

HOUSE BILL REPORT

SSB 5315

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to property access during forest fires.

Brief Description: Regarding access to property during a forest fire.

Sponsors: Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Schoesler, Rasmussen, Holmquist, Sheldon, Honeyford, Stevens, Clements, Morton, Delvin, Hatfield, Kilmer, Shin and Roach).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/22/07, 3/26/07 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Creates a model policy work group to develop procedures that allow landowners and residents in lawful possession and control of land access to their residences and land during a forest fire or wildfire.
- Requires county sheriffs to establish and maintain a registry of persons authorized to access their land during a forest fire or wildfire.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 15 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson, Eickmeyer, Grant, Hailey, Kagi, Lantz, McCoy, Newhouse, Orcutt, Strow and VanDeWege.

Staff: Jaclyn Ford (786-7339).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Washington Association of Sheriffs and Police Chiefs (WASPC) may assist the counties in developing and implementing its local law and justice plan. The WASPC also operates a statewide first responder building mapping information system. All state and local government-owned buildings that are occupied by state or local government employees must be mapped.

The Secretary of Transportation, the county legislative authority, and the governing body of any city or town, is authorized to close a state highway, county road, or city street to travel by all vehicles or by any class of vehicles, and may declare a lower maximum speed for any class of vehicles. Any person, firm, or corporation disregarding a closure or reduced speed limit is guilty of a misdemeanor and is liable for any damages as a result of disregarding the closure or reduced speed limit.

Summary of Amended Bill:

A model policy work group composed of the WASPC will develop procedures for sheriffs to allow residents, landowners, and others in lawful possession and control of the land access to their residences and land during a wildfire or forest fire. The procedures must account for access to conduct fire prevention and suppression, and to protect or retrieve any property located in their residences or on their land.

Until the model policy is developed and implemented, each county sheriff will establish and maintain a registry of persons authorized to access their land during a forest fire or wildfire. People included in the registry will be allowed access to their property to conduct fire prevention or suppression activities despite highway, road, or street closures.

Residents, landowners, and others in lawful possession and control of the land are not liable for unintentional injuries or losses suffered by persons on the registry entering or passing through their land. Nor are federal, state or local agencies, or their employees, liable for any action or failure to act when facilitating access pursuant to the registry.

Amended Bill Compared to Substitute Bill:

This bill requires each county sheriff to establish and maintain a registry of persons authorized to access their land during a forest fire or wild fire. The null and void clause was removed, allowing for the implementation of the bill without appropriated funding.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Residents can provide excellent fire suppression if allowed access to their land. Local residents have specific knowledge of the land which gives them the ability to suppress fires much better than people with no knowledge of the land. The Legislature should consider requiring the registry instead of making it discretionary for the county sheriffs.

(Opposed) None.

Persons Testifying: Senator Schoesler, prime sponsor; Howard Thronson, Department of Natural Resources; Debora Munguia, Washington Forest Protection Association; James McMahan, Washington Association of Sheriffs and Police Chiefs; Heather Hansen, Washington Association of Wheat Growers and Washington Farm Bureau; and David Ruark.

Persons Signed In To Testify But Not Testifying: John Stuhlmiller, Washington Farm Bureau.