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HOUSE BILL 2924

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Dent, Griffey, McCabe, Blake, Johnson, Haler, Springer, and Ormsby

Read first time 01/27/16. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to using global positioning system technology to  
2 protect the safety of wildland firefighters; amending RCW 76.04.015;  
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 76.04.015 and 2015 c 182 s 5 are each amended to  
6 read as follows:

7 (1) The department may, at its discretion((7)):

8 (a) Appoint trained personnel possessing the necessary  
9 qualifications to carry out the duties and supporting functions of  
10 the department and may determine their respective salaries; and

11 (b) Require all fire suppression equipment and personnel in its  
12 employ or direction to be outfitted with an electronic monitoring  
13 device that utilizes global positioning system technology to protect  
14 the safety of wildland firefighters.

15 (2) The department shall have direct charge of and supervision of  
16 all matters pertaining to the forest fire service of the state.

17 (3) The department shall:

18 (a) Enforce all laws within this chapter;

19 (b) Be empowered to take charge of and direct the work of  
20 suppressing forest fires;

1 (c)(i) Investigate the origin and cause of all forest fires to  
2 determine whether either a criminal act or negligence by any person,  
3 firm, or corporation caused the starting, spreading, or existence of  
4 the fire. In conducting investigations, the department shall work  
5 cooperatively, to the extent possible, with utilities, property  
6 owners, and other interested parties to identify and preserve  
7 evidence. Except as provided otherwise in this subsection, the  
8 department in conducting investigations is authorized, without court  
9 order, to take possession or control of relevant evidence found in  
10 plain view and belonging to any person, firm, or corporation. To the  
11 extent possible, the department shall notify the person, firm, or  
12 corporation of its intent to take possession or control of the  
13 evidence. The person, firm, or corporation shall be afforded  
14 reasonable opportunity to view the evidence and, before the  
15 department takes possession or control of the evidence, also shall be  
16 afforded reasonable opportunity to examine, document, and photograph  
17 it. If the person, firm, or corporation objects in writing to the  
18 department's taking possession or control of the evidence, the  
19 department must either return the evidence within seven days after  
20 the day on which the department is provided with the written  
21 objections or obtain a court order authorizing the continued  
22 possession or control.

23 (ii) Absent a court order authorizing otherwise, the department  
24 may not take possession or control of evidence over the objection of  
25 the owner of the evidence if the evidence is used by the owner in  
26 conducting a business or in providing an electric utility service and  
27 the department's taking possession or control of the evidence would  
28 substantially and materially interfere with the operation of the  
29 business or provision of electric utility service.

30 (iii) Absent a court order authorizing otherwise, the department  
31 may not take possession or control of evidence over the objection of  
32 an electric utility when the evidence is not owned by the utility but  
33 has caused damage to property owned by the utility. However, this  
34 subsection (3)(c)(iii) does not apply if the department has notified  
35 the utility of its intent to take possession or control of the  
36 evidence and provided the utility with reasonable time to examine,  
37 document, and photograph the evidence.

38 (iv) Only personnel qualified to work on electrical equipment may  
39 take possession or control of evidence owned or controlled by an  
40 electric utility;

1 (d) Furnish notices or information to the public calling  
2 attention to forest fire dangers and the penalties for violation of  
3 this chapter;

4 (e) Be familiar with all timbered and cut-over areas of the  
5 state;

6 (f) Maximize the effective utilization of local fire suppression  
7 assets consistent with RCW 76.04.181; and

8 (g) Regulate and control the official actions of its employees,  
9 the wardens, and the rangers.

10 (4) The department may:

11 (a) Authorize all needful and proper expenditures for forest  
12 protection;

13 (b) Adopt rules consistent with this section for the prevention,  
14 control, and suppression of forest fires as it considers necessary  
15 including but not limited to: Fire equipment and materials; use of  
16 personnel; and fire prevention standards and operating conditions  
17 including a provision for reducing these conditions where justified  
18 by local factors such as location and weather;

19 (c) Remove at will the commission of any ranger or suspend the  
20 authority of any warden;

21 (d) Inquire into:

22 (i) The extent, kind, value, and condition of all timberlands  
23 within the state;

24 (ii) The extent to which timberlands are being destroyed by fire  
25 and the damage thereon;

26 (e) Provide fire detection, prevention, presuppression, or  
27 suppression services on nonforested public lands managed by the  
28 department or another state agency, but only to the extent that  
29 providing these services does not interfere with or detract from the  
30 obligations set forth in subsection (3) of this section. If the  
31 department provides fire detection, prevention, presuppression, or  
32 suppression services on nonforested public lands managed by another  
33 state agency, the department must be fully reimbursed for the work  
34 through a cooperative agreement as provided for in RCW 76.04.135(1).

35 (5) Any rules adopted under this section for the suppression of  
36 forest fires must include a mechanism by which a local fire  
37 mobilization radio frequency, consistent with RCW 43.43.963, is  
38 identified and made available during the initial response to any  
39 forest fire that crosses jurisdictional lines so that all responders  
40 have access to communications during the response. Different initial

1 response frequencies may be identified and used as appropriate in  
2 different geographic response areas. If the fire radio communication  
3 needs escalate beyond the capability of the identified local radio  
4 frequency, the use of other available designated interoperability  
5 radio frequencies may be used.

6 (6) When the department considers it to be in the best interest  
7 of the state, it may cooperate with any agency of another state, the  
8 United States or any agency thereof, the Dominion of Canada or any  
9 agency or province thereof, and any county, town, corporation,  
10 individual, or Indian tribe within the state of Washington in forest  
11 firefighting and patrol.

12 NEW SECTION. **Sec. 2.** This act may be known and cited as the  
13 wildland firefighter safety act.

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