

CHAPTER 184.

[S. B. 63.]

FORESTS AND FOREST FIRES.

AN ACT relating to forest protection, providing a penalty for violation of any of the orders, rules or regulations made for that purpose, amending Sections 5785, 5787, 5788, 5789, 5794, 5797, 5803, and 5805 of Remington's Compiled Statutes of Washington 1922, and further amending said Compiled Statutes by adding to Chapter 1, Title XXXVI thereof, to be known as Sections 5782-1, 5795-1, 5795-2, 5806-1, 5806-2, 5811-1, and 5813-1.

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

SECTION 1. That chapter 1, Title XXXVI of Remington's Compiled Statutes of Washington 1922, shall be amended by adding thereto a new section to be known as section 5782-1, as follows:

Section 5782-1. When, in the opinion of the director of the department of conservation and development, any forest region is particularly exposed to fire danger, he may, in his discretion, designate such region, defining the boundaries thereof by legal subdivisions or water-courses, watersheds, mountain ranges, or other natural monuments, as a region of extra fire hazard, and he shall have the power and it shall be his duty to make, adopt, amend and promulgate rules and regulations for the protection thereof. All such rules and regulations shall be promulgated by the director by publication in such newspaper, or newspapers, of general circulation in the county, or counties, wherein such region is situated and for such length of time as the director may determine, and by posting copies of the rules and regulations on roads and trails entering such region; such rules and regulations shall be in force from and after the time specified therein. *Provided*, that nothing in this act shall authorize the director

Vetoed
L. F. H.

Vetoed
L. F. H.

of the department of conservation and development to exclude permanent residents, or prohibit logging, milling, canning, or other industrial operations, or public works in such regions but shall authorize such director to make such rules and regulations as he may deem necessary for the conduct of such residents and such operations with respect to any act or thing which may create or increase the fire hazard.

Amends Rem.
Comp. Stat.
§ 5785;
Pierce's Code
§ 2562.

SEC. 2. That section 5785 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Wardens,
appointment.

Section 5785. The state supervisor of forestry shall, subject to the approval of the director of the department of conservation and development, have power to appoint within any region or district in this state where there is timber requiring protection, one or more wardens for all or any portion of the period during which the said supervisor deems that forest fire dangers exist.

Examination
of deforested
lands.

The said supervisor may, subject to the approval of the said director, and at such times and in such localities as he deems the public welfare demands, employ one or more wardens whose duty it shall be to examine deforested lands of the state, and ascertain if such lands are chiefly valuable for agriculture, or if they are chiefly valuable for timber growing, with a view to reforestation. The said wardens, shall, under the direction of the said supervisor engage in the discovery of inflammable materials, and cause, or assist in the burning of such material at such times as the burning can be done with a minimum of danger to adjacent timber; or other property. The said wardens, under the direction of the said supervisor, shall report any trespass and illegal cutting upon state timber lands, coming to his notice, and report the same to the state land commissioner.

Reforestation.

Inflammable
materials
burned.

The said supervisor shall have power to temporarily suspend any warden or ranger who may be incompetent or unwilling to discharge properly the duties of his office, and to appoint his successor temporarily, until his action shall be passed upon by the said director.

Wardens,
suspension.

The wardens shall make their headquarters at such place as the said supervisor shall determine, and upon request of said supervisor to the county commissioners of any county such wardens shall be furnished with suitably equipped office quarters in the county court house, said quarters to be designated by said county commissioners.

Wardens'
office.

The authority of the wardens respecting the prevention, suppression and control of forest fires, summoning, impressing or employing help, or making arrests for the violation of this act, may extend to any part of the state.

Wardens'
authority.

The salaries and necessary expenses of all wardens, together with all wages and expenses incurred for help and assistance in forest fire protection shall be fixed by the said director the wages and salaries to be based on but not to exceed going wages and salaries for similar work, and shall be borne in the proportion of two-thirds by the state and one-third by the county in which the service was given and the expense incurred for forest fire protection.

Salary and
expense.

All accounts of the wardens shall be submitted to the said supervisor, as well as all bills for forest fire protection authorized by the wardens, and when such bills are approved and paid as provided for in section 5783, the amount of one-third of all such outlays in each county shall be due and payable on demand from each of said counties into the state treasury, and credited to the fund appropriated for the division of forestry.

Accounts
and bills.

