

# FINAL BILL REPORT

## SSB 5315

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Synopsis as Enacted

**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).

**Senate Committee on Natural Resources, Ocean & Recreation**  
**House Committee on Agriculture & Natural Resources**

**Background:** The Legislature has designated the Department of Natural Resources (DNR) as the state's manager for the purposes of forest fire prevention and suppression activities. In this role, DNR must take charge of and supervise all matters pertaining to the forest fire service of the state.

By statute, the primary fire-related mission of DNR is, first, to save lives and, second, to protect forest resources and suppress forest fires. DNR must focus on forest fire protection and suppression, allowing rural fire districts and municipal fire departments to protect structures and fight structural fires. In exercising its fire protection and suppression responsibilities, DNR carries out duties owed to the public in general and not to any individual person or class of persons.

The Department of Transportation, Washington State Patrol, and county and city governments each have the authority to close specified types of roads where vehicle travel will damage the road or be dangerous to traffic.

**Summary:** The Washington Association of Sheriffs and Police Chiefs must convene a model policy work group to develop a model policy regarding residents, landowners, and others in lawful possession and control of land in the state during a forest fire or wildfire. The model policy must be designed, first and foremost, to protect life and safety. The model policy must also include guidance on allowing access to lands, when safe and appropriate, during a forest fire or wildfire.

Each county sheriff may, until the model policy is developed and implemented in the county, establish and maintain a registry of persons authorized to access their land during a forest fire or wildfire. Upon request, the sheriff must include in the registry persons who demonstrate ownership of agriculture or forest land and who possess equipment that may be used for fire prevention or suppression activities. Persons included in the registry must be allowed to access their property to conduct fire prevention or suppression activities despite a road closure.

Federal, state, and local agencies are provided immunity when facilitating access under these provisions. Private landowners are provided immunity for injuries or loss suffered by persons entering upon, or passing through, their land under these provisions.

**Votes on Final Passage:**

Senate	46	0	
House	98	0	(House amended)
Senate	49	0	(Senate concurred)

**Effective:** July 22, 2007