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**SUBSTITUTE HOUSE BILL 2562**

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**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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