
SUBSTITUTE HOUSE BILL 2562

State of Washington

65th Legislature

2018 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Dent, Blake, Dye, Doglio, Johnson, and Peterson)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to rangeland fire protection associations;
2 amending RCW 43.30.111, 43.30.215, 43.43.960, 52.12.160, 76.04.015,
3 76.04.135, and 76.04.181; reenacting and amending RCW 43.43.960;
4 adding a new section to chapter 43.30 RCW; adding a new chapter to
5 Title 24 RCW; providing an effective date; and providing an
6 expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that ranchers,
9 farmers, rural property owners, and others who live and work in the
10 rural areas of our state that are most susceptible to the threat of
11 wildfire are uniquely situated, by virtue of their knowledge of the
12 land and proximity to wildfires, to provide critical initial attack
13 firefighting capabilities. Rangeland fire protection associations
14 offer a coordinated approach to wildland fire suppression, by taking
15 advantage of the quick initial attack capabilities of those already
16 out on the land, addressing the desire of those living and working in
17 wildland areas to be active participants in protecting the places
18 where they live and work, ensuring that all those engaged in the
19 wildland firefighting effort have the necessary training, equipment,
20 and communications, and supporting the state's efforts to provide a
21 complete, coordinated approach to wildland fire prevention,

1 detection, and suppression. The purpose of rangeland fire protection
2 associations is to augment, not supplant or displace, existing
3 wildland firefighting operational structures and jurisdictions. In
4 circumstances where the geographic range of a rangeland fire
5 protection association overlaps with the jurisdiction of a fire
6 protection service agency, or of a fire protection jurisdiction, with
7 responsibility for fire suppression on the land, the fire protection
8 service agency, or fire protection jurisdiction, as appropriate,
9 remains the lead fire protection entity for that land.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires
12 otherwise.

13 (1) "Member" means an individual who has been appointed by a
14 rangeland fire protection association to perform fire detection,
15 prevention, and suppression services.

16 (2) "Rangeland fire protection association" means a nonprofit
17 association or unincorporated association that is formed for any
18 lawful purpose that includes the detection, prevention, and
19 suppression of wildfires outside the jurisdiction of a local,
20 regional, or state fire protection agency.

21 NEW SECTION. **Sec. 3.** (1) Persons engaged in the detection,
22 prevention, and suppression of wildfires outside of the boundaries of
23 a local, regional, or state fire protection agency may act together
24 for mutual benefit of the members and their communities in nonprofit
25 associations or unincorporated associations. Such an association
26 shall include in its name "rangeland fire protection association."
27 Such an association is authorized to enter into agreements with
28 local, regional, state, or federal governmental agencies for the
29 detection, prevention, or suppression of wildfires.

30 (2) The rangeland fire protection association shall identify the
31 physical boundaries within which it will provide detection,
32 prevention, and suppression of wildfire services and resources. The
33 rangeland fire protection association may notify the department of
34 natural resources of the association's boundaries to facilitate
35 cooperation with the department pursuant to section 7(1) of this act.

36 (3) The rangeland fire protection association must have liability
37 insurance.

1 (4) The provisions of this chapter do not require a person or a
2 person's agent to be a member of a rangeland fire protection
3 association in order to suppress a fire occurring on the person's
4 property or fires that pose a threat to the person's property.

5 NEW SECTION. **Sec. 4.** (1) Rangeland fire protection association
6 members must:

7 (a) Be at least eighteen years of age;

8 (b) During all fire suppression activities, use and maintain
9 personal protective equipment that meets published standards of the
10 Washington state department of natural resources or United States
11 bureau of land management as appropriate during wildfire suppression
12 activities; and

13 (c) Have achieved a basic level of wildland fire training. The
14 recommended training for a rangeland fire protection association
15 member is training that achieves the level of wildland firefighter 2,
16 as specified in the published standards of the national wildfire
17 coordinating group.

18 (2) The provisions of RCW 76.04.770 apply to members of a
19 rangeland fire protection association.

20 **Sec. 5.** RCW 43.30.111 and 2017 c 104 s 2 are each amended to
21 read as follows:

22 (1) The commissioner must appoint a local wildland fire liaison
23 that reports directly to the commissioner or the supervisor and
24 generally represents the interests and concerns of landowners and the
25 general public during any fire suppression activities of the
26 department.

