

SSB 5315 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED AS AMENDED 04/05/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A
4 RCW to read as follows:

5 (1) The Washington association of sheriffs and police chiefs shall
6 convene a model policy work group to develop a model policy for
7 sheriffs regarding residents, landowners, and others in lawful
8 possession and control of land in the state during a forest fire or
9 wildfire. The model policy must be designed in a way that, first and
10 foremost, protects life and safety during a forest fire or wildfire.
11 The model policy must include guidance on allowing access, when safe
12 and appropriate, to residents, landowners, and others in lawful
13 possession and control of land in the state during a wildfire or forest
14 fire. The model policy must specifically address procedures to allow,
15 when safe and appropriate, residents, landowners, and others in lawful
16 possession and control of land in the state access to their residences
17 and land to:

18 (a) Conduct fire prevention or suppression activities;
19 (b) Protect or retrieve any property located in their residences or
20 on their land, including equipment, livestock, or any other belongings;
21 or

22 (c) Undertake activities under both (a) and (b) of this subsection.

23 (2) In developing the policy under subsection (1) of this section,
24 the association shall consult with appropriate stakeholders and
25 government agencies.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.48 RCW
27 to read as follows:

28 (1) Each county sheriff shall, until a model policy pursuant to
29 section 1 of this act is developed and implemented in the sheriff's

1 county, establish and maintain a registry of persons authorized to
2 access their land during a forest or wildfire. Upon request, the
3 sheriff must include in the registry persons who demonstrate ownership
4 of agriculture land or forest land within the county and who possess
5 equipment that may be used for fire prevention or suppression
6 activities. Persons included in the registry must be allowed to access
7 their property to conduct fire prevention or suppression activities
8 despite the closure of any state highway, county road, or city street
9 under this chapter.

10 (2)(a) Residents, landowners, and others in lawful possession and
11 control of land in the state are not liable for unintentional injuries
12 or loss suffered by persons entering upon, or passing through, their
13 land pursuant to this section.

14 (b) Federal, state, and local agencies, and their employees, are
15 not liable for any action, or failure to act, when facilitating the
16 access described in this section.

17 **Sec. 3.** RCW 47.48.040 and 1977 ex.s. c 216 s 3 are each amended to
18 read as follows:

19 Except as provided under section 2 of this act, when any state
20 highway, county road, or city street or portion thereof shall have been
21 closed, or when the maximum speed limit thereon shall have been
22 reduced, for all vehicles or any class of vehicles, as by law provided,
23 any person, firm, or corporation disregarding such closing or reduced
24 speed limit shall be guilty of a misdemeanor, and shall in addition to
25 any penalty for violation of the provisions of this section, be liable
26 in any civil action instituted in the name of the state of Washington
27 or the county or city or town having jurisdiction for any damages
28 occasioned to such state highway, county road, or city street, as the
29 case may be, as the result of disregarding such closing or reduced
30 speed limit."

31 Correct the title.

EFFECT: Requires each county sheriff to establish and maintain a
registry of persons authorized to access their land during a forest

fire or wildfire. Removes the null and void clause, allowing for the implementation of the bill without appropriated funding.

--- END ---