

provisions of this chapter.

Passed the House April 5, 1973.

Passed the Senate April 3, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 24

[House Bill No. 746]

DEPARTMENT OF NATURAL RESOURCES--FOREST

FIRE PREVENTION AUTHORITY

AN ACT Relating to protection of forest lands; amending section 2, chapter 12, Laws of 1965 ex. sess. as amended by section 1, chapter 134, Laws of 1971 ex. sess. and RCW 76.04.251; amending section 12, chapter 142, Laws of 1955 as last amended by section 10, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.270; amending section 5, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.385; amending section 8, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.515; repealing section 4, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.253; repealing section 5, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.254; repealing section 6, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.255; repealing section 7, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.256; repealing section 8, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.257; repealing section 11, chapter 142, Laws of 1955, section 9, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.260; and repealing section 17, chapter 125, Laws of 1911, section 8, chapter 184, Laws of 1923, section 7, chapter 58, Laws of 1951, section 13, chapter 142, Laws of 1955, section 4, chapter 151, Laws of 1959 and RCW 76.04.320.

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

Section 1. Section 2, chapter 12, Laws of 1965 ex. sess. as amended by section 1, chapter 134, Laws of 1971 ex. sess. and RCW 76.04.251 are each amended to read as follows:

It shall be unlawful for anyone to operate during the closed season as defined in RCW 76.04.252, 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 department ~~((of natural resources))~~, 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 fighting fire hoes;
 - (b) To be kept adjacent to the tool box;
 - (i) One five gallon back pack pump can filled with water;
 - (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 Underwriters' Laboratories as not less than one B-C-7;
 - (b) 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 department of natural resources;
- (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-7;
 - (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 department of natural resources;
- (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 department of natural resources;

{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 department of natural resources; 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 department of natural resources;

{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 department of natural resources; 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 department of natural resources;

{c} One hundred gallons of water and two buckets at the site of each fixed position engine;

{8} Any motorcycle or other motorized vehicle used on unsurfaced forest roads; range roads; trails; or cross country where there is no trail or road; unless it is equipped with a spark arrester approved by the department of natural resources;)) as may be established by the department by rule or regulation pursuant to this 1973 amendatory act.

The department of natural resources is authorized to promulgate rules and regulations relating to forest fire prevention and suppression preparedness, including the type, number, location and condition of fire equipment; the provision of water or other fire suppression agent, spark arresters, watchmen and/or patrols; the felling of snags; the clearing of flammable material from proximity to ignition sources; and the curtailment of operations during periods of critical fire danger. The department may further provide for reasonable reductions of requirements so promulgated where operating

conditions including, but not limited to, location or weather, would justify the same.

Sec. 2. Section 12, chapter 142, Laws of 1955 as last amended by section 10, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.270 are each amended to read as follows:

Every person upon receipt of written notice issued by the ~~((supervisor or any regularly employed warden or ranger,))~~ department that such person has or is violating any of the provisions of RCW 76.04.240, 76.04.245, 76.04.251 ~~((through 76-04-257, 76-04-260)), and 76.04.310, ((and 76-04-326,))~~ as amended, and/or any rule or regulation issued by the department concerning fire prevention and fire suppression preparedness shall cease such operations until the provisions of the sections or regulation specified in such notice have been complied with. The ~~((forest officer))~~ 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. Any person violating the statutory provisions above referenced, and as amended, or the rules or regulations issued by the department, 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.