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

28 (a) Provide advice to the commissioner on issues such as access
29 to land during fire suppression activities, the availability of local
30 fire suppression assets, environmental concerns, and landowner
31 interests; (~~and~~)

32 (b) Provide information to a rangeland fire protection
33 association concerning the department's wildfire detection,
34 prevention, and suppression activities taking place within the
35 boundaries of the rangeland fire protection association;

36 (c) Cooperate with any rangeland fire protection association
37 operating within the department's jurisdiction concerning the
38 department's wildfire detection, prevention, and suppression

1 activities either consistent with any written agreement the
2 department may have with the rangeland fire protection association or
3 in a manner that the department will use rangeland fire protection
4 association members and resources to facilitate efforts of wildfire
5 suppression as practicable to the situation; and

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

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

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

16 **Sec. 6.** RCW 43.30.215 and 2011 c 355 s 1 are each amended to
17 read as follows:

18 The board shall:

19 (1) Perform duties relating to appraisal, appeal, approval, and
20 hearing functions as provided by law;

21 (2) Establish policies to ensure that the acquisition,
22 management, and disposition of all lands and resources within the
23 department's jurisdiction are based on sound principles designed to
24 achieve the maximum effective development and use of such lands and
25 resources consistent with laws applicable thereto;

26 (3) Constitute the board of appraisers provided for in Article
27 16, section 2 of the state Constitution;

28 (4) Constitute the commission on harbor lines provided for in
29 Article 15, section 1 of the state Constitution as amended;

30 (5) Constitute the board on geographic names as provided for in
31 RCW 43.30.291 through 43.30.295; and

32 (6) Adopt and enforce rules as may be deemed necessary and proper
33 for carrying out the powers, duties, and functions imposed upon it by
34 this chapter. However, the board may not adopt or enforce rules
35 regulating rangeland fire protection associations governed by Title
36 24 RCW.

37 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.30
38 RCW to read as follows:

1 (1) The department shall provide information to a rangeland fire
2 protection association concerning the department's wildfire
3 detection, prevention, and suppression activities taking place within
4 the boundaries of the rangeland fire protection association if the
5 rangeland fire protection association has notified the department of
6 its boundaries. In addition, the department shall cooperate with any
7 rangeland fire protection association operating within the
8 department's jurisdiction concerning the department's wildfire
9 detection, prevention, and suppression activities either consistent
10 with any written agreement the department may have with the rangeland
11 fire protection association, as described in subsection (2) of this
12 section, or in a manner that the department will use rangeland fire
13 protection association members and resources to facilitate efforts of
14 wildfire suppression as practicable to the situation.

15 (2)(a) The department may enter into agreements for the
16 detection, prevention, or suppression of fires with a rangeland fire
17 protection association established under Title 24 RCW.

18 (b) The department may negotiate the form and content of the
19 agreement, and may determine the safety, administrative, and training
20 requirements that must be met in order for the rangeland fire
21 protection association to enter into an agreement.

22 (3) The department shall assist, to the extent practicable, any
23 rangeland fire protection association with which it has signed an
24 agreement in procuring: Funding or equipment for the association to
25 carry out the duties of the association; training for the members of
26 the association; and personal protective equipment for the members of
27 the association.

28 (4) The department may develop and publish recommendations
29 concerning the formation, operations, and training of members of a
30 rangeland fire protection association established under Title 24 RCW.

31 (5) The department must allow some members of rangeland fire
32 protection associations to attend the department's wildfire training
33 academies.

34 **Sec. 8.** RCW 43.43.960 and 2015 c 181 s 2 are each reenacted and
35 amended to read as follows:

36 (~~Unless the context clearly requires otherwise,~~) The
37 definitions in this section apply throughout this subchapter unless
38 the context clearly requires otherwise.

1 (1) "All risk resources" means those resources regularly provided
2 by fire departments, fire districts, and regional fire protection
3 service authorities required to respond to natural or man-made
4 incidents, including but not limited to:

- 5 (a) Wild land fires;
- 6 (b) Landslides;
- 7 (c) Earthquakes;
- 8 (d) Floods; and
- 9 (e) Contagious diseases.

10 (2) "Chief" means the chief of the Washington state patrol.

11 (3) "Fire chief" includes the chief officer of a statutorily
12 authorized fire agency, or the fire chief's authorized
13 representative. Also included are the department of natural resources
14 fire control chief, and the department of natural resources regional
15 managers.

16 (4) "Jurisdiction" means state, county, city, fire district,
17 regional fire protection service authority, or port district units,
18 or other units covered by this chapter.