See Rem.
Comp. Stat.
§ 5783;
Pierce's Code
§ 2560.

Reports of
wardens and
rangers.

All wardens and rangers shall render reports to the said supervisor on such blanks or forms, or in such manner, and at such times as may be ordered, giving a summary of how employed, the area of county visited, expenses incurred, and such other information as may be called for by the said supervisor.

Amends Rem.
Comp. Stat.
§ 5787;
Pierce's Code
§ 2564.

SEC. 3. That section 5787 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Officers,
ex-officio,
rangers.

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

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

Rangers'
compensation.

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

SEC. 4. That section 5788 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Section 5788. No one shall burn any forest material within any county in this state in which there is a warden or ranger during the period beginning the first day of May west of the summit of the Cascade Mountains, and the first day of June east of the summit of the Cascade Mountains and ending, unless sooner ended by proclamation of the director of the department of conservation and development, on the first day of October in each year, which period is hereby designated as the closed season, without first obtaining permission in writing from the state supervisor of forestry, or a state warden or a state ranger, and afterwards complying with the terms of said permit and any one violating any provisions contained in the preceding portions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the director of the department of conservation and development shall prescribe, which shall be only such as the said director deems necessary for the protection of life or property.

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

SEC. 5. That section 5789 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Section 5789. No one shall burn any forest material until all dry snags, stubs and dead trees over

Vetoed
L. F. H.

Amends Rem.
Comp. Stat.
§ 5789;
Pierce's Code
§ 2566.

Forest ma-
terial burned,
conditions.

twenty-five (25) feet in height, within the area to be burned, shall have been cut down and until such other work shall have been done in and around the slashing or chopping, to prevent the spread of fire therefrom, as shall be required to be done by the state supervisor of forestry, or any warden or ranger.

Slashings
burned,
supervision.

When any person shall have obtained permission from the said supervisor, warden or ranger, to burn any slashings made for the purpose of clearing land, the warden may, at his discretion furnish him with a man to supervise and control the burning, who shall represent and act for such warden, and shall have all the power and authority of a warden while engaged in such service, including the right to revoke such permit, if in his opinion the burning authorized would endanger any valuable timber or other property. Such a man shall serve only until such time as the party burning may be able to keep the fire under control himself.

Assistance to
prevent
destruction
by fire.

The said supervisor and wardens are hereby authorized and empowered to employ a sufficient number of men to extinguish or prevent the spreading of any fires that may be in danger of destroying any valuable timber or other property of the state. The said supervisor, or any warden by special authority of the said supervisor, may provide needed tools and supplies, and transportation when necessary for men so employed.

Compensation.

Every man so employed, and also the representative of the warden supervising the burning, shall be entitled to compensation at a rate to be fixed by the director of the department of conservation and development, and the warden shall issue a certificate to each man so employed showing the number of hours worked by him and the amounts due to him, upon which, after approval by the said supervisor, the men shall be entitled to receive payment from the state in the manner provided for in section 5783.

See Rem.
Comp. Stat.
§ 5783;
Pierce's Code
§ 2560.

Any person refusing to render assistance when called upon by any warden, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Assistance
refused,
penalty.

SEC. 6. That section 5794 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 5794;
Pierce's Code
§ 2571.

Section 5794. It shall be unlawful for any one to operate any spark-emitting railroad locomotive, logging locomotive, logging, or farming engine, or boiler, at any time during the closed season, or for any one to operate any railroad locomotive, logging locomotive, or logging or farm engine or boiler, within one-quarter of one mile of any forest material during the closed season, without such railroad locomotive, logging locomotive, logging, or other engine or boiler is provided with and uses a safe and suitable device for arresting sparks, a suitable power pump with hose and three shovels, one axe, one mattock, two water pails and one hand force pump, such tools and accessories to be kept in place around each donkey engine and in effective condition for immediate use for fire suppression.

Locomotive
engine,
spark
arrester.

It shall be unlawful for anyone to operate during the closed season any railroad locomotive, logging locomotive, or logging, or other engine or boiler within one-quarter of one mile of any forest material, without such railroad locomotive, logging locomotive, or logging or other engine or boiler is provided with and uses an adequate device to prevent the escape of fire or live coals from all ash-pans, and all fire-boxes, except when said ash-pans and said fire-boxes are being cleaned when not in motion.

Locomotive
engine,
ash-pan
protector.

