
**Agriculture & Natural Resources
Committee**

SSB 5315

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 Summary of Substitute Bill

- 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.
- Authorizes county sheriffs to establish and maintain a registry of persons authorized to access their land during a forest fire or wildfire.
- Provides a null and void clause for the model policy work group in the event the model policy work group is not funded.

Hearing Date: 3/22/07

Staff: Jaclyn Ford (786-7339).

Background:

The Washington Association of Sheriffs and Police Chiefs (WASPC) may assist the counties in developing and implementing its local law and justice plan [RCW 36.28A.020]. 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 [RCW 36.28A.060].

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

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vehicles or by any class of vehicles, and may declare a lower maximum speed for any class of vehicles [RCW 47.48.010]. 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 [RCW 47.48.040].

Summary of 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 may 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.

If funding is not provided for the model policy work group by June 30, 2007, this act is null and void.

Appropriation: None.

Fiscal Note: Available.

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