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HOUSE BILL 2562

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State of Washington                      65th Legislature                      2018 Regular Session

By Representatives Dent, Blake, Dye, Doglio, Johnson, and Peterson

Read first time 01/10/18. Referred to Committee on Agriculture & Natural Resources.

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 definitions in this section apply  
9 throughout this chapter unless the context clearly requires  
10 otherwise.

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

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

19            NEW SECTION.    **Sec. 2.**    (1) Persons engaged in the detection,  
20 prevention, and suppression of wildfires outside of the boundaries of

1 a local or regional fire protection agency may act together for  
2 mutual benefit of the members and their communities in nonprofit  
3 associations or unincorporated associations. Such an association  
4 shall include in its name "rangeland fire protection association."  
5 Such an association is authorized to enter into agreements with  
6 local, state, or federal governmental agencies for the detection,  
7 prevention, or suppression of wildfires.

8 (2) The rangeland fire protection association shall identify the  
9 physical boundaries within which it will provide detection,  
10 prevention, and suppression of wildfire services and resources. The  
11 rangeland fire protection association may notify the department of  
12 natural resources of the association's boundaries to facilitate  
13 cooperation with the department pursuant to section 6(1) of this act.

14 (3) The rangeland fire protection association must have liability  
15 insurance.

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

20 NEW SECTION. **Sec. 3.** (1) Rangeland fire protection association  
21 members must:

22 (a) Be eighteen years of age or older;

23 (b) Use personal protective equipment that meets published  
24 standards of the Washington state department of natural resources or  
25 United States bureau of land management as appropriate during  
26 wildfire suppression activities; and

27 (c) Have achieved a basic level of wildland fire training.

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

30 **Sec. 4.** RCW 43.30.111 and 2017 c 104 s 2 are each amended to  
31 read as follows:

32 (1) The commissioner must appoint a local wildland fire liaison  
33 that reports directly to the commissioner or the supervisor and  
34 generally represents the interests and concerns of landowners and the  
35 general public during any fire suppression activities of the  
36 department.

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

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

5 (b) Provide information to and cooperate with any rangeland fire  
6 protection association operating within the liaison's jurisdiction  
7 about the department's wildfire detection, prevention, and  
8 suppression activities; and

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

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

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

19 **Sec. 5.** RCW 43.30.215 and 2011 c 355 s 1 are each amended to  
20 read as follows:

21 The board shall:

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

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

29 (3) Constitute the board of appraisers provided for in Article  
30 16, section 2 of the state Constitution;

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

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

35 (6) Adopt and enforce rules as may be deemed necessary and proper  
36 for carrying out the powers, duties, and functions imposed upon it by  
37 this chapter. However, the board may not adopt or enforce rules  
38 regulating rangeland fire protection associations governed by Title  
39 24 RCW.

1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 43.30  
2    RCW to read as follows:

3        (1)    The department shall cooperate with any rangeland fire  
4    protection association that has notified the department of its  
5    boundaries when the department is engaged in wildfire prevention or  
6    suppression activities within the association's boundaries if the  
7    rangeland fire protection association has notified the department of  
8    those boundaries. The department may create a standard form for  
9    rangeland fire protection associations to use for notification of the  
10   boundaries.

11        (2)(a)    The department may enter into agreements for the  
12   detection, prevention, or suppression of fires with a rangeland fire  
13   protection association governed by Title 24 RCW.

14        (b)    Prior to entering into an agreement with a rangeland fire  
15   protection association, and once annually throughout the agreement's  
16   duration, the department may verify:

17        (i)    The governance, management structure, and legal status of the  
18   rangeland fire protection association;

19        (ii)    The adequacy of the association's liability insurance;

20        (iii)    The condition of the association's vehicles and equipment  
21   subject to the terms of the agreement; and

22        (iv)    That association members who will be involved in fire  
23   detection and suppression activities have had basic training, which  
24   can be evidenced by a valid incident qualification and safety  
25   document, commonly called a blue card.

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

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

35        (5)    The department must allow some members of rangeland fire  
36   protection associations to attend the department's wildfire training  
37   academies.

38        **Sec. 7.**    RCW 43.43.960 and 2015 c 181 s 2 are each reenacted and  
39   amended to read as follows:

1       (~~Unless the context clearly requires otherwise,~~)    The  
2 definitions in this section apply throughout this subchapter unless  
3 the context clearly requires otherwise.

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

- 8       (a) Wild land fires;
- 9       (b) Landslides;
- 10       (c) Earthquakes;
- 11       (d) Floods; and
- 12       (e) Contagious diseases.

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

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

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

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

39       When mobilization is declared and authorized as provided in this  
40 chapter, all risk resources regularly provided by fire departments,

1 fire districts, and regional fire protection service authorities  
2 including those of the host fire protection authorities, i.e.  
3 incident jurisdiction, shall be deemed as mobilized under this  
4 chapter, including those that responded earlier under existing mutual  
5 aid or other agreement. All nonhost fire protection authorities  
6 providing resources in response to a mobilization declaration shall  
7 be eligible for expense reimbursement as provided by this chapter  
8 from the time of the mobilization declaration.