It shall be unlawful for common carrier railroad companies to operate trains through forested districts unless such trains are followed by a speeder patrol at such times and in such places as the state

supervisor of forestry may designate, each patrol to be equipped with a five-gallon fire extinguisher, two shovels and an ax. In case a railroad company fails to provide patrol as required, the state supervisor of forestry is hereby authorized to employ patrolmen for such purpose and the railway company concerned shall be liable for the expense of the same to be collected in a civil suit brought by the state against said railroad company.

Every person violating the provisions of this section shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than seventy-five dollars (\$75.00) and the judgment of the court, in case of conviction, shall prohibit such person from operating such train, railroad locomotive, logging locomotive or other engine or boiler until the requirements of this section have been complied with.

Penalty.

Amends Rem.
Comp. Stat.
§ 5795-1 and
5795-2;
Pierce's Code
§ 2572-1 and
2572-2.

SEC. 7. That Chapter 1, Title XXXVI of Remington's Compiled Statutes of Washington 1922, shall be amended by adding thereto, two new sections to be known as sections 5795-1 and 5795-2; as follows:

Public carriers
to report
fires.

Section 5795-1. Railroad companies and other public carriers, or any person or persons, operating through forested districts, must report forthwith by telephone or telegraph any fires on or adjacent to their right-of-way or route, to the local fire warden or to the office of the state supervisor of forestry.

Lighted
cigars, etc.,
prohibited.

Section 5795-2. It shall be unlawful, during the closed season, for any person to throw away any lighted tobacco, cigars, cigarettes, matches, fire crackers or other lighted material in any forest region of this state. Every person, firm or corporation operating a public conveyance shall post a copy of this section in a conspicuous place within the smoking compartments of such conveyance. Any

person violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 8. That section 5797 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Amends Rem. Comp. Stat. § 5797; Pierce's Code § 2574.

Section 5797. Everyone operating a stationary engine, for the logging of timber, or the clearing of land of tree stumps, or other wood material, shall during the closed season:

Donkey or stationary engine.

(a) Maintain a watchman at the point where the said donkey engine, or other portable or stationary engine may be located, said watchman to be on duty for at least two hours following every time when the said donkey-engine, or other portable, or stationary engine shall cease operations.

Watchman.

(b) Cut down all snags, stubs and dead trees over fifteen (15) feet in height within a radius of one hundred fifty (150) feet and clear the ground of all inflammable debris for a radius of thirty-five (35) feet from each donkey-engine, or other portable or stationary spark-emitting engine.

Clearing around.

SEC. 9. That section 5803 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Amends Rem. Comp. Stat. § 5803; Pierce's Code § 9131-37.

Section 5803. Any person or persons who shall wilfully and deliberately set fire to any forest within the state, or in any place from which fire may be communicated to any such forest, or who shall accidentally set fire to any such forest, or to any place from which fire may be communicated to any such forest, and shall not extinguish the same or use every effort to that end, or who shall build any fire for lawful purposes or otherwise in or near any such forest, and through carelessness or neglect shall permit said fire to extend to and burn through such forest, shall be deemed guilty of a misdemeanor, and on conviction before a court of competent jurisdic-

Deliberately setting fire, penalty.

tion shall be punishable by fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding one year, or by both such fine and imprisonment.

Amends Rem.
Comp. Stat.
§ 5805;
Pierce's Code
§ 2580.

SEC. 10. That section 5805 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

See Rem.
Comp. Stat.
§ 5804;
Pierce's Code
§ 2579.

Section 5805. If any owner or owners of forest land shall neglect or fail to provide adequate fire protection therefor as required by section 5804, then the state supervisor of forestry under direction from the director of the department of conservation and development shall provide such protection therefor at a cost not to exceed five (5) cents an acre per annum, and for that purpose may divide the forest lands of the state, or any part of the same, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing and place unprotected lands under the administration of the proper district. Any amounts paid or contracted to be paid by the said supervisor for this purpose shall be a lien upon the property patrolled and protected and, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the said supervisor shall be prepared to make statement thereof upon request, to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the said supervisor to the county assessors of the county or counties in which the property is situated who shall extend the amounts upon the tax-rolls covering such property, and the amounts shall be collected at the time and in the same manner by the same procedure and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessments may be corrected

Owners failure
to provide
fire
protection.

Supplied by
state.

Lien.

