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**ENGROSSED 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)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) ((~~All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.~~)) Consistent with RCW 43.01.036, the department of natural resources must issue a report to the legislature by November 30, 2018, that outlines the successes and limitations with respect to the establishment of preemptive agreements with private wildland fire suppression contractors under RCW 76.04.181. The report must also include any recommendations as to how the preemptive agreement process can be made more effective. The wildland fire advisory committee created in RCW 76.04.179 must be consulted in the generation of any recommendations.

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

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

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