

SSB 6199 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED 03/05/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 76.04.005 and 2007 c 480 s 12 are each amended to
4 read as follows:

5 As used in this chapter, the following terms have the meanings
6 indicated unless the context clearly requires otherwise.

7 (1) "Additional fire hazard" means a condition existing on any land
8 in the state:

9 (a) Covered wholly or in part by forest debris which is likely to
10 further the spread of fire and thereby endanger life or property; or

11 (b) When, due to the effects of disturbance agents, broken, down,
12 dead, or dying trees exist on forest land in sufficient quantity to be
13 likely to further the spread of fire within areas covered by a forest
14 health hazard warning or order issued by the commissioner of public
15 lands under RCW 76.06.180. The term "additional fire hazard" does not
16 include green trees or snags left standing in upland or riparian areas
17 under the provisions of RCW 76.04.465 or chapter 76.09 RCW.

18 (2) "Closed season" means the period between April 15th and October
19 15th, unless the department designates different dates because of
20 prevailing fire weather conditions.

21 (3) "Department" means the department of natural resources, or its
22 authorized representatives, as defined in chapter 43.30 RCW.

23 (4) "Department protected lands" means all lands subject to the
24 forest protection assessment under RCW 76.04.610 or covered under
25 contract or agreement pursuant to RCW 76.04.135 by the department.

26 (5) "Disturbance agent" means those forces that damage or kill
27 significant numbers of forest trees, such as insects, diseases, wind
28 storms, ice storms, and fires.

29 (6) "Emergency fire costs" means those costs incurred or approved
30 by the department for emergency forest fire suppression, including the

1 employment of personnel, rental of equipment, and purchase of supplies
2 over and above costs regularly budgeted and provided for nonemergency
3 fire expenses for the biennium in which the costs occur.

4 (7) "Forest debris" includes forest slash, chips, and any other
5 vegetative residue resulting from activities on forest land.

6 (8) "Forest fire service" includes all wardens, rangers, and other
7 persons employed especially for preventing or fighting forest fires.

8 (9) "Forest land" means any unimproved lands which have enough
9 trees, standing or down, or flammable material, to constitute in the
10 judgment of the department, a fire menace to life or property.
11 Sagebrush and grass areas east of the summit of the Cascade mountains
12 may be considered forest lands when such areas are adjacent to or
13 intermingled with areas supporting tree growth. Forest land, for
14 protection purposes, does not include structures.

15 (10) "Forest landowner," "owner of forest land," "landowner," or
16 "owner" means the owner or the person in possession of any public or
17 private forest land.

18 (11) "Forest material" means forest slash, chips, timber, standing
19 or down, or other vegetation.

20 (12) "Landowner operation" means every activity, and supporting
21 activities, of a forest landowner and the landowner's agents,
22 employees, or independent contractors or permittees in the management
23 and use of forest land subject to the forest protection assessment
24 under RCW 76.04.610 for the primary benefit of the owner. The term
25 includes, but is not limited to, the growing and harvesting of forest
26 products, the development of transportation systems, the utilization of
27 minerals or other natural resources, and the clearing of land. The
28 term does not include recreational and/or residential activities not
29 associated with these enumerated activities.

30 (13) "Participating landowner" means an owner of forest land whose
31 land is subject to the forest protection assessment under RCW
32 76.04.610.

33 (14) "Slash" means organic forest debris such as tree tops, limbs,
34 brush, and other dead flammable material remaining on forest land as a
35 result of a landowner operation.

36 (15) "Slash burning" means the planned and controlled burning of
37 forest debris on forest lands by broadcast burning, underburning, pile

1 burning, or other means, for the purposes of silviculture, hazard
2 abatement, or reduction and prevention or elimination of a fire hazard.

3 (16) "Suppression" means all activities involved in the containment
4 and control of forest fires, including the patrolling thereof until
5 such fires are extinguished or considered by the department to pose no
6 further threat to life or property.

7 (17) "Unimproved lands" means those lands that will support grass,
8 brush and tree growth, or other flammable material when such lands are
9 not cleared or cultivated and, in the opinion of the department, are a
10 fire menace to life and property.

11 (18) "Exploding target" means a device that is designed or marketed
12 to ignite or explode when struck by firearm ammunition or other
13 projectiles.

14 (19) "Incendiary ammunition" means ammunition that is designed to
15 ignite or explode upon impact with or penetration of a target or
16 designed to trace its course in the air with a trail of smoke, chemical
17 incandescence, or fire.

18 (20) "Sky lantern" means an unmanned self-contained luminary device
19 that uses heated air produced by an open flame or produced by another
20 source to become or remain airborne.

21 **Sec. 2.** RCW 76.04.455 and 1986 c 100 s 29 are each amended to read
22 as follows:

23 (1)(a) Except as otherwise provided in this subsection, it is
24 unlawful (~~during the closed season~~) for any person to (~~throw away~~),
25 during the closed season:

26 (i) Discard any lighted tobacco, cigars, cigarettes, matches,
27 fireworks, charcoal, or other lighted material (~~or to~~), discharge any
28 (~~tracer or~~) incendiary ammunition (~~in~~), release a sky lantern, or
29 detonate an exploding target on or over any forest, brush, range, or
30 grain areas(~~or~~

31 ~~(2) It is unlawful during the closed season for any individual to~~
32 ~~smoke~~); or

33 (ii) Smoke any flammable material when in forest or brush areas
34 except on roads, cleared landings, gravel pits, or any similar area
35 free of flammable material.

36 (b) The prohibitions contained in this subsection do not apply to

1 the detonation of nonflammable exploding targets on any forest, brush,
2 range, or grain areas if the person detonating the nonflammable
3 exploding target:

4 (i) Has lawful possession and control of the land in question; or

5 (ii) Has prior written permission for the activity from the person
6 who owns or has lawful possession and control of the land in question.

7 (c) The prohibitions contained in this subsection do not apply to
8 suppression actions authorized or conducted by the department under the
9 authority of this chapter.

10 (2)(a) Except as otherwise provided in this subsection, it is
11 unlawful for any person to, during any time outside of the closed
12 season, discharge any incendiary ammunition, release a sky lantern, or
13 detonate an exploding target on or over any forest, brush, range, or
14 grain areas.

15 (b) The prohibitions contained in this subsection do not apply if
16 the person conducting the otherwise prohibited action:

17 (i) Has lawful possession and control of the land in question; or

18 (ii) Has prior written permission for the activity from the person
19 who owns or has lawful possession and control of the land in question.

20 (3) Every conveyance operated through or above forest, range,
21 brush, or grain areas (~~shall~~) must be equipped in each compartment
22 with a suitable receptacle for the disposition of lighted tobacco,
23 cigars, cigarettes, matches, or other flammable material.

24 (4) Every person operating a public conveyance through or above
25 forest, range, brush, or grain areas shall post a copy of this section
26 in a conspicuous place within the smoking compartment of the
27 conveyance; and every person operating a saw mill or a logging camp in
28 any such areas shall post a copy of this section in a conspicuous place
29 upon the ground or buildings of the milling or logging operation."

30 Correct the title.

EFFECT: Changes the definition of "exploding target," allows the use of nonflammable exploding targets year round on land owned by the actor or with the permission of the landowner, clarifies that the exemption for actions authorized by the Department of Natural Resources is related to fire suppression activities.

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