19 (5) "Mobilization" means that all risk resources regularly
20 provided by fire departments, fire districts, and regional fire
21 protection service authorities beyond those available through
22 existing agreements will be requested and, when available, sent in
23 response to an emergency or disaster situation that has exceeded the
24 capabilities of available local resources. Mobilization may include
25 rangeland fire protection associations. During a large scale
26 emergency, mobilization includes the redistribution of regional or
27 statewide risk resources to either direct emergency incident
28 assignments or to assignment in communities where resources are
29 needed. Fire department resources may not be mobilized to assist law
30 enforcement with police activities during a civil protest or
31 demonstration, however, fire departments, fire districts, and
32 regional fire protection service authorities are not restricted from
33 providing medical care or aid and firefighting when mobilized for any
34 purpose. Rangeland fire protection associations are limited to
35 providing services and resources within the association's boundaries.

36 When mobilization is declared and authorized as provided in this
37 chapter, all risk resources regularly provided by fire departments,
38 fire districts, and regional fire protection service authorities
39 including those of the host fire protection authorities, i.e.
40 incident jurisdiction, shall be deemed as mobilized under this

1 chapter, including those that responded earlier under existing mutual
2 aid or other agreement. All nonhost fire protection authorities
3 providing resources in response to a mobilization declaration shall
4 be eligible for expense reimbursement as provided by this chapter
5 from the time of the mobilization declaration.

6 This chapter shall not reduce or suspend the authority or
7 responsibility of the department of natural resources under chapter
8 76.04 RCW.

9 (6) "Mutual aid" means emergency interagency assistance provided
10 without compensation under an agreement between jurisdictions under
11 chapter 39.34 RCW.

12 (7) "State fire marshal" means the director of fire protection in
13 the Washington state patrol.

14 **Sec. 9.** RCW 43.43.960 and 2003 c 405 s 1 are each amended to
15 read as follows:

16 (~~Unless the context clearly requires otherwise,~~) The
17 definitions in this section apply throughout this subchapter unless
18 the context clearly requires otherwise.

19 (1) "Chief" means the chief of the Washington state patrol.

20 (2) "State fire marshal" means the director of fire protection in
21 the Washington state patrol.

22 (3) "Fire chief" includes the chief officer of a statutorily
23 authorized fire agency, or the fire chief's authorized
24 representative. Also included are the department of natural resources
25 fire control chief, and the department of natural resources regional
26 managers.

27 (4) "Jurisdiction" means state, county, city, fire district, or
28 port district firefighting units, or other units covered by this
29 chapter.

30 (5) "Mobilization" means that firefighting resources beyond those
31 available through existing agreements will be requested and, when
32 available, sent in response to an emergency or disaster situation
33 that has exceeded the capabilities of available local resources.
34 Mobilization may include rangeland fire protection associations.
35 During a large scale emergency, mobilization includes the
36 redistribution of regional or statewide firefighting resources to
37 either direct emergency incident assignments or to assignment in
38 communities where firefighting resources are needed.

1 When mobilization is declared and authorized as provided in this
2 chapter, all firefighting resources including those of the host fire
3 protection authorities, i.e. incident jurisdiction, shall be deemed
4 as mobilized under this chapter, including those that responded
5 earlier under existing mutual aid or other agreement. All nonhost
6 fire protection authorities providing firefighting resources in
7 response to a mobilization declaration shall be eligible for expense
8 reimbursement as provided by this chapter from the time of the
9 mobilization declaration. Rangeland fire protection associations are
10 limited to providing services and resources within each association's
11 boundaries.

12 This chapter shall not reduce or suspend the authority or
13 responsibility of the department of natural resources under chapter
14 76.04 RCW.

15 (6) "Mutual aid" means emergency interagency assistance provided
16 without compensation under an agreement between jurisdictions under
17 chapter 39.34 RCW.

18 **Sec. 10.** RCW 52.12.160 and 2012 c 14 s 1 are each amended to
19 read as follows:

20 (1) The definitions in this section apply throughout this section
21 and RCW 4.24.780 unless the context clearly requires otherwise.

22 (a) "Fire protection service agency" or "agency" means any local,
23 state, or federal governmental entity responsible for the provision
24 of firefighting services, including fire protection districts,
25 regional fire protection service authorities, cities, towns, port
26 districts, the department of natural resources, and federal
27 reservations.

28 (b) "Fire protection jurisdiction" means an area or property
29 located within a fire protection district, a regional fire protection
30 service authority, a city, a town, a port district, lands protected
31 by the department of natural resources under chapter 76.04 RCW, or on
32 federal lands.

