

CHAPTER 111.

[H. B. 185.]

FOREST PROTECTION.

AN ACT relating to forest protection; amending sections 1 and 2, chapter 164, Laws of 1905, section 1, chapter 125, Laws of 1911, section 4, chapter 125, Laws of 1911, section 6, chapter 105, Laws of 1917 as last amended by section 1, chapter 58, Laws of 1951 (heretofore combined, divided and codified as RCW 76.04.010 and 76.04.050); amending section 1, chapter 24, Laws of 1953 and RCW 76.04.140; amending section 1, chapter 18, Laws of 1951 second extraordinary session and RCW 76.04.190; amending section 5, chapter 142, Laws of 1955 and RCW 76.04.225; amending section 10, chapter 142, Laws of 1955 and RCW 76.04.250; amending section 6, chapter 24, Laws of 1953 and RCW 76.04.300; and providing penalties.

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

SECTION 1. Sections 1 and 2, chapter 164, Laws of 1905, section 1, chapter 125, Laws of 1911, section 4, chapter 125, Laws of 1911, section 6, chapter 105, Laws of 1917 as last amended by section 1, chapter 58, Laws of 1951 (heretofore combined, divided and codified as RCW 76.04.010 and 76.04.050) are divided and amended to read as set forth in sections 2 and 3 of of this act.

SEC. 2. (RCW 76.04.010)

As used in this chapter:

“Director” means the director of conservation and development;

“Supervisor” means the supervisor of forestry;

“Forest fire service” includes all wardens, rangers, and other help employed especially for preventing or fighting forest fires;

“Forest lands” means any land which has enough timber, standing or down, or inflammable material, to constitute in the judgment of the director a fire menace to life or property: *Provided*, That sagebrush and grass areas east of the summit of the Cascade mountains are not included unless such areas

Vetoed.

are adjacent to or intermingled with areas supporting tree growth;

“Forest material” means forest slashing, chopping, woodland, or brushland.

SEC. 3. (RCW 76.04.050)

The supervisor, subject to the approval of the director, may appoint trained forest assistants, possessing technical qualifications, and may employ necessary clerical assistants, and fix the amount of their salaries, which shall be payable monthly.

He shall, under the supervision of the director, whenever he deems it necessary to the best interests of the state, cooperate in forest surveys, forest studies, forest products studies, forest fire fighting and patrol, and the preparation of plans for the protection, management, replacement of trees, wood lots, and timber tracts, with other states, the United States, the Dominion of Canada, or any province thereof, and with counties, cities, corporations, and individuals within this state.

Vetoed.

He shall have direct charge and supervision of all matters pertaining to forestry, including the forest fire service of the state.

In times of emergency or unusual danger, he may mass the forest fire service of the state where its presence might be required by reason of forest fires, and take charge of, and direct the work of suppressing fires.

He shall enforce all laws for the preservation of forests; investigate the origin of all forest fires; vigorously prosecute all violators; and prepare and print for public distribution an abstract of the forest and the forest fire laws, together with such rules and regulations as may be formulated by the director.

He may, with the approval of the director, publish for free distribution, information pertaining to forestry, and to forest products, which he may consider of benefit to the people of the state.

He shall prepare all necessary printed forms for use of wardens and rangers, in connection with the granting of applications for permits to burn; for the appointment of wardens and rangers; and all forms of blanks required or desirable, and shall supply each warden and ranger therewith.

He shall familiarize himself with the location and extent of all state timbered and cut-over lands, and shall prepare maps of each of the timbered counties showing the state land therein, and supply such maps to each warden and in all practical and feasible ways protect such lands from the dangers of fire, trespass, and illegal cutting of timber, reporting from time to time to the director such information as may be of benefit to the state in the care and protection of its timber.

Vetoed.

He shall institute inquiry into the extent, kind, value, and condition of all timber lands within the state; the acreage and value of the timber cut and removed each year, to determine what lands are chiefly valuable for growing timber; the extent to which timber lands are being destroyed by fire; and the production, quality, and quantity of second-growth timber, with a view of ascertaining conditions for reforestation.

He shall not later than the first day of December of each year, submit a written report of his official activities, giving detailed information as to the work of his division and of the forest fire service of the state.

RCW 76.04.140 amended.

SEC. 4. Section 1, chapter 24, Laws of 1953 and RCW 76.04.140 are each amended to read as follows:

Forest protection. Designation of hazardous fire areas.