Sec. 3. Section 5, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.385 are each amended to read as follows:

Any person, firm, or corporation, public or private, obligated to take suppression action on any forest fire shall, under the provisions of this section, be entitled to reimbursement for reasonable costs incurred thereby, subject to the following:

(1) If the fire is started in the course of or as a result of a land clearing, right of way clearing, or landowner's operation, the person, firm, or corporation conducting such operation shall supply at his expense the manpower and equipment under his control ~~((;))~~ and reasonably available until midnight on the day on which the fire started, after which time he shall supply, at his expense, only the manpower and equipment which were within a one-half mile radius of the point of origin of such fire, but in any case never less than five men and one suitable bulldozer, or other equipment accepted by the department as equivalent, unless, in the opinion of the department, ~~((fewer men are))~~ less is needed for the purpose of suppressing the same. If he has no men or equipment within the said one-half mile he shall pay to the department the equivalent of the minimum requirement. If after midnight of the day on which the fire started, additional manpower and equipment are necessary, in the opinion of the department, he shall supply the manpower and equipment under his control outside such one-half mile radius, if reasonably available, but he shall be reimbursed for such manpower and equipment

as provided herein;

(2) Where a fire, which occurred in the course of or as a result of a land clearing, right of way clearing, or landowners operation, and which fire had previously been suppressed, rekindles, the operator shall be required to supply at his expense the same manpower and equipment which were required of him at the time of the original fire.

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

~~((3))~~ (4) No reimbursement provided herein shall be allowed to a person, firm, or corporation negligently responsible for the starting or existence of any fire for which costs may be recoverable by the department pursuant to law.

Reimbursement of emergency fire costs incurred or approved by the department in suppressing a forest fire may be paid from the appropriate contingency account as provided therein. Such payment shall be without restriction to the right of the department to recover costs pursuant to the provisions of RCW 76.04.390 as now or hereafter amended or other laws but any such recovery by the department shall be returned into the account from which it was spent, less reasonable costs of collection.

Sec. 4. Section 8, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.515 are each amended to read as follows:

There is created a landowner contingency forest fire suppression account which shall be a separate account in the general fund. 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 participating landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from the general contingency forest fire suppression account. 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 said 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 forest landowners at rates to be established by the department, but not to exceed five cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance

in said account of one million dollars. 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 participating 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 patrol assessments. This account shall be held by the state treasurer who is authorized to invest so much of said account as is not necessary to meet current needs. Any interest earned on moneys from said 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 RCW 76.04.39C as now or hereafter amended, or other laws.

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

NEW SECTION. Sec. 5. The following acts or parts of acts are each hereby repealed:

(1) Section 4, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.253;

(2) Section 5, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.254;

(3) Section 6, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.255;

(4) Section 7, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.256;

(5) Section 8, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.257;

(6) Section 11, chapter 142, Laws of 1955, section 9, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.260; and

(7) Section 17, chapter 125, Laws of 1911, section 8, chapter

184, Laws of 1923, section 7, chapter 58, Laws of 1951, section 13, chapter 142, Laws of 1955, section 4, chapter 151, Laws of 1959 and RCW 76.04.320.

Passed the House March 20, 1973.
Passed the Senate April 3, 1973.
Approved by the Governor April 10, 1973.
Filed in Office of Secretary of State April 10, 1973.

CHAPTER 25
[Engrossed Senate Bill No. 2293]
REFUNDING BONDS--OBLIGATION--
REDEMPTION

AN ACT Relating to financing by and bonds, obligations, refunding bonds, and refunding obligations of the state, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations; amending section 2, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.010; amending section 4, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.030; amending section 5, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.040; amending section 7, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.060; amending section 8, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.070; amending section 11, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.100; and declaring an emergency.

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

Section 1. Section 2, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.010 are each amended to read as follows:

Except where the context otherwise requires, the terms defined in this section shall for all purposes have the meanings herein specified:

(1) "Governing body" means the council, commission, board of commissioners, board of directors, board of trustees, board of regents, or other legislative body of the public body designated herein in which body the legislative powers of the public body are vested: PROVIDED, That with respect to the state it shall mean the state finance committee.

(2) "Public body" means the state of Washington, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations now or hereafter existing under the laws of the state of Washington.

(3) "Bond" means any revenue bond or general obligation bond.

(4) "Revenue bond" means any bond, note, warrant, certificate