33 (c) "Firefighting services" means the provision of fire
34 prevention services, fire suppression services, emergency medical
35 services, and other services related to the protection of life and
36 property.

37 (d) "Improved property" means property upon which a structure is
38 located, including bridges and agricultural structures as defined in
39 RCW 19.27.015.

1 (e) "Property" means land, structures, or land and structures.

2 (f) "Unimproved property" has the same meaning as "unimproved
3 lands" in RCW 76.04.005.

4 (g) "Unprotected land" means improved property located outside a
5 fire protection jurisdiction.

6 (2)(a) In order to facilitate the provision of firefighting
7 services to unprotected lands, property owners of unprotected lands
8 are encouraged, to the extent practicable, to form or annex into a
9 fire protection jurisdiction or to enter into a written contractual
10 agreement with a fire protection service agency or agencies for the
11 provision of firefighting services. Any written contractual agreement
12 between a property owner and a fire protection service agency must
13 include, at minimum, a risk assessment of the property as well as a
14 capabilities assessment for the district.

15 (b) Property owners of unprotected land who choose not to form or
16 annex into a fire protection jurisdiction or to enter into a written
17 contractual agreement with a fire protection agency or agencies for
18 the provision of firefighting services, do so willingly and with full
19 knowledge that a fire protection service agency is not obligated to
20 provide firefighting services to unprotected land.

21 (3) In the absence of a written contractual agreement, a fire
22 protection service agency may initiate firefighting services on
23 unprotected land outside its fire protection jurisdiction in the
24 following instances: (a) Service was specifically requested by a
25 landowner or other fire service protection agency; (b) service could
26 reasonably be believed to prevent the spread of a fire onto lands
27 protected by the agency; or (c) service could reasonably be believed
28 to substantially mitigate the risk of harm to life or property by
29 preventing the spread of a fire onto other unprotected lands.

30 (4)(a) The property owner or owners shall reimburse an agency
31 initiating firefighting services on unprotected land outside its fire
32 protection jurisdiction for actual costs that are incurred that are
33 proportionate to the fire itself. Cost recovery is based upon the
34 Washington fire chiefs standardized fire service fee schedule.

35 (b) If a property owner fails to pay or defaults in payment to an
36 agency for services rendered, the agency is entitled to pursue
37 payment through the collections process outlined in RCW 19.16.500 or
38 through initiation of court action.

39 (5)(a) The fire protection service agency or fire protection
40 jurisdiction, as appropriate, shall provide information to a

1 rangeland fire protection association concerning the fire protection
2 service agency's or fire protection jurisdiction's wildfire
3 detection, prevention, and suppression activities taking place within
4 the boundaries of the rangeland fire protection association if the
5 rangeland fire protection association has notified the fire
6 protection service agency or fire protection jurisdiction of its
7 boundaries. In addition, the fire protection service agency or fire
8 protection jurisdiction, as appropriate, shall cooperate with any
9 rangeland fire protection association operating within the fire
10 protection service agency's or fire protection jurisdiction's
11 jurisdiction concerning the fire protection service agency's or fire
12 protection jurisdiction's wildfire detection, prevention, and
13 suppression activities either consistent with any written agreement
14 the fire protection service agency or fire protection jurisdiction
15 may have with the rangeland fire protection association, as described
16 in (b) of this subsection, or in a manner that the fire protection
17 service agency or fire protection jurisdiction will use rangeland
18 fire protection association members and resources to facilitate
19 efforts of wildfire suppression as practicable to the situation.

20 (b) A fire protection service agency or fire protection
21 jurisdiction may enter into agreements for the detection, prevention,
22 or suppression of fires with a rangeland fire protection association
23 established under Title 24 RCW. The fire protection service agency or
24 fire protection jurisdiction may negotiate the form and content of
25 the agreement, and may determine the safety, administrative, and
26 training requirements that must be met in order for the rangeland
27 fire protection association to enter into an agreement. Agreements
28 may also include assistance with procuring equipment and training.

29 **Sec. 11.** RCW 76.04.015 and 2016 c 109 s 1 are each amended to
30 read as follows:

31 (1) The department may, at its discretion, appoint trained
32 personnel possessing the necessary qualifications to carry out the
33 duties and supporting functions of the department and may determine
34 their respective salaries.