When, in the opinion of the director, any forest region is particularly exposed to fire danger, he may designate such region, defining the boundaries thereof by legal subdivisions or watercourses, watersheds, mountain ranges, or other natural monuments, as a region of extra fire hazard, and he shall pro-

mulgate rules and regulations for the protection thereof. All such rules and regulations shall be promulgated by publication in such newspapers of general circulation in the counties wherein such region is situated and for such length of time as the director may determine. When in the opinion of the director it becomes necessary to close the area to entry, posters carrying the wording "Region of extra fire hazard—CLOSED TO ENTRY—except as provided by RCW 76.04.140" and indicating the beginning and ending dates of such closures shall be posted on the public highways entering such regions. The rules and regulations shall be in force from the time specified therein: *Provided*, That when in the opinion of the director such forest region continues to be exposed to fire danger, or ceases to be so exposed, the director may extend, suspend, or terminate the closure as previously promulgated by proclamation so declaring.

Proviso.

This chapter shall not, however, authorize the director to prohibit the conduct of industrial operations, public work, or access of permanent residents to their own property within the closed area: *Provided*, That no one legally entering the region of extra fire hazard will be permitted to use the area for recreational purposes which are prohibited to the general public under the terms of this section.

Proviso.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

SEC. 5. Section 1, chapter 18, Laws of 1951 second extraordinary session and RCW 76.04.190 are each amended to read as follows:

RCW 76.04.190 amended.

When in the opinion of the supervisor, weather conditions arise which present an extreme fire hazard, whereby life and property may be endangered by spreading forest fires, he may issue an order shutting down all logging, land clearing, or other

Closure of forest operation

Forest protection. Closure of forest operation.

industrial operations which may cause a forest fire to start, and such shutdown shall be for the periods and regions, designated in the order. During all such shutdowns, all persons are excluded from logging operating areas and areas of logging slashings, except those persons present in the interest of fire protection for the period of the shutdown ordered by the state supervisor of forestry, or his authorized deputies.

Penalty.

Any one violating any such order shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each violation, or by imprisonment for not less than thirty days in the county jail. Each day's violation shall constitute a separate offense.

RCW 76.04.225 amended.

SEC. 6. Section 5, chapter 142, Laws of 1955 and RCW 76.04.225 are each amended to read as follows:

Snag removal pattern.

In stands wherever the operator, timber owner and/or landowner is not required to fall all the snags on the area, as provided in RCW 76.04.222 to 76.04.227, the supervisor may designate which snags shall be felled in an effort to remove the snags in patterns to establish snag-free fire breaks.

RCW 76.04.250 amended.

SEC. 7. Section 10, chapter 142, Laws of 1955 and RCW 76.04.250 are each amended to read as follows:

Spark emitting engines regulated.

It shall be unlawful for anyone to operate within one-eighth mile of any forest land during the period April fifteenth to October fifteenth inclusive, which period shall be designated as the closed season unless the designated season is extended by the supervisor due to dangerous fire conditions:

(1) Any woods operation or mill using spark emitting or electric engines unless provided with the following fire tools, or the serviceable equivalent thereof, at each landing and/or yarding tree or mill:

(a) For operations employing more than five men:

To be kept in a sealed tool box: Three double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles, six long handle round point shovels or "D" handle round point shovels and six adze eye forestry fire fighting hoes;

Spark emitting engines regulated.

To be kept adjacent to the tool box: Two bucking saws with handles unless power chain saw in working condition is kept on landing during the period of actual operation and until the end of the watchman service as required by RCW 76.04.320, and one five-gallon back pack pump can filled with water and one hundred gallons of water;

(b) For operations employing five men or less:

To be kept in a sealed tool box: Two double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles, three long handled round point shovels or "D" handle round point shovels, and three adze eye forestry fire fighting hoes;

To be kept adjacent to the tool box: One bucking saw with handles unless power chain saw in working condition is kept on landing during actual operation and until the end of the watchman service as required in RCW 76.04.320, and one five-gallon back pack pump can filled with water and fifty gallons of water, or one hundred gallons of water and two buckets.

(2) Any gasoline, diesel, or electric yarding, skidding, or loading engine unless:

(a) Equipped with two chemical fire extinguishers of not less than one and one-half quart capacity each;

(b) Exhaust is turned up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrester.

(3) Any tractor unless:

Forest protection. Spark emitting engines regulated.

