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**SUBSTITUTE HOUSE BILL 1489**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, and Short)

READ FIRST TIME 02/10/17.

1 AN ACT Relating to private wildland fire suppression contractors;  
2 amending RCW 76.04.181 and 43.30.111; amending 2015 c 182 s 2  
3 (uncodified); providing an effective date; providing an expiration  
4 date; and declaring an emergency.

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

6 **Sec. 1.** RCW 76.04.181 and 2015 c 182 s 6 are each amended to  
7 read as follows:

8 (1) To maximize the effective utilization of local fire  
9 suppression assets, the department is required to:

10 (a) (~~Compile and annually update master lists~~) Actively engage  
11 in ongoing prefire season outreach and recruitment of qualified  
12 wildland fire suppression contractors and equipment owners who have  
13 valid incident qualifications for the ((kind)) type of contracted  
14 work to be performed and compile and annually update a master list of  
15 the qualified contractors. In order to be included on a master list  
16 of qualified wildland fire suppression contractors:

17 (i) Contractors providing fire engines, tenders, crews, or  
18 similar resources must have training and qualifications sufficient  
19 for federal wildland fire contractor eligibility, including  
20 possessing a valid incident qualification card, commonly called a red  
21 card; and

1 (ii) Contractors other than those identified in (a)(i) of this  
2 subsection must have training and qualifications evidenced by  
3 possession of a valid department qualification and safety document,  
4 commonly called a blue card, issued to people cooperating with the  
5 department pursuant to an agreement;

6 (b) Provide timely advance notification of the dates and  
7 locations of department blue card training to all potential wildland  
8 fire suppression contractors known to the department and make the  
9 training available in several locations that are reasonably  
10 convenient for contractors;

11 (c) ~~((Make))~~ Organize the lists of qualified wildland fire  
12 suppression contractors to identify the counties where the  
13 contractors are located and make the lists, and the availability  
14 status of the contractors on the list, available to emergency  
15 dispatchers, county legislative authorities, emergency management  
16 departments, and local fire districts;

17 (d) Cooperate with federal wildland firefighting agencies to  
18 ~~((maximize))~~ prioritize, based on predicted need, the efficient use  
19 of local resources in close proximity to wildland fire incidents,  
20 including local private wildland suppression contractors;

21 (e) Enter into preemptive agreements with landowners and other  
22 contractors in possession of firefighting capability that may be  
23 utilized in wildland fire suppression efforts, including the use of  
24 bulldozers, fallers, fuel tenders, potable water tenders, water  
25 sprayers, wash trailers, refrigeration units, and buses; and

26 (f) Conduct outreach to provide basic incident command system and  
27 wildland fire safety training to ~~((landowners))~~ small forest  
28 landowners as defined in RCW 76.09.450 in possession of firefighting  
29 capability to help ensure that any wildland fire suppression actions  
30 taken by private ~~((landowners))~~ small forest landowners as defined in  
31 RCW 76.09.450 on their own land are accomplished safely and in  
32 coordination with any related incident command structure.

33 (2) The local wildland fire liaison may play an active role in  
34 the outreach and recruitment of wildland fire suppression contractors  
35 under subsection (1) of this section. This effort may include, but is  
36 not limited to, reaching out to local fire districts and collecting  
37 their knowledge to identify potential fire suppression contractors.

38 (3) Nothing in subsection (1) of this section prohibits the  
39 department from:

1 (a) Engaging, as needed, local private wildland fire suppression  
2 contractors not included on the master list or subject to a  
3 preemptive agreement; or

4 (b) Conducting ((condensed)) safety training on the site of a  
5 wildland fire in order to utilize available contractors not included  
6 on a master list of qualified wildland fire suppression contractors.

