to prevent air pollution as provided in chapter 70.94 RCW.

NEW SECTION. Sec. 18. BURNING MILL WOOD WASTE—ARRESTERS. (1) It is unlawful for anyone manufacturing lumber or shingles, or other forest products, to destroy wood waste material by burning within one-fourth of one mile of any forest material without properly confining the place of the burning and without further safeguarding the surrounding property against danger from the burning by such additional devices as the department may require.

(2) It is unlawful for anyone to destroy any wood waste material by fire within any burner or destructor operated within one-fourth of one mile of any forest material, or to operate any power-producing plant using in connection therewith any smokestack, chimney, or other spark-emitting outlet, without installing and maintaining on such burner, or destructor, or on such smokestack, chimney, or other spark-emitting outlet, a safe and suitable device for arresting sparks.

NEW SECTION. Sec. 19. DUMPING MILL WASTE, FOREST DEBRIS—PROHIBITED—PENALTY. (1) No person may dump

mill waste from forest products, or forest debris of any kind, in quantities that the department declares to constitute a forest fire hazard on or threatening forest lands located in this state without first obtaining a written permit issued by the department on such terms and conditions determined by the department pursuant to rules enacted to protect forest lands from fire. The permit is in addition to any other permit required by law.

(2) Any person who dumps such mill waste, or forest debris, without a permit, or in violation of a permit is guilty of a gross misdemeanor and subject to the penalties for a gross misdemeanor under RCW 9A.20.021 and may further be required to remove all materials dumped.

NEW SECTION. Sec. 20. BLASTING FUSE REGULATIONS. It is unlawful to use fuse for blasting on any area of logging slash or area of actual logging operation without a permit during the closed season. Upon the issuance of a written permit by the department or warden or ranger, fuse may be used during the closed season under the conditions specified in the permit.

CLOSURES/SUSPENSIONS

NEW SECTION. Sec. 21. CLOSED TO ENTRY—DESIGNATION. (1) When, in the opinion of the department, any forest land is particularly exposed to fire danger, the department may designate such land as a region of extra fire hazard subject to closure, and the department shall adopt rules for the protection thereof.

(2) All such rules shall be published in such newspapers of general circulation in the counties wherein such region is situated and for such length of time as the department may determine.

(3) When in the opinion of the department it becomes necessary to close the region to entry, posters carrying the wording "Region of extra fire hazard—CLOSED TO ENTRY—except as provided by section 21 of this act" and indicating the beginning and ending dates of the closures shall be posted on the public highways entering the regions.

(4) The rules shall be in force from the time specified therein, but when in the opinion of the department such forest region continues to be exposed to fire danger, or ceases to be so exposed, the department may extend, suspend, or terminate the closure by proclamation.

(5) This section does not authorize the department to prohibit the conduct of industrial operations, public work, or access of permanent residents to their own property within the closed area, but no one legally entering the region of extra fire hazard may use the area for recreational purposes which are prohibited to the general public under the terms of this section.

NEW SECTION. Sec. 22. SUSPENSION OF BURNING PERMITS/PRIVILEGES. In times and localities of unusual fire danger, the department may issue an order suspending any or all burning permits or

privileges authorized by section 17 of this act and may prohibit absolutely the use of fire in such locations.

NEW SECTION. Sec. 23. CLOSURE OF FOREST OPERATIONS OR FOREST LANDS. (1) When in the opinion of the department weather conditions arise which present an extreme fire hazard, whereby life and property may be endangered, the department may issue an order shutting down all logging, land clearing, or other industrial operations which may cause a fire to start. The shutdown shall be for the periods and regions designated in the order. During shutdowns, all persons are excluded from logging operating areas and areas of logging slash, except those present in the interest of fire protection.

(2) When in the opinion of the department extreme fire weather exists, whereby forest lands may be endangered, the department may issue an order restricting access to and activities on forest lands. The order shall describe the regions and extent of restrictions necessary to protect forest lands. During the period in which the order is in effect, all persons may be excluded from the regions described, except those persons present in the interest of fire protection.

(3) Each day's violation of an order under this section shall constitute a separate offense.

FIRE PROTECTION REGULATION

NEW SECTION. Sec. 24. STEAM, INTERNAL COMBUSTION, OR ELECTRICAL ENGINES AND OTHER SPARK-EMITTING EQUIPMENT REGULATED. It is unlawful during the closed season for any person to operate any steam, internal combustion, or electric engine, or any other spark-emitting equipment or device, on any forest land or in any place where, in the opinion of the department, fire could spread to forest land, without first complying with the requirements as may be established by the department by rule pursuant to this chapter.

NEW SECTION. Sec. 25. PENALTY FOR VIOLATIONS—WORK STOPPAGE NOTICE. (1) Every person upon receipt of written notice issued by the department that such person has or is violating any of the provisions of section 18, 21, 24, or 38 of this act or any rule adopted by the department concerning fire prevention and fire suppression preparedness shall cease operations until compliance with the provisions of the sections or rules specified in such notice.