(a) Equipped with one chemical fire extinguisher of not less than one quart capacity;

(b) It has exhaust turned up perpendicular or is equipped with an adequate spark arrester.

(4) Any truck hauling forest products from any forest area unless:

(a) Equipped with a chemical fire extinguisher of at least one quart capacity;

(b) Equipped with one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle;

(c) Equipped with one long handle round point shovel or a "D" handle round point shovel;

(d) Exhaust is turned up perpendicular or equipped with adequate spark arrester or muffler.

(5) Any portable power saw unless the power saw operators keep in their immediate possession a suitable chemical fire extinguisher of at least eight ounce capacity, and a suitable shovel and the power saw is equipped with a muffler or other device adequate to prevent the emission of sparks.

(6) Any gasoline or diesel engine used in a mill or for uses not specifically mentioned above unless:

(a) Equipped with chemical fire extinguisher of at least one quart capacity;

(b) Exhaust is pointed up perpendicular and is clear of all obstructions or is equipped with an adequate spark arrester;

(c) One hundred gallons of water and two buckets.

All equipment required in this chapter must be kept in serviceable condition at all times. Tool boxes must have waterproof lids, must be of sound construction and provided with hinges and hasp so arranged that the box can be properly sealed.

The supervisor of forestry may reduce the requirements set forth herein by written permission whenever in his judgment the operation is of such

type or location and/or the weather is such that all of the requirements herein are not required for the protection of life and property.

SEC. 8. Section 6, chapter 24, Laws of 1953 and RCW 76.04.300 are each amended to read as follows:

It shall be unlawful during the closed season, from April 15th to October 15th inclusive, for any person to throw away any lighted tobacco, cigars, cigarettes, matches, fireworks, or other lighted material in any forest, brush, range, or grain areas. It shall also be unlawful during the closed season for any individual to smoke when in forest or brush areas except on roads, cleared landings, gravel pits, or any similar area free of inflammable material.

Every conveyance operated through or above forest, brush, range, or grain areas, shall be equipped in each compartment with a suitable receptacle, for the disposition of lighted tobacco, cigars, cigarettes, matches, or other inflammable material. Every person operating a public conveyance through or above forest, range, 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 such milling or logging operation. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Passed the House February 1, 1957.

Passed the Senate February 27, 1957.

Approved by the Governor March 8, 1957, with the exception of Sections 1, 2 and 3, which are vetoed.

NOTE: EXCERPT OF GOVERNOR'S VETO MESSAGE READS AS FOLLOWS:

"This bill corrects legislation pertaining to the administration and maintenance of forests.

"Sections 1, 2 and 3 attempt to recodify certain sections pertaining to forests. These sections are in conflict with Substitute House Bill No. 68 which was signed a few days ago. Substitute House Bill No. 68 turns

RCW 76.04.300 amended.

Lighted cigars, etc.—Receptacles in conveyances.

Veto message, excerpt.

Veto message, excerpt.

over to the new department of natural resources forestry functions previously administered by the department of conservation and development. If I permitted sections 1, 2 and 3 of House Bill No. 185 to stand, the director of conservation and development would have to exercise the functions granted specifically by Substitute House Bill No. 68 to the commissioner of public lands.

"The sponsors of this bill did not intend to reach this result.

"Sections 4, 5, 6, 7 and 8 of House Bill No. 185 are entirely meritorious and should be enacted.

"For the reasons indicated, sections 1, 2 and 3 are vetoed and the remainder of the bill is approved."

CHAPTER 112.

[S. B. 91.]

PRISONERS—HOSTAGE—INTERFERENCE WITH OFFICERS.

AN ACT relating to the crime of holding hostages by prisoners in state penal institutions and to the powers of officers of state penal institutions in the transportation of and the apprehension of escaped prisoners; amending section 3, chapter 241, Laws of 1955 and RCW 9.94.030, and section 5, chapter 241, Laws of 1955 and RCW 9.94.050; and providing penalties.

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

RCW 9.94.030 amended.

SECTION 1. Section 3, chapter 241, Laws of 1955 and RCW 9.94.030 are each amended to read as follows:

Holding officer hostage—Interference with officer's duties.

Whenever any inmate of a state penal institution shall hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his duties, by force or violence, or the threat thereof, he shall be guilty of a felony and upon conviction shall be punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

Vetoed.

SEC. 2. Section 5, chapter 241, Laws of 1955 and RCW 9.94.050 are each amended to read as follows:

All officers of state penal institutions, while acting in the supervision and transportation of prison-