
SUBSTITUTE HOUSE BILL 1188

State of Washington

66th Legislature

2019 Regular Session

By House Rural Development, Agriculture, & Natural Resources
(originally sponsored by Representatives Dent, Blake, and Schmick)

READ FIRST TIME 02/19/19.

1 AN ACT Relating to rangeland fire protection associations;
2 amending RCW 43.30.111 and 52.12.160; adding a new section to chapter
3 43.30 RCW; adding a new section to chapter 52.12 RCW; adding a new
4 section to chapter 49.17 RCW; and adding a new chapter to Title 24
5 RCW.

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

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

1 protection associations is to augment, not supplant or displace,
2 existing wildland firefighting operational structures and
3 jurisdictions. In circumstances where the geographic range of a
4 rangeland fire protection association is taking suppression action
5 within the jurisdiction of a fire protection service agency, or of a
6 fire protection jurisdiction, with responsibility for fire
7 suppression on the land, the fire protection service agency, or fire
8 protection jurisdiction, as appropriate, remains the lead fire
9 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 corporation or nonprofit unincorporated association that has entered
18 into an agreement for the detection, prevention, or suppression of
19 wildfires with any agency of the state of Washington or any fire
20 protection service 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 service agency may act
24 together for mutual benefit of the members and their communities in
25 nonprofit associations or unincorporated associations. Such an
26 association shall include in its name "rangeland fire protection
27 association." Such an association is authorized to enter into
28 agreements with fire protection service agencies, as defined in RCW
29 52.12.160, for the detection, prevention, or suppression of
30 wildfires.

31 (2) The rangeland fire protection association shall identify the
32 physical boundaries within which it will provide detection,
33 prevention, and suppression of wildfire services and resources. The
34 service boundaries of a rangeland fire protection association may be
35 adjacent to department protected lands, as defined in RCW 76.04.005.
36 The operations of a rangeland fire protection association may, on an
37 occasional and temporary basis, extend beyond its boundaries and onto

1 department protected lands for the purpose of attempting to
2 extinguish or control a wildland fire consistent with RCW 76.04.770.

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

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

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

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

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

17 (c) Have achieved a basic level of wildland fire training. The
18 recommended training for a rangeland fire protection association
19 member participating in wildland fire suppression is training that
20 achieves the level of wildland firefighter 2, as specified in the
21 published standards of the national wildfire coordinating group. The
22 exterior firefighting training and certification standard developed
23 by the department of labor and industries pursuant to section 9 of
24 this act may also be used to satisfy the training requirement of this
25 subsection (1)(c) once the exterior firefighting training and
26 certification standard has been adopted.

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

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

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

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

37 (a) Provide advice to the commissioner on issues such as access
38 to land during fire suppression activities, the availability of local

1 fire suppression assets, environmental concerns, and landowner
2 interests; (~~and~~)

3 (b) Provide information to a rangeland fire protection
4 association concerning the department's wildfire detection,
5 prevention, and suppression activities taking place within the
6 boundaries of the rangeland fire protection association; and

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

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

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

17 NEW SECTION. Sec. 6. A new section is added to chapter 43.30
18 RCW to read as follows:

19 (1)(a) The department may enter into agreements for the
20 detection, prevention, or suppression of fires with a rangeland fire
21 protection association established under Title 24 RCW.

22 (b) The department may negotiate the form and content of the
23 agreement, and may determine the safety, administrative, and training
24 requirements that must be met in order for the rangeland fire
25 protection association to enter into an agreement. The agreement must
26 specify the manner in which rangeland fire protection association
27 members and equipment will be utilized when the department assumes
28 command of any wildfire response occurring within the physical
29 boundaries of a rangeland fire protection association.

30 (2) The department shall assist, consistent with the terms of an
31 agreement adopted pursuant to subsection (1) of this section, any
32 rangeland fire protection association with which it has signed an
33 agreement in procuring: Funding or equipment for the association to
34 carry out the duties of the association; training for the members of
35 the association; and personal protective equipment for the members of
36 the association. The agreement must provide for some form of
37 involvement for rangeland fire protection association members and
38 equipment when the department assumes command of any wildfire
39 response occurring within the physical boundaries of a rangeland fire

1 protection association, but nothing in the agreement or this section
2 may be construed to reduce the authority of the properly designated
3 incident commander for the wildfire response to organize and direct
4 available resources for the safe, efficient, and effective
5 suppression of the fire. The agreement must require a department
6 representative to conduct a debrief with a representative of the
7 rangeland fire protection association when the department assumes
8 command of a fire that the rangeland fire protection association had
9 been fighting.