(2) The department may specify in the notice of violation the special conditions and precautions under which the operation would be allowed to continue until the end of that working day.

NEW SECTION. Sec. 26. UNAUTHORIZED ENTRY INTO SEALED TOOL BOX. It is unlawful to enter into a sealed fire tool box without authorization.

NEW SECTION. Sec. 27. DEPOSIT OF FIRE OR LIVE COALS.

No person operating a railroad may permit to be deposited by any employee, and no one may deposit fire or live coals, upon the right of way within one-fourth of one mile of any forest material, during the closed season, unless the fire or live coals are immediately extinguished.

NEW SECTION. Sec. 28. REPORTS OF FIRE. (1) Any person engaged in any activity on forest lands shall immediately report to the department, in person or by radio, telephone, or telegraph, any fires on forest lands.

(2) Railroad companies and other public carriers operating on or through forest lands shall immediately report to the department, in person or by radio, telephone, or telegraph, any fires on or adjacent to their right of way or route.

NEW SECTION. Sec. 29. LIGHTED MATERIAL, ETC.—RECEPTACLES IN CONVEYANCES. (1) It is unlawful during the closed season for any person to throw away any lighted tobacco, cigars, cigarettes, matches, fireworks, charcoal, or other lighted material or to discharge any tracer or incendiary ammunition in any forest, brush, range, or grain areas.

(2) It is unlawful during the closed season for any individual to smoke any flammable material when in forest or brush areas except on roads, cleared landings, gravel pits, or any similar area free of flammable material.

(3) Every conveyance operated through or above forest, range, brush, or grain areas shall be equipped in each compartment with a suitable receptacle for the disposition of lighted tobacco, cigars, cigarettes, matches, or other flammable material.

(4) Every person operating a public conveyance through or above forest, range, brush, or grain areas shall post a copy of this section in a conspicuous place within the smoking compartment of the conveyance; and every person operating a saw mill or a logging camp in any such areas shall post a copy of this section in a conspicuous place upon the ground or buildings of the milling or logging operation.

NEW SECTION. Sec. 30. CERTAIN SNAGS TO BE FELLED CURRENTLY WITH LOGGING. Standing dead trees constitute a substantial deterrent to effective fire control action in forest areas, but are also an important and essential habitat for many species of wildlife. To insure continued existence of these wildlife species and continued forest growth while minimizing the risk of destruction by conflagration, only certain snags must be felled currently with the logging. The department shall adopt rules relating to effective fire control action to require that only certain snags be felled, taking into consideration the need to protect the wildlife habitat.

NEW SECTION. Sec. 31. REIMBURSEMENT FOR COSTS OF SUPPRESSION ACTION. Any person, firm, or corporation, public or private, obligated to take suppression action on any forest fire is entitled to reimbursement for reasonable costs incurred, subject to the following:

(1) No reimbursement is allowed under this section to a person, firm, or corporation whose negligence is responsible for the starting or existence of any fire for which costs may be recoverable pursuant to law. Reimbursement for fires resulting from slash burns are subject to section 32 of this act.

(2) If the fire is started in the course of or as a result of land clearing operations, right of way clearing, or a landowner operation, the person, firm, or corporation conducting the operation shall supply:

(a) At no cost to the department, all equipment and able-bodied persons under contract, control, employment, or ownership that are requested by the department and are reasonably available until midnight of the day on which the fire started; and

(b) After midnight of the day on which the fire started, at no cost to the department, all equipment and able-bodied persons under contract, control, employment, or ownership that were within a one-half mile radius of the fire at the time of discovery, until the fire is declared out by the department. In no case may the person, firm, or corporation provide less than one suitable bulldozer and five able-bodied persons, or other equipment accepted by the department as equivalent, unless the department determines less is needed for the purpose of suppressing the fire; and

(c) If the person, firm, or corporation has no personnel or equipment within one-half mile of the fire, payment shall be made to the department for the minimum requirement of one suitable bulldozer and five able-bodied persons, for the duration of the fire; and

(d) If, after midnight of the day on which the fire started, additional personnel and equipment are requested by the department, the person, firm, or corporation shall supply the personnel and equipment under contract, control, employment, or ownership outside the one-half mile radius, if reasonably available, but shall be reimbursed for such personnel and equipment as provided in subsection (4) of this section.

(3) When a fire which occurred in the course of or as a result of land clearing operations, right of way clearing, or a landowner operation, which had previously been suppressed, rekindles, the person, firm, or corporation shall supply the same personnel and equipment, under the same conditions, as were required at the time of the original fire.