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

37 (3) The department shall:

38 (a) Enforce all laws within this chapter;

1 (b) Be empowered to take charge of and, consistent with RCW
2 76.04.021, direct the work of suppressing forest fires;

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

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

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

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

4 (d) Furnish notices or information to the public calling
5 attention to forest fire dangers and the penalties for violation of
6 this chapter;

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

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

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

13 (4) The department may:

14 (a) Authorize all needful and proper expenditures for forest
15 protection;

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

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

24 (d) Inquire into:

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

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

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

38 (5) Any rules adopted under this section for the suppression of
39 forest fires must include a mechanism by which a local fire
40 mobilization radio frequency, consistent with RCW 43.43.963, is

1 identified and made available during the initial response to any
2 forest fire that crosses jurisdictional lines so that all responders
3 have access to communications during the response. Different initial
4 response frequencies may be identified and used as appropriate in
5 different geographic response areas. If the fire radio communication
6 needs escalate beyond the capability of the identified local radio
7 frequency, the use of other available designated interoperability
8 radio frequencies may be used.

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

15 **Sec. 12.** RCW 76.04.135 and 2017 c 280 s 2 are each amended to
16 read as follows:

17 (1) For the purpose of promoting and facilitating cooperation
18 among fire protection agencies, including the department, and between
19 the department and other agencies that manage lands owned by the
20 state, and to more adequately protect life, property, and the natural
21 resources of the state, the department may enter into a contract or
22 agreement with a municipality, county, state, ~~((or))~~ federal agency,
23 or rangeland fire protection association to provide fire detection,
24 prevention, presuppression, or suppression services on property which
25 they are responsible to protect or manage.

26 (2) Contracts or agreements under subsection (1) of this section
27 may contain provisions for the exchange of services on a cooperative
28 basis or services in return for cash payment or other compensation.

29 (3) No charges may be made when the department determines that
30 under a cooperative contract or agreement the assistance received
31 from a municipality, county, or federal agency on state protected
32 lands equals that provided by the state on municipal, county, or
33 federal lands.

34 (4) The department may transfer ownership of depreciated
35 firefighting vehicles and related equipment upon terms subject to
36 mutual agreement to local fire districts in wildfire prone areas in
37 all areas of the state, as determined by the department, and where
38 the median household income is below the state average. These vehicle
39 and equipment transfers are exempt from the requirements in RCW

1 43.19.1919(1). The department must notify the chairs and ranking
2 members of the legislative committees with jurisdiction regarding
3 these transfers at least ten days prior to transfer of the equipment.

4 **Sec. 13.** RCW 76.04.181 and 2017 c 104 s 1 are each amended to
5 read as follows:

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

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

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

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

24 (b) Provide timely advance notification of the dates and
25 locations of department blue card training to all potential wildland
26 fire suppression contractors and rangeland fire protection
27 associations known to the department and make the training available
28 in several locations that are reasonably convenient for contractors
29 and rangeland fire protection association members;

30 (c) Organize the lists of qualified wildland fire suppression
31 contractors to identify the counties where the contractors are
32 located and make the lists, and the availability status of the
33 contractors on the list, available to emergency dispatchers, county
34 legislative authorities, emergency management departments, and local
35 fire districts;

36 (d) Cooperate with federal wildland firefighting agencies to
37 prioritize, based on predicted need, the efficient use of local
38 resources in close proximity to wildland fire incidents, including
39 local private wildland suppression contractors;

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

6 (f) Conduct outreach to provide basic incident command system and
7 wildland fire safety training to landowners in possession of
8 firefighting capability to help ensure that any wildland fire
9 suppression actions taken by private landowners on their own land are
10 accomplished safely and in coordination with any related incident
11 command structure.

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

17 (3) Nothing in subsection (1) of this section prohibits the
18 department from:

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

22 (b) Conducting safety training on the site of a wildland fire in
23 order to utilize available contractors not included on a master list
24 of qualified wildland fire suppression contractors.

25 (4) When entering into preemptive agreements with landowners and
26 other contractors under this section, the department must:

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

30 (b) Ensure that all contractors are, when engaged in fire
31 suppression activities, under the supervision of recognized wildland
32 fire personnel;

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

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

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

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

10 ~~((5)-(7))~~ (7) The provisions of this section may be applied
11 in the department's agreements with rangeland fire protection
12 associations established in Title 24 RCW.

13 (8) All requirements in this section are subject to the
14 availability of amounts appropriated for the specific purposes
15 described.

16 NEW SECTION. Sec. 14. Sections 1 through 4 of this act
17 constitute a new chapter in Title 24 RCW.

18 NEW SECTION. Sec. 15. Section 8 of this act expires July 1,
19 2019.

20 NEW SECTION. Sec. 16. Section 9 of this act takes effect July
21 1, 2019.

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