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**SUBSTITUTE SENATE BILL 6657**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Parlette, Hargrove, and Hobbs)

READ FIRST TIME 03/04/16.

1 AN ACT Relating to wildfire management; amending RCW 70.94.6536,  
2 70.94.6538, 76.04.205, 76.04.315, 38.52.070, 43.43.960, 43.43.961,  
3 43.43.961, 43.43.962, 43.88.550, and 41.40.023; reenacting and  
4 amending RCW 76.04.005 and 43.43.960; adding new sections to chapter  
5 76.04 RCW; adding a new section to chapter 38.52 RCW; creating new  
6 sections; providing effective dates; providing expiration dates; and  
7 declaring an emergency.

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

9 **PART 1**

10 **INTENT AND FINDINGS**

11 NEW SECTION. **Sec. 101.** LEGISLATIVE FINDINGS. The legislature  
12 finds that the record breaking 2014 and 2015 fire seasons have  
13 devastated our lands and local economies. Wildfires burned over one  
14 million acres in Washington. Nearly five hundred families and  
15 businesses saw their homes and structures destroyed by wildfire  
16 during the 2015 fire season alone. Communities dependent on seasonal  
17 tourism and the agriculture and timber industries struggled with  
18 nearly six months of unpredictable closures due to wildfire danger  
19 and smoke hazards.

1 The legislature recognizes that fire is a natural part of forest  
2 ecosystems. However, past fire suppression paradigms, along with  
3 significant decreases in federal forest management activities and  
4 severe drought conditions have led to excessive fuel accumulation in  
5 overstocked stands that are susceptible to intense burns.

6 The legislature finds that approximately two million seven  
7 hundred thousand acres of the ten million acres of forest land in  
8 eastern Washington are at high risk of damage by disease, insects,  
9 and wildfire. It is the intent of the legislature to initiate  
10 aggressive action to reduce wildfire fuel and restore forest health  
11 conditions. The legislature intends to employ all available fire  
12 prevention techniques, including mechanical thinning and prescribed  
13 fire, to restore Washington forest land health, ensure public health  
14 and safety, and support local communities most affected by wildfire.  
15 The legislature also finds that buffer zones on lands adjacent to  
16 forested lands significantly reduce the risk of wildfire spread and  
17 benefit the maintenance of biodiversity in our lands.

18 The legislature finds that prescribed fire is a valuable tool for  
19 fuel management and ecosystem restoration. The legislature further  
20 finds that over ninety-nine percent of prescribed fires are  
21 successfully held within planned perimeters. Short-term risks must be  
22 balanced with long-term benefits to fire-dependent ecosystems,  
23 habitat, and public health and safety.

24 **PART 2**

25 **STATEWIDE FIRE MANAGEMENT**

26 NEW SECTION. **Sec. 201.** STATE WILDFIRE INSURANCE POLICY. (1)  
27 Subject to the availability of amounts appropriated for this specific  
28 purpose, by July 31, 2016, the department of enterprise services, in  
29 coordination with the department of natural resources, must use a  
30 request for information to a broad base of wildfire insurance  
31 carriers to gain an understanding of requirements to insure the state  
32 against wildfire suppression costs and data needed for an accurate  
33 quote.

34 (2) By September 30, 2016, the department of enterprise services,  
35 in coordination with the department of natural resources, must use a  
36 request for quote to a broad base of wildfire insurance carriers to  
37 discern how each carrier would meet the needs of Washington and the  
38 cost of annual premiums. Preference must be given to insurance

1 policies with a deductible of fifty million dollars or less, but for  
2 purposes of this section and for comparison, the departments may  
3 solicit quotes with varying deductibles.

4 (3) By November 30, 2016, the department of enterprise services,  
5 in coordination with the department of natural resources, must report  
6 to the legislature on: The criteria used in the request for  
7 information and request for quote; information gathered; premium and  
8 deductible data; and all other relevant information gathered during  
9 the solicitation process. If more than one insurance carrier offers a  
10 policy quote, the report must also include recommendations as to  
11 which insurer and insurance policy best fits the needs of the state.  
12 No formal request for proposal may be issued under this section  
13 absent express authorization from the legislature.

14 NEW SECTION. **Sec. 202.** A new section is added to chapter 76.04  
15 RCW to read as follows:

16 FOREST HEALTH AND WILDFIRE MANAGEMENT STRATEGIC PLAN. (1) Subject  
17 to the availability of amounts appropriated for this specific  
18 purpose, by December 31, 2018, the department must develop and  
19 implement a twenty-year strategic plan to treat areas of Washington  
20 forest land identified by the department as being in poor forest  
21 health condition and to manage resources for wildfire prevention and  
22 suppression in a more efficient and effective manner. The department  
23 must develop the forest health and wildfire management strategic plan  
24 in consultation with relevant local, state, and federal agencies,  
25 tribes, forest landowners, representatives from milling and log  
26 transportation industries, and other interested parties from the  
27 nonprofit and commercial sectors.