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

NEW SECTION. Sec. 32. ESCAPED SLASH BURNS—OBLIGATIONS. (1) All personnel and equipment required by the burning permit issued for a slash burn may be required by the department, at the permittee's expense, for suppression of a fire resulting from the slash burn until the fire is declared out by the department. In no case may the permittee provide less than one suitable bulldozer and five persons capable of taking suppression action. In addition, if a slash burn becomes an uncontrolled fire the department may recover from the landowner the actual costs incurred in suppressing the fire. The amount collected from the landowner shall be limited to and calculated at the rate of one dollar per acre for the landowner's total forest lands protected by the department, up to a maximum charge of fifty thousand dollars per escaped slash burn.

(2) The landowner contingency forest fire suppression account shall be used to pay and the permittee shall not be responsible for fire suppression expenditures greater than fifty thousand dollars or the total amount calculated for forest lands owned as determined in subsection (1) of this section for each escaped slash burn.

(3) All expenses incurred in suppressing a fire resulting from a slash burn in which negligence was involved shall be the obligation of the landowner.

NEW SECTION. Sec. 33. NEGLIGENCE STARTING OF FIRES—EXISTENCE OF EXTREME FIRE HAZARD OR FOREST DEBRIS—LIABILITY FOR COSTS—RECOVERY. (1) Any person, firm, or corporation: (a) Whose negligence is responsible for the starting or existence of a fire which spreads on forest land; or (b) who creates or allows an extreme fire hazard under section 39 of this act to exist and which hazard contributes to the spread of a fire; or (c) who allows forest debris subject to section 38 of this act to exist and which debris contributes to the spread of fire, shall be liable for any expenses made necessary by (a), (b), or (c) of this subsection incurred by the state, a municipality, or a forest protective association, in fighting the fire, together with costs of investigation and litigation including reasonable attorneys' fees and taxable court costs, if the expense was authorized or subsequently approved by the department.

(2) The department or agency incurring such expense shall have a lien for the same against any property of the person, firm, or corporation liable under subsection (1) of this section by filing a claim of lien naming the 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 signing the claim with post office address. No claim of lien is 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 are incurred. The lien may be foreclosed in the same

manner as a mechanic's lien is foreclosed under the statutes of the state of Washington.

ASSESSMENTS, OBLIGATIONS, FUNDS

NEW SECTION. Sec. 34. OWNERS TO PROTECT FORESTS. Every owner of forest land in the state of Washington shall furnish or provide, during the season of the year when there is danger of forest fires, adequate protection against the spread of fire thereon or therefrom which shall meet with the approval of the department.

NEW SECTION. Sec. 35. FOREST FIRE PROTECTION ASSESSMENT. If any owner of forest land neglects or fails to provide adequate fire protection as required by section 34 of this act, the department shall provide such protection, notwithstanding the provisions of section 37 of this act, at a cost to the owner of not to exceed twenty-one cents an acre per year on lands west of the summit of the Cascade mountains and seventeen cents an acre per year on lands east of the summit of the Cascade mountains: PROVIDED, That (1) there shall be no assessment on each parcel of privately owned lands of less than two acres or on each parcel of tax exempt lands of less than ten acres; (2) for lands not exempt under (1) of this proviso, the cost for any ownership parcel containing less than thirty acres shall not be less than five dollars and ten cents east of the Cascade mountains and six dollars and thirty cents west of the Cascade mountains; and (3) an owner of two or more parcels per county, each containing less than thirty acres, may obtain a refund of the assessments paid on all such parcels over one by applying therefor within the year the assessment was due to the department of natural resources, in such form as the department may require, upon showing to the satisfaction of the department that all assessments and property taxes on the property have been paid, but if the total acreage of the parcels exceed thirty acres, the per-acre rate shall apply and the refund shall be computed accordingly. Application for the refund may be made by mail.

For the purpose of this chapter, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for fire protection 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 supervisor of the department of natural resources for protection of these lands from any funds at the supervisor's disposal shall be a lien upon the property 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 the department 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 the supervisor as adequate, shall be reported by the supervisor of the department

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 shall upon authorization from the supervisor of the department of natural resources levy the forest fire protection 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 or her 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 RCW 52.16.170.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the supervisor of the department of natural resources certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of the department of natural resources to be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend any sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of section 39 of this act.

When land against which forest fire protection 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 the department of natural resources the amount of the outstanding forest fire protection assessments.

All public bodies owning or administering forest lands shall pay the forest fire protection assessments provided in this section and the special forest fire suppression account assessments under section 37 of this act. The forest fire protection assessments and special forest fire suppression account assessments shall be payable by public bodies from any available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the publicly owned land but shall constitute a debt by the public body to the department and shall be subject to interest charges in the same amount as other unpaid forest fire protection assessments.

A public body, having failed to previously pay forest fire protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of any costs incurred by the public body in the suppression activities.

The supervisor of the department of natural resources shall furnish the surety company bond under RCW 43.30.170(6), 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.

The supervisor of the department of natural resources may adopt rules to implement this section, including, but not limited to, rules on the levying and collecting of forest fire protection assessments.

