

1 **SHB 1321** - H AMD 000036
2 By Representative Morton

3 On page 1, line 6, strike everything beginning with "The"
4 through "landowner." on page 1, line 16, and insert the following:

5 " The department, when acting in its statutory capacity as a
6 fire prevention and suppression agency, shall owe a duty to persons
7 who pay forest fire protection assessments to the department
8 pursuant to RCW 76.04.610. This section does not alter the
9 department's duties and responsibilities as a landowner."

EFFECT: Codifies the ruling in Oberg v. Department of Natural Resources, which found that the department may be held liable for negligence in not preventing a fire from spreading off Department of Natural Resources land onto property which is subject to and pays a fire protection assessment to the department.

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