9 This chapter shall not reduce or suspend the authority or  
10 responsibility of the department of natural resources under chapter  
11 76.04 RCW.

12 (6) "Mutual aid" means emergency interagency assistance provided  
13 without compensation under an agreement between jurisdictions under  
14 chapter 39.34 RCW.

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

17 **Sec. 8.** RCW 43.43.960 and 2003 c 405 s 1 are each amended to  
18 read as follows:

19 (~~Unless the context clearly requires otherwise,~~) The  
20 definitions in this section apply throughout this subchapter unless  
21 the context clearly requires otherwise.

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

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

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

30 (4) "Jurisdiction" means state, county, city, fire district, or  
31 port district firefighting units, or other units covered by this  
32 chapter.

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

1 either direct emergency incident assignments or to assignment in  
2 communities where firefighting resources are needed.

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

14 This chapter shall not reduce or suspend the authority or  
15 responsibility of the department of natural resources under chapter  
16 76.04 RCW.

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

20 **Sec. 9.** RCW 52.12.160 and 2012 c 14 s 1 are each amended to read  
21 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

38 (b) If a property owner fails to pay or defaults in payment to an  
39 agency for services rendered, the agency is entitled to pursue



1 payment through the collections process outlined in RCW 19.16.500 or  
2 through initiation of court action.

3 (5)(a) A fire protection service agency that initiates  
4 firefighting services on unprotected land outside its fire protection  
5 jurisdiction shall cooperate with any rangeland fire protection  
6 association when the fire protection service agency is operating  
7 within the rangeland fire protection association's boundaries.

8 (b) A fire protection service agency may execute cooperative  
9 agreements with a rangeland fire protection association to facilitate  
10 the detection, prevention, and suppression of fire. Agreements may  
11 also include assistance with procuring equipment and training.

12 **Sec. 10.** RCW 76.04.015 and 2016 c 109 s 1 are each amended to  
13 read as follows:

14 (1) The department may, at its discretion, appoint trained  
15 personnel possessing the necessary qualifications to carry out the  
16 duties and supporting functions of the department and may determine  
17 their respective salaries.

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

20 (3) The department shall:

21 (a) Enforce all laws within this chapter;

22 (b) Be empowered to take charge of and, consistent with RCW  
23 76.04.021, direct the work of suppressing forest fires;

24 (c)(i) Investigate the origin and cause of all forest fires to  
25 determine whether either a criminal act or negligence by any person,  
26 firm, or corporation caused the starting, spreading, or existence of  
27 the fire. In conducting investigations, the department shall work  
28 cooperatively, to the extent possible, with utilities, property  
29 owners, and other interested parties to identify and preserve  
30 evidence. Except as provided otherwise in this subsection, the  
31 department in conducting investigations is authorized, without court  
32 order, to take possession or control of relevant evidence found in  
33 plain view and belonging to any person, firm, or corporation. To the  
34 extent possible, the department shall notify the person, firm, or  
35 corporation of its intent to take possession or control of the  
36 evidence. The person, firm, or corporation shall be afforded  
37 reasonable opportunity to view the evidence and, before the  
38 department takes possession or control of the evidence, also shall be  
39 afforded reasonable opportunity to examine, document, and photograph

1 it. If the person, firm, or corporation objects in writing to the  
2 department's taking possession or control of the evidence, the  
3 department must either return the evidence within seven days after  
4 the day on which the department is provided with the written  
5 objections or obtain a court order authorizing the continued  
6 possession or control.

7 (ii) Absent a court order authorizing otherwise, the department  
8 may not take possession or control of evidence over the objection of  
9 the owner of the evidence if the evidence is used by the owner in  
10 conducting a business or in providing an electric utility service and  
11 the department's taking possession or control of the evidence would  
12 substantially and materially interfere with the operation of the  
13 business or provision of electric utility service.

14 (iii) Absent a court order authorizing otherwise, the department  
15 may not take possession or control of evidence over the objection of  
16 an electric utility when the evidence is not owned by the utility but  
17 has caused damage to property owned by the utility. However, this  
18 subsection (3)(c)(iii) does not apply if the department has notified  
19 the utility of its intent to take possession or control of the  
20 evidence and provided the utility with reasonable time to examine,  
21 document, and photograph the evidence.