NEW SECTION. Sec. 36. STATE FUNDS—LOANS—RECOVERY OF FUNDS FROM THE LANDOWNER CONTINGENCY FIRE SUPPRESSION ACCOUNT. Biennial general fund appropriations to the department of natural resources normally provide funds for the purpose of paying the emergency fire costs and expenses incurred and/or approved by the department in 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 landowner operation, moneys expended from such appropriations in the suppression of the fire shall be recovered from the landowner contingency forest fire suppression account. The department shall transmit to the state treasurer for deposit in the general fund any such moneys which are later recovered. Moneys recovered during the biennium in which they are expended may be spent for purposes set forth in this section during the same biennium, without reappropriation. Loans between the general fund and the landowner contingency forest fire suppression account are authorized for emergency fire suppression. The loans shall not exceed the amount appropriated for emergency forest fire suppression costs and shall bear interest at the then current rate of interest as determined by the state treasurer.

NEW SECTION. Sec. 37. LANDOWNER CONTINGENCY FOREST FIRE SUPPRESSION ACCOUNT. There is created a landowner contingency forest fire suppression account which shall be a separate account in the state treasury. 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 landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from such general fund appropriations as may be available for emergency fire suppression costs. 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 the 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 landowners at rates to be established by the department, but not to exceed ten cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in the account of two million dollars: PROVIDED, That the department may establish a minimum assessment for ownership parcels containing less than thirty acres. The maximum assessment for these parcels shall not exceed the fees levied on a thirty-acre parcel. There shall be no assessment on each parcel of privately owned lands of less than two acres or on each parcel of tax exempt lands of less than ten acres. 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 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 fire protection assessments. This account shall be held by the state treasurer who is authorized to invest so much of the account as is not necessary to meet current needs. Any interest earned on moneys from the 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 section 33 of this act or other laws.

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

HAZARD ABATEMENT

NEW SECTION. Sec. 38. DISPOSAL OF FOREST DEBRIS—
PERMISSION TO ALLOW TREES TO FALL ON ANOTHER'S
LAND. 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 or dispose of by other satisfactory means, all forest debris cut thereon, as rapidly as the clearing or cutting progresses, or at such other times as the department may specify, and if during the closed season, in compliance with the law requiring burning permits.

No person clearing any land or right of way, or in cutting or logging timber for any purpose, may fell, or permit to be felled, any trees so that they may fall onto land owned by another without first obtaining permission from the 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 the 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.

NEW SECTION. Sec. 39. ADDITIONAL FIRE HAZARDS—EXTREME FIRE HAZARD AREAS—ABATEMENT, ISOLATION OR REDUCTION—SUMMARY ACTION—RECOVERY OF COSTS. (1) The owner of land which is an additional fire hazard and the person responsible for the existence of an additional fire hazard shall take reasonable measures to reduce the danger of fire spreading from the area and may abate the hazard by burning or other satisfactory means.

(2) The department shall adopt rules defining areas of extreme fire hazard that the owner and person responsible shall abate. The areas shall include but are 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.

(3) The department may adopt rules, after consultation with the forest fire advisory board, defining other conditions of extreme fire hazard with a high potential for fire spreading to lands in other ownerships. The department may prescribe additional measures that shall be taken by the owner and person responsible to isolate or reduce the extreme fire hazard.

(4) The owner or person responsible for the existence of the extreme fire hazard is required to abate, isolate, or reduce the hazard. The duty to abate, isolate, or reduce, and liability under this chapter, arise upon creation of the extreme fire hazard. Liability shall include but not be limited to all fire suppression expenses incurred by the department, regardless of fire cause.

(5) If the owner or person responsible for the existence of the extreme fire hazard or forest debris subject to section 38 of this act refuses, neglects, or unsuccessfully attempts to abate, isolate, or reduce the same, the department may summarily abate, isolate, or reduce the hazard as required by this

chapter and recover twice the actual cost thereof from the owner or person responsible. Landowner contingency forest fire suppression account moneys may be used by the department, when available, for this purpose. Moneys recovered by the department pursuant to this section shall be returned to the landowner contingency forest fire suppression account.

(6) Such costs shall include all salaries and expenses of people 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.

(7) The summary action may be taken only after ten days' notice in writing has been given to the owner or reputed owner of the land on which the extreme fire hazard or forest debris subject to section 38 of this act exists. The notice shall include a suggested method of abatement and estimated cost thereof. The notice shall be by personal service or by registered or certified mail addressed to the owner or reputed owner at the owner's last known place of residence.

FIRE REGULATION

NEW SECTION. Sec. 40. FAILURE TO EXTINGUISH CAMP-FIRE. It is unlawful for any person to start any fire upon any camping ground and upon leaving the camping ground fail to extinguish the fire.

NEW SECTION. Sec. 41. WILFUL SETTING OF FIRE. It is unlawful for any person to wilfully start a fire, whether on his or her land or the land of another, whereby forest lands or the property of another is endangered, under circumstances not amounting to arson in either the first or second degree or reckless burning in either the first or second degree.