7 ((+3)) (4) When entering into preemptive agreements with  
8 landowners and other contractors under this section, the department  
9 must ((ensure that)):

10 (a) Ensure that all equipment and personnel satisfy department  
11 standards, including any applicable safety training certifications  
12 required by the department of labor and industries; ((and))

13 (b) Ensure that all contractors are, when engaged in fire  
14 suppression activities, under the supervision of recognized wildland  
15 fire personnel;

16 (c) Verify that the agreements have been finalized with an agreed  
17 upon standard operating rate identified before being included on the  
18 master list of qualified contractors; and

19 (d) Inspect, or verify the inspection of, any equipment included  
20 in the agreement to ensure that all safety and dependability  
21 standards are satisfied.

22 (5) The department may authorize operational field personnel to  
23 carry additional personal protection equipment in order to loan the  
24 equipment to private fire suppression contractors as needed.

25 ((+4)) (6) No civil liability may be imposed by any court on the  
26 state or its officers and employees for any adverse impacts resulting  
27 from training or personal protection equipment provided by the  
28 department or preemptive agreements entered into by the department  
29 under the provisions of this section except upon proof of gross  
30 negligence or willful or wanton misconduct.

31 (5) All requirements in this section are subject to the  
32 availability of amounts appropriated for the specific purposes  
33 described.

34 **Sec. 2.** RCW 43.30.111 and 2015 c 182 s 1 are each amended to  
35 read as follows:

36 (1) The commissioner must appoint a local wildland fire liaison  
37 that reports directly to the commissioner or the supervisor and  
38 generally represents the interests and concerns of landowners and the

1 general public during any fire suppression activities of the  
2 department.

3 (2) The role of the local wildland fire liaison is to:

4 (a) Provide advice to the commissioner on issues such as access  
5 to land during fire suppression activities, the availability of local  
6 fire suppression assets, environmental concerns, and landowner  
7 interests; and

8 (b) Fulfill other duties as assigned by the commissioner or the  
9 legislature, including the recruitment of local wildland fire  
10 suppression contractors as provided in RCW 76.04.181.

11 (3) In appointing the local wildland fire liaison, the  
12 commissioner must consult with county legislative authorities either  
13 directly or through an organization that represents the interests of  
14 county legislative authorities.

15 (4) All requirements in this section are subject to the  
16 availability of amounts appropriated for the specific purposes  
17 described.

18 **Sec. 3.** 2015 c 182 s 2 (uncodified) is amended to read as  
19 follows:

20 (1) The local wildland fire liaison created in section 1 of this  
21 act must prepare a report to the commissioner of public lands by  
22 December 31, 2015, that provides recommendations regarding:

23 (a) Opportunities for the department of natural resources to  
24 increase training with local fire protection districts;

25 (b) The ability to quickly evaluate the availability of local  
26 fire district resources in a manner that allows the local resources  
27 to be more efficiently and effectively dispatched to wildland fires;  
28 and

29 (c) Opportunities to increase and maintain the viability of local  
30 fire suppression assets.

31 (2) The department of natural resources must issue a report to  
32 the legislature consistent with RCW 43.01.036 by October 31, 2016,  
33 that summarizes the recommendations of the local wildland fire  
34 liaison, details steps taken to implement the recommendations, and  
35 offers an analyses of the results on the ground.

36 ~~(3) ((All requirements in this section are subject to the~~  
37 ~~availability of amounts appropriated for the specific purposes~~  
38 ~~described.)) Consistent with RCW 43.01.036, the department of natural~~  
39 ~~resources must issue a report to the legislature by November 30,~~

1 2018, that outlines the successes and limitations with respect to the  
2 establishment of preemptive agreements with private wildland fire  
3 suppression contractors under RCW 76.04.181. The report must also  
4 include any recommendations as to how the preemptive agreement  
5 process can be made more effective. The wildland fire advisory  
6 committee created in RCW 76.04.179 must be consulted in the  
7 generation of any recommendations.

8 (4) This section expires July 1, ((2017)) 2019.

9 NEW SECTION. Sec. 4. This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of  
11 the state government and its existing public institutions, and takes  
12 effect June 30, 2017.

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