

CHAPTER 12.

[Substitute Senate Bill No. 183.]

FOREST PROTECTION.

AN ACT relating to forest protection; adding new sections to chapter 76.04 RCW; amending section 11, chapter 142, Laws of 1955 and RCW 76.04.260; amending section 12, chapter 142, Laws of 1955, as amended by section 2, chapter 151, Laws of 1959, and RCW 76.04.270; repealing section 10, chapter 142, Laws of 1955, as last amended by section 1, chapter 151, Laws of 1959, and RCW 76.04.250; providing penalties; and declaring an emergency.

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

SECTION 1. There is added to chapter 76.04 RCW New sections.
new sections to read as set forth in sections 2 through 8 of this act.

SEC. 2. It shall be unlawful for anyone to operate Forest
protection.
Equipment
required for
forest opera-
tions during
closed season.
during the closed season as defined in section 3 of this 1965 act, any steam, internal combustion, or electric engines, or any other spark emitting equipment or devices on any forest land or in any place where, in the opinion of the supervisor, within reason, fire could be communicated to forest land, without first complying with the requirements for each situation and type of equipment listed in the following paragraphs:

(1) For operations employing more than five men:

(a) To be kept in a sealed tool box;

(i) Three double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles;

(ii) Six long handle round point shovels or "D" handle round point shovels;

(iii) Six adze eye forestry fire fighting hoes;

(b) To be kept adjacent to the tool box;

(i) One five gallon back pack pump can filled with water;

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(ii) One hundred gallons of water in two fifty-gallon containers.

(2) For operations employing five men or less:

(a) To be kept in a sealed tool box;

(i) Two double bitted axes having heads weighing not less than three pounds and thirty-two inch handles;

(ii) Three long handle round point shovels or "D" handle round point shovels;

(iii) Three adze eye forestry fire fighting hoes;

(b) To be kept adjacent to the tool box;

(i) One five gallon back pack pump can filled with water;

(ii) Fifty gallons of water;

(iii) Option—in lieu of (i) and (ii) above, two buckets and one hundred gallons of water.

(3) Any steam, internal combustion, or electric engine used for yarding, skidding, loading, or land clearing from a fixed position unless equipped with:

(a) Two chemical fire extinguishers, each rated by the Underwriters' Laboratories as not less than one B. C.;

(b) It has a suitable exhaust pipe extending up vertically a minimum of eighteen inches above the manifold and projects at least four inches above the cab or hood and is clear of all obstructions or is equipped with an adequate spark arrester of a type approved by the supervisor.

(4) Any tractor or other mobile yarding machine, unless equipped with:

(a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B. C.;

(b) A suitable exhaust pipe extending up vertically a minimum of eighteen inches in length above the manifold and projects at least four inches above the hood or is equipped with an adequate spark arrester of a type approved by the supervisor.

(5) Any truck or vehicle used for hauling forest products, rock, or minerals for commercial purposes in any forest area unless equipped with:

(a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B. C.;

(b) One long handle round point shovel or a "D" handle round point shovel;

(c) An exhaust pipe turned up vertically or equipped with an adequate spark arrester or muffler of a type approved by the supervisor.

(6) Any portable power saw unless the power saw is equipped with:

(a) A suitable chemical fire extinguisher of at least eight ounce capacity and a type approved by the supervisor, kept in the immediate possession of the operator;

(b) One long handle or "D" handle round point shovel, which shall be kept in the immediate proximity of the operator;

(c) A spark arrester having fire prevention features as to spark arresting efficiency, temperature, configuration, and placement on the machine, as approved by the supervisor.

(7) Any steam, internal combustion, or electric engine used in a mill or other fixed position for uses not specifically mentioned above and any road construction or mining machines, or other devices used in a fixed position for any other purpose which, in the opinion of the supervisor, may cause a forest fire to start unless equipped with:

(a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B. C.;

(b) An exhaust turned up vertically and is clear of all obstructions or is equipped with an adequate spark arrester of a type approved by the supervisor;

(c) One hundred gallons of water and two buckets at the site of each fixed position engine.

Forest protection. Closed season defined.

SEC. 3. The period April 15th to October 15th inclusive shall be known as the closed season, unless different dates are designated by the supervisor because of fire weather conditions prevailing.

Fire equipment, where kept.

SEC. 4. The fire equipment listed in subdivisions (1) and (2) of section 2 of this act is to be kept at each landing and/or yarding tree or mill, or at a place more suitable, as designated by the supervisor.

Serviceable equivalents acceptable.

SEC. 5. The supervisor shall accept serviceable equivalents to any of the above fire tool requirements. Such substitutions must be made in writing by the supervisor or his agent on forms provided for this purpose.

Reduction of requirements —Procedure.

SEC. 6. The supervisor may reduce the requirements set forth in sections 2 through 8 of this 1965 act 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 needed for the protection of life and property.