NEW SECTION. Sec. 42. REMOVAL OF NOTICES. It is unlawful for any person to wilfully and without authorization deface or remove any warning notice posted under the requirements of this chapter.

NEW SECTION. Sec. 43. NEGLIGENCE FIRE—SPREAD. It is unlawful for any person to negligently allow fire originating on the person's own property to spread to the property of another.

NEW SECTION. Sec. 44. RECKLESS BURNING. (1) It is unlawful to knowingly cause a fire or explosion and thereby place forest lands in danger of destruction or damage.

(2) This section does not apply to acts amounting to reckless burning in the first degree under RCW 9A.48.040.

(3) Terms used in this section shall have the meanings given to them in Title 9A RCW.

(4) A violation of this section shall be punished as a gross misdemeanor under RCW 9A.20.021.

NEW SECTION. Sec. 45. UNCONTROLLED FIRE A PUBLIC NUISANCE—SUPPRESSION—DUTIES—SUMMARY ACTION—RECOVERY OF COSTS. Any fire on or threatening any forest land burning uncontrolled and without proper action being taken to prevent its spread, notwithstanding the origin of the fire, is a public nuisance by reason of its menace to life and property. Any person engaged in any activity on such lands, having knowledge of the fire, notwithstanding the origin or subsequent spread thereof on his or her own or other forest lands, and the landowner, shall make every reasonable effort to suppress the fire. If the person has not suppressed the fire, the department shall summarily suppress the fire. If the owner, lessee, other possessor of such land, or an agent or contractor of the owner, lessee, or possessor, having knowledge of the fire, has not made a reasonable effort to suppress the fire, the cost thereof may be recovered from the owner, lessee, or other possessor of the land and the cost of the work shall also constitute a lien upon the real property or chattels under the person's ownership. The lien may be filed by the 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 department. In the absence of negligence, no costs, other than those provided in section 31 of this act, shall be recovered from any landowner for lands subject to the forest fire protection assessment with respect to the land on which the fire burns.

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

MISCELLANEOUS

NEW SECTION. Sec. 46. A new section is added to chapter 43.30 RCW to read as follows:

CLARKE-MCNARY FUND. The department and Washington State University may each receive funds from the federal government in connection with cooperative work with the United States department of agriculture, authorized by sections 4 and 5 of the Clarke-McNary act of congress, approved June 7, 1924, providing for the procurement, protection, and distribution of forestry seed and plants for the purpose of establishing windbreaks, shelter belts, and farm wood lots and to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, and windbreaks; and are authorized to disburse such funds as needed.

NEW SECTION. Sec. 47. A new section is added to chapter 43.30 RCW to read as follows:

COOPERATIVE FARM FORESTRY FUNDS. The department and Washington State University may each receive funds from the federal government for cooperative work, as authorized by the cooperative forest management act of congress, approved May 18, 1937, and as subsequently authorized by any amendments to or substitutions for that act, for all purposes authorized by those acts, and to disburse the funds in cooperation with the federal government in accordance therewith.

NEW SECTION. Sec. 48. A new section is added to chapter 79.01 RCW to read as follows:

DEPARTMENT AUTHORITY TO ACCEPT LAND. The department is hereby authorized, when in its judgment it appears advisable, to accept on behalf of the state, any grant of land within the state which shall then become a part of the state forests. No grant may be accepted until the title has been examined and approved by the attorney general of the state and a report made to the board of natural resources of the result of the examination.

NEW SECTION. Sec. 49. A new section is added to chapter 76.09 RCW to read as follows:

INSPECTION OF LANDS—REFORESTATION. The department shall inspect, or cause to be inspected, deforested lands of the state and ascertain if the lands are valuable chiefly for agriculture, timber growing, or other purposes, with a view to reforestation.

NEW SECTION. Sec. 50. A new section is added to chapter 43.30 RCW to read as follows:

DUTIES OF THE DEPARTMENT. (1) The department may:

(a) Inquire into the production, quality, and quantity of second growth timber to ascertain conditions for reforestation; and

(b) Publish information pertaining to forestry and forest products which it considers of benefit to the people of the state.

(2) The department shall:

(a) Collect information through investigation by its employees, on forest lands owned by the state, including:

(i) Condition of the lands;

(ii) Forest fire damage;

(iii) Illegal cutting, trespassing, or thefts; and

(iv) The number of acres and the value of the timber that is cut and removed each year, to determine which state lands are valuable chiefly for growing timber;

(b) Prepare maps of each timbered county showing state land therein; and

(c) Protect state land as much as is practical and feasible from fire, trespass, theft, and the illegal cutting of timber.

(3) When the department considers it to be in the best interest of the state, it may cooperate with any agency of another state, the United States or any agency thereof, the Dominion of Canada or any agency or province thereof, and any county, town, corporation, individual, or Indian tribe within the state of Washington in:

(a) Forest surveys;

(b) Forest studies;

(c) Forest products studies; and

(d) Preparation of plans for the protection, management, and replacement of trees, wood lots, and timber tracts.

