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**Agriculture & Natural Resources  
Committee**

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**HB 2440**

**Brief Description:** Authorizing the department of natural resources to provide wildfire protection services for public lands managed by state agencies.

**Sponsors:** Representatives Wilcox, Blake, Chandler, Van De Wege, Warnick, McCune, Johnson, Stanford, Hurst, Hinkle and Moscoso; by request of Commissioner of Public Lands.

**Brief Summary of Bill**

- Provides the Department of Natural Resources with the discretionary authority to provide various fire services on non-forested public lands managed owned by the state.

**Hearing Date:** 1/17/12

**Staff:** Jason Callahan (786-7117).

**Background:**

The Department of Natural Resources (DNR) is the agency of the state with the direct charge and responsibility over all matters pertaining to forest fire services in the state (RCW 76.04.015). This responsibility is fulfilled through a combination of required duties and additional discretionary duties.

The forest fire-related mandatory duties of the DNR include enforcing all forest fire related laws, investigating the cause of forest fires, and accepting the empowerment to direct all fire suppression efforts. The discretionary fire-related duties of the DNR include authorizing expenditures for fire suppression, adopting rules related to forest fire control and suppression, and making inquiries as to the extent of fire damage on forest lands.

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*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 DNR has the authority to designate any of its employees as wardens (RCW 76.04.035). The wardens have set responsibilities related to fire suppression, including patrolling areas at risk, conducting outreach with the users of public lands regarding fire-safe behavior, and assisting with the actual fighting of forest fires. In addition, the DNR may employ individuals exclusively for fire suppression efforts (RCW 76.04.135).

The DNR has the authority to enter into cooperative agreements with local governments, other state agencies, and the federal government to provide fire services on land managed by the other agency (RCW 76.04.135). The agreement must provide either cash payments to the DNR or comparable in-kind services or other consideration from the party to the agreement.

**Summary of Bill:**

The Department of Natural Resources (DNR) is provided with the discretionary authority to provide various fire services on non-forested public lands managed either by the DNR or other state agencies. These services can include fire detection, prevention, pre-suppression, or fire suppression.

The DNR may only provide fire services on non-forested public lands if doing so will not detract from other mandatory fire-related duties of the agency. If the fire services is being provided on land managed by an agency other than the DNR, then a cooperative agreement must be in place between the managing agency and the DNR that provides full reimbursement to the DNR for its services.

**Appropriation:** None.

**Fiscal Note:** Available.

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