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

25 (d) Furnish notices or information to the public calling  
26 attention to forest fire dangers and the penalties for violation of  
27 this chapter;

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

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

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

34 (4) The department may:

35 (a) Authorize all needful and proper expenditures for forest  
36 protection;

37 (b) Adopt rules consistent with this section for the prevention,  
38 control, and suppression of forest fires as it considers necessary  
39 including but not limited to: Fire equipment and materials; use of  
40 personnel; and fire prevention standards and operating conditions

1 including a provision for reducing these conditions where justified  
2 by local factors such as location and weather;

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

5 (d) Inquire into:

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

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

10 (e) Provide fire detection, prevention, presuppression, or  
11 suppression services on nonforested public lands managed by the  
12 department or another state agency, but only to the extent that  
13 providing these services does not interfere with or detract from the  
14 obligations set forth in subsection (3) of this section. If the  
15 department provides fire detection, prevention, presuppression, or  
16 suppression services on nonforested public lands managed by another  
17 state agency, the department must be fully reimbursed for the work  
18 through a cooperative agreement as provided for in RCW 76.04.135(1).

19 (5) Any rules adopted under this section for the suppression of  
20 forest fires must include a mechanism by which a local fire  
21 mobilization radio frequency, consistent with RCW 43.43.963, is  
22 identified and made available during the initial response to any  
23 forest fire that crosses jurisdictional lines so that all responders  
24 have access to communications during the response. Different initial  
25 response frequencies may be identified and used as appropriate in  
26 different geographic response areas. If the fire radio communication  
27 needs escalate beyond the capability of the identified local radio  
28 frequency, the use of other available designated interoperability  
29 radio frequencies may be used.

30 (6) When the department considers it to be in the best interest  
31 of the state, it may cooperate with any agency of another state, the  
32 United States or any agency thereof, the Dominion of Canada or any  
33 agency or province thereof, and any county, town, corporation,  
34 individual, rangeland fire protection association, or Indian tribe  
35 within the state of Washington in forest firefighting and patrol.

36 **Sec. 11.** RCW 76.04.135 and 2017 c 280 s 2 are each amended to  
37 read as follows:

38 (1) For the purpose of promoting and facilitating cooperation  
39 among fire protection agencies, including the department, and between

1 the department and other agencies that manage lands owned by the  
2 state, and to more adequately protect life, property, and the natural  
3 resources of the state, the department may enter into a contract or  
4 agreement with a municipality, county, state, ~~((or))~~ federal agency,  
5 or rangeland fire protection association to provide fire detection,  
6 prevention, presuppression, or suppression services on property which  
7 they are responsible to protect or manage.

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

11 (3) No charges may be made when the department determines that  
12 under a cooperative contract or agreement the assistance received  
13 from a municipality, county, or federal agency on state protected  
14 lands equals that provided by the state on municipal, county, or  
15 federal lands.

16 (4) The department may transfer ownership of depreciated  
17 firefighting vehicles and related equipment upon terms subject to  
18 mutual agreement to local fire districts in wildfire prone areas in  
19 all areas of the state, as determined by the department, and where  
20 the median household income is below the state average. These vehicle  
21 and equipment transfers are exempt from the requirements in RCW  
22 43.19.1919(1). The department must notify the chairs and ranking  
23 members of the legislative committees with jurisdiction regarding  
24 these transfers at least ten days prior to transfer of the equipment.

25 **Sec. 12.** RCW 76.04.181 and 2017 c 104 s 1 are each amended to  
26 read as follows:

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

29 (a) Actively engage in ongoing prefire season outreach and  
30 recruitment of qualified wildland fire suppression contractors and  
31 equipment owners who have valid incident qualifications for the type  
32 of contracted work to be performed and compile and annually update a  
33 master list of the qualified contractors. In order to be included on  
34 a master list of qualified wildland fire suppression contractors:

35 (i) Contractors providing fire engines, tenders, crews, or  
36 similar resources must have training and qualifications sufficient  
37 for federal wildland fire contractor eligibility, including  
38 possessing a valid incident qualification card, commonly called a red  
39 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 and rangeland fire protection  
9 associations known to the department and make the training available  
10 in several locations that are reasonably convenient for contractors  
11 and rangeland fire protection association members;

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

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

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

27 (f) Conduct outreach to provide basic incident command system and  
28 wildland fire safety training to landowners in possession of  
29 firefighting capability to help ensure that any wildland fire  
30 suppression actions taken by private landowners on their own land are  
31 accomplished safely and in coordination with any related incident  
32 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 safety training on the site of a wildland fire in  
5 order to utilize available contractors not included on a master list  
6 of qualified wildland fire suppression contractors.

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

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

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

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

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

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

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

30 ~~((5)-(7))~~ (7) The provisions of this section may be applied  
31 in the department's agreements with rangeland fire protection  
32 associations established in Title 24 RCW.

33 (8) All requirements in this section are subject to the  
34 availability of amounts appropriated for the specific purposes  
35 described.

36 NEW SECTION. **Sec. 13.** Sections 1 through 3 of this act  
37 constitute a new chapter in Title 24 RCW.

1        NEW SECTION.    **Sec. 14.**    Section 7 of this act expires July 1,  
2    2019.

3        NEW SECTION.    **Sec. 15.**    Section 8 of this act takes effect July  
4    1, 2019.

--- END ---