Sec. 51. Section 1, chapter 64, Laws of 1967 ex. sess. and RCW 43-.30.300 are each amended to read as follows:

The department of natural resources is authorized:

(1) To construct, operate, and maintain primitive outdoor recreation facilities on lands under its jurisdiction which are of primitive character when deemed necessary by the department to achieve maximum effective development of such lands and resources consistent with the purposes for which the lands are held. This authority shall be exercised only after review by the interagency committee for outdoor recreation and determination by the committee that the department is the most appropriate agency to undertake such construction, operation and maintenance. Such review is not required for ((authority exercised under the provisions of RCW 76.04.210)) campgrounds designated and prepared or approved by the department.

(2) To acquire right of way and develop public access to lands under the jurisdiction of the department of natural resources and suitable for public outdoor recreation.

(3) To receive and expend funds from federal and state outdoor recreation funding measures for the purposes of RCW 43.30.300 and 79.08.109.

Sec. 52. Section 25, chapter 47, Laws of 1971 ex. sess. and RCW 46-.09.200 are each amended to read as follows:

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, state wildlife agents and deputy wildlife agents, state park rangers, state fisheries patrolmen, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, ((~~76.04.060, and 76.04.080~~)) section 4 of this 1986 act, and section 5 of this 1986 act.

Sec. 53. Section 3, chapter 126, Laws of 1974 ex. sess. and RCW 52-.18.030 are each amended to read as follows:

The resolution establishing service charges as specified in RCW 52.18-.010, shall specify, by legal geographical areas or other specific designation, the rate to apply to each property by location or other designation, and such other information as is deemed necessary to the proper computation of the service charge to be charged to each property owner subject to the resolution. The county assessor shall determine and identify the personal properties and improvements to real property which are subject to a service charge in each fire district and shall furnish and deliver to the county treasurer a listing of such properties with information describing the location, legal description, and address of the person to whom the statement of service charges is to be mailed, the name of the owner and the value of the property and improvements together with the service charge to apply to each. Service charges levied hereunder shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources as prescribed by ~~((the provisions of RCW 76.04.360))~~ section 35 of this 1986 act and the same penalties and provisions for collection shall apply.

Sec. 54. Section 5, chapter 161, Laws of 1961 as amended by section 51, chapter 230, Laws of 1984 and RCW 52.20.027 are each amended to read as follows:

RCW 52.20.010, 52.20.020, and 52.20.025 shall not apply to any tracts or parcels of wholly forest-type lands within the district which are required to pay forest fire protection assessments, as required by ~~((RCW 76.04.360))~~ section 35 of this 1986 act; however, both the tax levy or special assessments of the district and the forest ~~((patrol))~~ fire protection assessment shall apply to the forest land portion of any tract or parcel which is in the district containing a combination of both forest-type lands and nonforest-type lands or improvements: PROVIDED, That an owner has the right to have forest-type lands of more than twenty acres in extent separated from land bearing improvements and from nonforest-type lands for taxation and assessment purposes upon furnishing to the assessor a written request containing the proper legal description.

Sec. 55. Section 5, chapter 136, Laws of 1972 ex. sess. and RCW 70.94.760 are each amended to read as follows:

Nothing contained in RCW 70.94.740 through 70.94.765 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))~~ section 17 of this 1986 act.

Sec. 56. Section 9, chapter 171, Laws of 1955 and RCW 76.14.120 are each amended to read as follows:

This chapter shall not relieve the landowner of providing adequate fire protection for forest land pursuant to ~~((RCW 76.04.360, as amended;))~~ section 35 of this 1986 act or, in lieu thereof, of paying the ~~((fire patrol))~~

forest fire protection assessment specified, but shall be deemed as providing solely for extra fire protection needed in the extrahazardous fire area.

Sec. 57. Section 13, chapter 294, Laws of 1971 ex. sess. as last amended by section 8, chapter 148, Laws of 1981 and RCW 84.33.130 are each amended to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 as of January 1 of any year commencing with 1972 shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

(a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;

(b) The date or dates of acquisition of such land;

(c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;

(d) Whether there is a forest management plan for such land;

(e) If so, the nature and extent of implementation of such plan;

(f) Whether such land is used for grazing;

(g) Whether such land has been subdivided or a plat filed with respect thereto;

(h) Whether such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(i) Whether such land is subject to ~~((fire patrol))~~ forest fire protection assessments pursuant to ~~((RCW 76.04.360))~~ section 35 of this 1986 act;

(j) Whether such land is subject to a lease, option or other right which permits it to be used for any purpose other than growing and harvesting timber;

(k) A summary of the past experience and activity of the applicant in growing and harvesting timber;

(l) A summary of current and continuing activity of the applicant in growing and harvesting timber;

(m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;

(n) An affirmation that the statements contained in the application are true and that the land described in the application is, by itself or with other forest land not included in the application, in contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber.