10 (3) The department may develop and publish recommendations
11 concerning the formation, management, operation, and training of
12 members of a rangeland fire protection association established under
13 Title 24 RCW.

14 (4) Prior to entering into an agreement with a rangeland fire
15 protection association, and annually thereafter, the department shall
16 review and inspect the rangeland fire protection association for the
17 following:

18 (a) The governance and management structure of the rangeland fire
19 protection association;

20 (b) The adequacy of liability insurance; and

21 (c) The training of all rangeland fire protection association
22 personnel.

23 **Sec. 7.** RCW 52.12.160 and 2012 c 14 s 1 are each amended to read
24 as follows:

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

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

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

38 (c) "Firefighting services" means the provision of fire
39 prevention services, fire suppression services, emergency medical

1 services, and other services related to the protection of life and
2 property.

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

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

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

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

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

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

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

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

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

5 (5) A fire protection service agency may enter into agreements
6 for the detection, prevention, or suppression of fires with a
7 rangeland fire protection association established under Title 24 RCW.
8 The fire protection service agency may negotiate the form and content
9 of the agreement, and may determine the safety, administrative, and
10 training requirements that must be met in order for the rangeland
11 fire protection association to enter into an agreement. Agreements
12 may also include assistance with procuring equipment and training.
13 The agreement must specify the manner in which rangeland fire
14 protection association members and equipment will be utilized when a
15 fire protection service agency assumes command of any wildfire
16 response occurring within the physical boundaries of a rangeland fire
17 protection association. The agreement must provide for some form of
18 involvement for rangeland fire protection association members and
19 equipment when a fire protection service agency assumes command of
20 any wildfire response occurring within the physical boundaries of a
21 rangeland fire protection association, but nothing in the agreement
22 or this section may be construed to reduce the authority of the
23 properly designated incident commander for the wildfire response to
24 organize and direct available resources for the safe, efficient, and
25 effective suppression of the fire. The agreement must require a fire
26 protection service agency representative to conduct a debrief with a
27 representative of the rangeland fire protection association when the
28 fire protection service agency assumes command of a fire that the
29 rangeland fire protection association had been fighting.

30 NEW SECTION. Sec. 8. A new section is added to chapter 52.12
31 RCW to read as follows:

32 (1) A statewide association representing chiefs of fire districts
33 and regional fire protection service authorities, together with the
34 department of natural resources, shall facilitate a work group with
35 the participation of other stakeholders for the purpose of developing
36 a model rangeland fire protection volunteer firefighting program that
37 incorporates wildland firefighting training and exterior firefighting
38 certification as developed by the department of labor and industries
39 pursuant to section 9 of this act.

1 (2) Fire protection districts and regional fire protection
2 service authorities are authorized to implement a rangeland fire
3 protection firefighting program utilizing volunteer firefighters who
4 have received wildland firefighting training and certified exterior
5 firefighters as defined by the department of labor and industries.

6 (3) Fire protection districts and regional fire protection
7 service authorities are authorized to utilize members who do not
8 reside within the geographic jurisdiction of the fire protection
9 district, or regional fire protection service authority, as
10 appropriate, but are proximate to the fire protection district, or
11 regional fire protection service authority, as part of the district's
12 or authority's rangeland fire protection firefighting program.

13 (4) Fire protection districts and regional fire protection
14 service authorities that have entered into a mutual aid agreement
15 with the department of natural resources are authorized to receive
16 wildland firefighting resources when available and offered by the
17 department. These resources may be strategically located within or
18 proximate to a fire protection district and regional fire protection
19 service authority in order to support the district's or authority's
20 rangeland fire protection firefighting program.

21 (5) Nothing in this section may be construed to limit the
22 establishment of rangeland fire protection associations under Title
23 24 RCW.

24 NEW SECTION. **Sec. 9.** A new section is added to chapter 49.17
25 RCW to read as follows:

26 The department shall adopt by rule, with concurrence from the
27 office of the state fire marshal, an exterior firefighting training
28 and certification standard appropriate for rangeland firefighting
29 that excludes the following firefighting activities: Interior
30 structural firefighting; confined space rescue; hazardous materials
31 operations; technical rescue; water rescue operations; and operating
32 at ten feet or more above grade. The certification standard may not
33 require self-contained breathing apparatus certification or use,
34 structural firefighting gear, or other requirements associated with
35 interior structural firefighting requirements. Upon adoption, the
36 training standard may be used by a rangeland fire protection
37 association to satisfy the training requirement of section 4(1)(c) of
38 this act, as well as, where appropriate, by fire protection districts
39 and regional fire protection service authorities.

1 NEW SECTION. **Sec. 10.** Sections 1 through 4 of this act
2 constitute a new chapter in Title 24 RCW.

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