Specifications for water equipment.

SEC. 7. The water requirements specified in sections 2 through 8 of this 1965 act will be satisfied, provided the containers are equipped with a gate valve three quarters of an inch or larger inside diameter and have provisions for venting or have the top open, and are so located that the contents may be withdrawn by one man working alone.

Equipment to be in serviceable condition.

SEC. 8. 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.

SEC. 9. Section 11, chapter 142, Laws of 1955 and RCW 76.04.260 are each amended to read as follows: amended.

It shall be unlawful for anyone to operate within one-eighth mile of any forest land during the period April 15th to October 15th inclusive, which period shall be designated as the closed season unless different dates are designated by the supervisor due to dangerous fire condition: Locomotives, steam boilers—Speeder patrols.

(1) Any spark emitting railroad logging locomotive unless:

(a) Equipped with a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle;

(d) Equipped with all the complement of hand tools listed under subdivision (1) of section 2 of this 1965 act, kept in a sealed tool box on such locomotive ready for instant use;

(e) Equipped with a sprinkler system which can be capable of wetting the tracks and at least two feet on either side of each rail. Such sprinkler system shall be manually controlled from the cab. The water supply tank for such sprinkler shall be capable of carrying an adequate supply of water in direct relation to the mileage of track covered and the available water supply;

(f) During the closed season it is followed by a speeder or other patrol. Such patrol shall be equipped with two long handle round point shovels or "D" handle round point shovels, one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle,

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Speeder patrols.

and one five-gallon back pack pump can filled with water. When a logging train operates on a common carrier track the patrol will be regulated under laws pertaining to common carrier railroads.

(2) Any common carrier railroad trains operating through forest lands unless:

(a) Such trains are followed by a speeder patrol at such times and in such places as the supervisor may designate, each patrol to be equipped with a five-gallon back pack pump can, two long handle round point shovels or "D" handle round point shovels and one double bitted axe having a head weighing not less than three pounds and not less than a thirty-two inch handle. In case a railroad company fails to provide patrol as required, the supervisor is hereby authorized to employ patrolmen for such purpose and the railroad 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;

(b) At the request of the supervisor, such common carrier shall maintain pumping equipment and fire fighting tools specified by the supervisor but not to exceed those required of logging locomotives.

(3) Any steam logging engine or boiler unless:

(a) Being equipped with and using a safe and suitable device for arresting sparks;

(b) Equipped with a suitable power pump with a capacity of not less than twenty gallons per minute at pressures of not less than forty pounds per square inch;

(c) Equipped with three hundred feet of hose not less than one inch in diameter equipped with a standard nozzle.

(4) Any railroad locomotive, logging locomotive, logging or other engine or boiler unless equipped with an adequate device to prevent the escape of fire or live coals or other burning substance from all

ash pans, and all fire boxes, except when ash pans or fire boxes are being cleaned when not in motion. Any donkey boiler, when equipped to operate without the use of exhaust steam within the stack, and without any artificial means of creating a forced draught, shall not require a spark arrester.

(5) Any railroad speeder unless:

- (a) Equipped with one No. 2 shovel round point;
- (b) Exhaust is pointed up perpendicular and is cleared of all obstructions or is equipped with an adequate spark arrester.

SEC. 10. Section 12, chapter 142, Laws of 1955, as amended by section 2, chapter 151, Laws of 1959, and RCW 76.04.270 are each amended to read as follows:

RCW 76.04.270 amended.

Every person upon receipt of written notice issued by the supervisor or any regularly employed warden or ranger, that such person has or is violating any of the provisions of RCW 76.04.240, 76.04.245, sections 2 through 8 of this 1965 act, 76.04.260, 76.04.310, and 76.04.320, as amended, shall cease such operations until the provisions of the sections specified in such notice have been complied with. The forest officer 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. Any person violating the statutory provisions above referenced, and as amended, or the written notice provided for herein, shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

Penalty for violations—
Work stoppage notice.

SEC. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Forest protection. Emergency.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Repeal.

SEC. 13. Section 10, chapter 142, Laws of 1955, as last amended by section 1, chapter 151, Laws of 1959, and RCW 76.04.250 are each repealed.

Passed the Senate March 16, 1965.

Passed the House March 23, 1965.

Approved by the Governor March 31, 1965.

CHAPTER 13.

[Senate Bill No. 205.]

STATE OFFICERS AND EMPLOYEES—VACATION LEAVE.

AN ACT relating to state employees; and amending section 43-.01.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.01.040.

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

RCW 43.01.040 amended.

SECTION 1. Section 43.01.040, chapter 8, Laws of 1965 (Senate Bill No. 4) and RCW 43.01.040 are each amended to read as follows:

State officers, employees. Vacations—Computation—Accrual—Transfer.

Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily com-