The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined in RCW 76.08.010, or any laws or regulations adopted to replace such minimum standards, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and RCW 84.33.120 without being designated. The application shall be deemed to have been approved unless, prior to May 1, of the year after such application was mailed or delivered to the assessor, he shall notify the applicant in writing of the extent to which the application is denied.

(4) An owner who receives notice pursuant to subsection (3) of this section that his application has been denied may appeal such denial to the county board of equalization.

NEW SECTION. Sec. 58. Moneys in the landowner contingency forest fire suppression account under RCW 76.04.515 are transferred to the landowner contingency forest fire suppression account under section 37 of this act.

NEW SECTION. Sec. 59. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 58, Laws of 1951, section 1, chapter 207, Laws of 1971 ex. sess., section 2, chapter 102, Laws of 1977 ex. sess. and RCW 76.04.010;

(2) Section 2, chapter 125, Laws of 1911 and RCW 76.04.020;

(3) Section 4, chapter 102, Laws of 1921 and RCW 76.04.030;

(4) Section 4, chapter 125, Laws of 1911, section 88, chapter 75, Laws of 1977 and RCW 76.04.050;

(5) Section 5, chapter 125, Laws of 1911, section 1, chapter 102, Laws of 1921, section 2, chapter 184, Laws of 1923, section 1, chapter 97, Laws of 1937 and RCW 76.04.060;

(6) Section 6, chapter 125, Laws of 1911, section 1, chapter 68, Laws of 1933 and RCW 76.04.070;

(7) Section 7, chapter 125, Laws of 1911, section 1, chapter 33, Laws of 1917, section 3, chapter 184, Laws of 1923, section 2, chapter 43, Laws of 1925 ex. sess. and RCW 76.04.080;

(8) Section 20, chapter 125, Laws of 1911 and RCW 76.04.090;

(9) Section 7, chapter 105, Laws of 1917 and RCW 76.04.100;

(10) Section 19, chapter 125, Laws of 1911 and RCW 76.04.110;

(11) Section 11, chapter 184, Laws of 1923, section 2, chapter 8, Laws of 1979 ex. sess. and RCW 76.04.120;

(12) Section 21, chapter 125, Laws of 1911, section 32, chapter 199, Laws of 1969 ex. sess. and RCW 76.04.130;

(13) Section 1, chapter 43, Laws of 1925 ex. sess., section 1, chapter 24, Laws of 1953, section 4, chapter 111, Laws of 1957 and RCW 76.04-.140;

(14) Section 8, chapter 125, Laws of 1911, section 2, chapter 102, Laws of 1921, section 3, chapter 43, Laws of 1925 ex. sess., section 1, chapter 11, Laws of 1945, section 2, chapter 58, Laws of 1951, section 2, chapter 24, Laws of 1953, section 1, chapter 82, Laws of 1965, section 1, chapter 233, Laws of 1971 ex. sess. and RCW 76.04.150;

(15) Section 1, chapter 223, Laws of 1927, section 1, chapter 207, Laws of 1929, section 1, chapter 142, Laws of 1955, section 2, chapter 233, Laws of 1971 ex. sess. and RCW 76.04.170;

(16) Section 9, chapter 125, Laws of 1911, section 2, chapter 33, Laws of 1917, section 5, chapter 184, Laws of 1923, section 3, chapter 207, Laws of 1929, section 13, chapter 207, Laws of 1971 ex. sess. and RCW 76.04-.180;

(17) Section 3, chapter 152, Laws of 1937, section 1, chapter 18, Laws of 1951 2nd ex. sess., section 5, chapter 111, Laws of 1957 and RCW 76-.04.190;

(18) Section 10, chapter 125, Laws of 1911 and RCW 76.04.200;

(19) Section 11, chapter 125, Laws of 1911, section 3, chapter 102, Laws of 1921, section 4, chapter 43, Laws of 1925 ex. sess., section 2, chapter 142, Laws of 1955 and RCW 76.04.210;

(20) Section 271, chapter 249, Laws of 1909 and RCW 76.04.220;

(21) Section 1, chapter 13, Laws of 1951, section 1, chapter 8, Laws of 1979 ex. sess. and RCW 76.04.222;

(22) Section 13, chapter 125, Laws of 1911 and RCW 76.04.240;

(23) Section 3, chapter 134, Laws of 1971 ex. sess. and RCW 76.04-.242;

(24) Section 8, chapter 24, Laws of 1953 and RCW 76.04.245;

(25) Section 2, chapter 12, Laws of 1965 ex. sess., section 1, chapter 134, Laws of 1971 ex. sess., section 1, chapter 24, Laws of 1973 1st ex. sess. and RCW 76.04.251;

(26) Section 3, chapter 12, Laws of 1965 ex. sess. and RCW 76.04-.252;

(27) Section 12, chapter 142, Laws of 1955, section 2, chapter 151, Laws of 1959, section 10, chapter 12, Laws of 1965 ex. sess., section 2, chapter 24, Laws of 1973 1st ex. sess. and RCW 76.04.270;

