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**SUBSTITUTE HOUSE BILL 1188**

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**State of Washington 66th Legislature 2019 Regular Session**

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

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

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

NEW SECTION. **Sec.**  The legislature finds that ranchers, farmers, rural property owners, and others who live and work in the rural areas of our state that are most susceptible to the threat of wildfire are uniquely situated, by virtue of their knowledge of the land and proximity to wildfires, to provide critical initial attack firefighting capabilities. Rangeland fire protection associations offer a coordinated approach to wildland fire suppression, by taking advantage of the quick initial attack capabilities of those already out on the land, addressing the desire of those living and working in wildland areas to be active participants in protecting the places where they live and work, ensuring that all those engaged in the wildland firefighting effort have the necessary training, equipment, and communications capabilities, and supporting the state's efforts to provide a complete, coordinated approach to wildland fire prevention, detection, and suppression. The purpose of rangeland fire protection associations is to augment, not supplant or displace, existing wildland firefighting operational structures and jurisdictions. In circumstances where the geographic range of a rangeland fire protection association is taking suppression action within the jurisdiction of a fire protection service agency, or of a fire protection jurisdiction, with responsibility for fire suppression on the land, the fire protection service agency, or fire protection jurisdiction, as appropriate, remains the lead fire protection entity for that land.

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

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

(2) "Rangeland fire protection association" means a nonprofit corporation or nonprofit unincorporated association that has entered into an agreement for the detection, prevention, or suppression of wildfires with any agency of the state of Washington or any fire protection service agency.

NEW SECTION. **Sec.**  (1) Persons engaged in the detection, prevention, and suppression of wildfires outside of the boundaries of a local, regional, or state fire protection service agency may act together for mutual benefit of the members and their communities in nonprofit associations or unincorporated associations. Such an association shall include in its name "rangeland fire protection association." Such an association is authorized to enter into agreements with fire protection service agencies, as defined in RCW 52.12.160, for the detection, prevention, or suppression of wildfires.

(2) The rangeland fire protection association shall identify the physical boundaries within which it will provide detection, prevention, and suppression of wildfire services and resources. The service boundaries of a rangeland fire protection association may be adjacent to department protected lands, as defined in RCW 76.04.005. The operations of a rangeland fire protection association may, on an occasional and temporary basis, extend beyond its boundaries and onto department protected lands for the purpose of attempting to extinguish or control a wildland fire consistent with RCW 76.04.770.

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

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

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

(a) Be at least eighteen years of age;

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

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

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

**Sec.**  RCW 43.30.111 and 2017 c 104 s 2 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) Provide information to a rangeland fire protection association concerning the department's wildfire detection, prevention, and suppression activities taking place within the boundaries of the rangeland fire protection association; and

(c) 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.

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

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

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

(2) The department shall assist, consistent with the terms of an agreement adopted pursuant to subsection (1) of this section, any rangeland fire protection association with which it has signed an agreement in procuring: Funding or equipment for the association to carry out the duties of the association; training for the members of the association; and personal protective equipment for the members of the association. The agreement must provide for some form of involvement for rangeland fire protection association members and equipment when the department assumes command of any wildfire response occurring within the physical boundaries of a rangeland fire protection association, but nothing in the agreement or this section may be construed to reduce the authority of the properly designated incident commander for the wildfire response to organize and direct available resources for the safe, efficient, and effective suppression of the fire. The agreement must require a department representative to conduct a debrief with a representative of the rangeland fire protection association when the department assumes command of a fire that the rangeland fire protection association had been fighting.

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

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

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

(b) The adequacy of liability insurance; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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