Collection
of cost.

at any time by the said supervisor certifying the same to the county treasurer of the county in which the land involved is situated. Upon the collection of said assessments the county officials shall repay said amounts to the said supervisor to be applied to the expenses incurred in carrying out the provisions of this section: *Provided*, that the said supervisor is hereby authorized and required to include in the assessment herein authorized against the owner or owners of forest lands neglecting to provide adequate fire protection, a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of the provisions of section 5804 *et seq.* and subsequent amendments thereto, and is authorized to expend any sums heretofore collected from owners of forest lands or coming from any other source for any necessary office and clerical expenses in connection with the enforcements of the provisions of section 5807: *Provided further*, that whenever any lands against which such fire patrol assessments are outstanding are acquired for delinquent taxes and sold at public auction, the state shall have a prior lien of the proceeds of such sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of such sale exceed the amount of the delinquent tax judgment aforesaid shall forthwith remit to the said supervisor the amount of such outstanding patrol assessments. *Provided, further*, that the said supervisor is required to furnish a good and sufficient bond of a surety company running to the State of Washington, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this act, conditioned for the faithful performance of his duties as such officer and for a faithful accounting for all sums received and expended there-

See Rem.
Comp. Stat.
§ 5804 *et seq.*;
Pierce's Code
§ 2579 *et seq.*

See Rem.
Comp. Stat.
§ 5807;
Pierce's Code
§ 2582.

Bond of
supervisor.

under, which bond shall be approved by the attorney general.

Amends Rem. Comp. Stat. § 5806-1, 5806-2, 5811-1 and 5813-1; Pierce's Code § 2581-1, 2581-2, 2585-b and 2578-3a.

SEC. 11. That chapter 1, Title XXXVI of Remington's Compiled Statutes of Washington 1922, shall be amended by adding thereto, four new sections to be known as sections 5806-1, 5806-2, 5811-1 and 5813-1.

Person negligently starting, liable for cost of fighting.

Section 5806-1. Any person, firm or corporation negligently responsible for the starting or existence of a fire which spreads on forest land shall be liable for any expense incurred by the state, a municipality or forest protective association, in fighting such fire provided that such expense was, at the time incurred, authorized by the state supervisor of forestry or by one of his duly appointed and acting district or state fire wardens. The agency incurring such expense shall have a lien for the same against any property of said person, firm or corporation liable as above provided by filing a claim of lien naming said 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 signed by the claimant with post office address. No claim of lien shall be 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 were incurred. The claimant may recover said expenses incurred in a civil action against said person, firm or corporation liable therefor, and shall have in addition the lien remedy above provided. Said lien may be foreclosed in the same manner as a mechanics lien is foreclosed under the statutes of the state of Washington.

Action to recover.

Permitting spreading, penalty.

Section 5806-2. Any person who shall negligently suffer fire originating on his own property to

spread to the property of another shall be deemed guilty of a misdemeanor.

Section 5811-1. Any person who shall wilfully violate any of the orders, rules or regulations made by the director of the department of conservation and development of the state of Washington in accordance with the authority granted by the provisions of Title XXXVI of Remington's Compiled Statutes of Washington 1922, for the protection of forests from fires, shall be guilty of a misdemeanor.

Rules and regulations, violation, penalty.

See Rem. Comp. Stat. § 5781 to 5823; Pierce's Code § 2558 to 2585-a.

Section 5813-1. Any person who shall go upon any lands owned by the state, or by any person, firm or corporation, without the consent of the owner thereof, and cut down, cut off, top, or destroy any tree, shall be punished by a fine equivalent to one dollar for every tree so cut down, topped, or destroyed.

Cutting or destroying trees, without consent of owner, penalty.

Passed the Senate March 8, 1923.

Passed the House March 2, 1923.

Approved by the Governor with the exception of Sections 1 and 4, which are vetoed, March 19, 1923.

CHAPTER 185.

[S. B. 271.]

PRIMARY AND SECONDARY STATE HIGHWAYS.

AN ACT relating to, classifying, naming and fixing the routes of certain state highways, amending Section 6796, and repealing Sections 6791, 6792, 6793, 6794, 6795, 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6805, 6806, 6808, 6809, 6811, 6812, 6813 and 6816 of Remington's Compiled Statutes.

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

SECTION 1. A primary state highway, to be known as State Road No. 1 or the Pacific Highway, is established as follows: Beginning at the international boundary line at Blaine in the County of

State road No. 1, or Pacific Highway.