(28) Section 2, chapter 134, Laws of 1971 ex. sess. and RCW 76.04-.273;

(29) Section 1, chapter 18, Laws of 1953 and RCW 76.04.275;

(30) Section 2, chapter 18, Laws of 1953 and RCW 76.04.277;

(31) Section 15, chapter 125, Laws of 1911 and RCW 76.04.280;

(32) Section 7, chapter 184, Laws of 1923 and RCW 76.04.290;

(33) Section 7, chapter 184, Laws of 1923, section 5, chapter 43, Laws of 1925 ex. sess., section 1, chapter 89, Laws of 1931, section 6, chapter 24, Laws of 1953, section 8, chapter 111, Laws of 1957 and RCW 76.04.300;

(34) Section 16, chapter 125, Laws of 1911, section 3, chapter 33, Laws of 1917, section 3, chapter 151, Laws of 1959, section 2, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.310;

(35) Section 9, chapter 184, Laws of 1923 and RCW 76.04.340;

(36) Section 1, chapter 105, Laws of 1917, section 2, chapter 168, Laws of 1941, section 3, chapter 102, Laws of 1977 ex. sess. and RCW 76-.04.350;

(37) Section 1, chapter 102, Laws of 1977 ex. sess., section 1, chapter 171, Laws of 1981, section 1, chapter 55, Laws of 1982 1st ex. sess., section 1, chapter 299, Laws of 1983 and RCW 76.04.360;

(38) Section 4, chapter 105, Laws of 1917, section 2, chapter 64, Laws of 1921, section 1, chapter 134, Laws of 1929, section 1, chapter 58, Laws of 1939, section 1, chapter 235, Laws of 1951, section 3, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.370;

(39) Section 3, chapter 105, Laws of 1917, section 2, chapter 152, Laws of 1937, section 1, chapter 99, Laws of 1945, section 9, chapter 58, Laws of 1951, section 4, chapter 207, Laws of 1971 ex. sess. and RCW 76-.04.380;

(40) Section 5, chapter 207, Laws of 1971 ex. sess., section 3, chapter 24, Laws of 1973 1st ex. sess. and RCW 76.04.385;

(41) Section 11, chapter 184, Laws of 1923, section 6, chapter 207, Laws of 1971 ex. sess., section 4, chapter 102, Laws of 1977 ex. sess. and RCW 76.04.390;

(42) Section 11, chapter 184, Laws of 1923 and RCW 76.04.395;

- (43) Section 5, chapter 105, Laws of 1917 and RCW 76.04.400;
- (44) Section 1, chapter 45, Laws of 1933, section 1, chapter 141, Laws of 1949 and RCW 76.04.410;
- (45) Section 2, chapter 45, Laws of 1933 and RCW 76.04.420;
- (46) Section 3, chapter 45, Laws of 1933 and RCW 76.04.430;
- (47) Section 4, chapter 45, Laws of 1933 and RCW 76.04.440;
- (48) Section 1, chapter 68, Laws of 1939 and RCW 76.04.490;
- (49) Section 2, chapter 68, Laws of 1939 and RCW 76.04.500;
- (50) Section 1, chapter 332, Laws of 1959, section 7, chapter 207, Laws of 1971 ex. sess., section 10, chapter 67, Laws of 1979 ex. sess. and RCW 76.04.510;
- (51) Section 8, chapter 207, Laws of 1971 ex. sess., section 4, chapter 24, Laws of 1973 1st ex. sess., section 11, chapter 67, Laws of 1979 ex. sess., section 1, chapter 28, Laws of 1981, section 2, chapter 55, Laws of 1982 1st ex. sess., section 2, chapter 299, Laws of 1983, section 74, chapter 57, Laws of 1985 and RCW 76.04.515; and
- (52) Section 9, chapter 207, Laws of 1971 ex. sess., section 2, chapter 49, Laws of 1979 and RCW 76.04.520.

NEW SECTION. Sec. 60. As used in this act subchapter and section captions constitute no part of the law.

NEW SECTION. Sec. 61. Sections 1 through 45 of this act are each added to chapter 76.04 RCW.

- Passed the House February 13, 1986.
- Passed the Senate March 6, 1986.
- Approved by the Governor March 21, 1986.
- Filed in Office of Secretary of State March 21, 1986.

CHAPTER 101

[House Bill No. 1518]

IMPLIED CONSENT LAW—NOTICE REQUIREMENTS—RCW 46.20.092
REPEALED

AN ACT Relating to notice of the implied consent law; and repealing RCW 46.20.092.

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

NEW SECTION. Sec. 1. Section 4, chapter 1, Laws of 1969, section 145, chapter 158, Laws of 1979 and RCW 46.20.092 are each repealed.

- Passed the House February 15, 1986.
- Passed the Senate March 5, 1986.
- Approved by the Governor March 21, 1986.
- Filed in Office of Secretary of State March 21, 1986.