28 (2) The strategic plan must be updated at least every two years  
29 and must include timelines and, at a minimum, strategies to:

30 (a) Implement an actionable plan to restore and maintain  
31 statewide forest health and resilience within twenty years;

32 (b) Facilitate communication and coordination between local,  
33 regional, state, federal, and tribal fire personnel;

34 (c) Improve public education and local outreach regarding  
35 wildland fire prevention and suppression activities;

36 (d) Streamline contract procedures to perform forest health  
37 treatments on public and private lands;

38 (e) Expand technical assistance programs for local governmental  
39 entities and private landowners;

1 (f) Address barriers to wildfire prevention and suppression  
2 activities, particularly in rural areas where resources may be  
3 limited;

4 (g) Using best available science, manage riparian areas to create  
5 buffers against wildfire and protect water quality and aquatic  
6 species habitat from detrimental effects of wildfires;

7 (h) Deploy efficient and effective initial attack response to  
8 prevent wildland fire spread; and

9 (i) Integrate statewide usage of upgraded fire modeling  
10 technology and remote wildfire detection technology, such as ground-  
11 based smoke sensors or manned aircraft for reconnaissance, to ensure  
12 deployment of appropriate fire resources.

13 (3)(a) The department must report to the legislature on its  
14 progress in developing and implementing the forest health and  
15 wildfire management strategic plan by December 31, 2016, and December  
16 31, 2017. The report must include relevant fiscal information and  
17 recommendations for any legislative action needed to execute the  
18 strategic plan.

19 (b) The department must report to the legislature on the final  
20 forest health and wildfire management strategic plan by December 31,  
21 2018, and every two years thereafter in conjunction with its budget  
22 request process under chapter 43.88 RCW. Each report must include, at  
23 minimum, the following:

24 (i) Descriptions of specific forest health or resiliency and  
25 wildfire management projects planned or underway at the time of  
26 reporting, including partners, timelines, resources required, and  
27 fiscal information associated with each project;

28 (ii) A summary of projects identified in the previous version of  
29 the strategic plan that have since been completed;

30 (iii) A summary of updates made to the previous version of the  
31 strategic plan and reasons for those updates;

32 (iv) Other significant achievements related to forest health and  
33 wildfire management not already included in the strategic plan; and

34 (v) Significant barriers to attaining specific goals in the  
35 strategic plan, if any, and recommendations for any legislative  
36 action to address those barriers.

37 **Sec. 203.** RCW 70.94.6536 and 1995 c 143 s 1 are each amended to  
38 read as follows:

1 SMOKE MANAGEMENT PLAN UPDATE. (1)(a) The department of natural  
2 resources shall administer a program to reduce statewide emissions  
3 from silvicultural forest burning so as to achieve the following  
4 minimum objectives:

5 ~~((a))~~ (i) Twenty percent reduction by December 31, 1994  
6 providing a ceiling for emissions until December 31, 2000; and

7 ~~((b))~~ (ii) Fifty percent reduction by December 31, 2000  
8 providing a ceiling for emissions thereafter.

9 (b) Reductions shall be calculated from the average annual  
10 emissions level from calendar years 1985 to 1989, using the same  
11 methodology for both reduction and base year calculations.

12 (2)(a) The department of natural resources, within twelve months  
13 after May 15, 1991, shall develop a plan, based upon the existing  
14 smoke management agreement to carry out the programs as described in  
15 this section in the most efficient, cost-effective manner possible.  
16 The plan shall be developed in consultation with the department of  
17 ecology, public and private landowners engaged in silvicultural  
18 forest burning, and representatives of the public.

19 (b) The plan shall recognize the variations in silvicultural  
20 forest burning including, but not limited to, a landowner's  
21 responsibility to abate an extreme fire hazard under chapter 76.04  
22 RCW and other objectives of burning, including abating and preventing  
23 a fire hazard, geographic region, climate, elevation and slope,  
24 proximity to populated areas, and diversity of land ownership. The  
25 plan shall establish priorities that the department of natural  
26 resources shall use to allocate allowable emissions, including but  
27 not limited to, silvicultural burning used to improve or maintain  
28 fire dependent ecosystems for rare plants or animals within state,  
29 federal, and private natural area preserves, natural resource  
30 conservation areas, parks, and other wildlife areas. The plan shall  
31 also recognize the real costs of the emissions program and recommend  
32 equitable fees to cover the costs of the program.

33 (c) The emission reductions in this section are to apply to all  
34 forest lands including those owned and managed by the United States.  
35 If the United States does not participate in implementing the plan,  
36 the departments of natural resources and ecology shall use all  
37 appropriate and available methods or enforcement powers to ensure  
38 participation.

39 (d) The plan shall include a tracking system designed to measure  
40 the degree of progress toward the emission reductions goals set in

1 this section. The department of natural resources shall report  
2 annually to the department of ecology and the legislature on the  
3 status of the plan, emission reductions and progress toward meeting  
4 the objectives specified in this section, and the goals of this  
5 chapter and chapter 76.04 RCW.

6 (3)(a) Subject to the availability of amounts appropriated for  
7 this specific purpose, by December 31, 2018, the department of  
8 natural resources must, in consultation with the department of  
9 ecology, other relevant state and federal agencies, participating  
10 tribes, and public and private landowners engaged in silvicultural  
11 forest burning, update the smoke management plan developed under  
12 subsection (2) of this section. The purpose of the smoke management  
13 plan update is to encourage the continuation of silvicultural or  
14 forest land burning as an important resource management tool.

15 (b) The department of natural resources must update the smoke  
16 management plan through a science-based stakeholder process that  
17 balances forest health and public health interests. The department of  
18 natural resources must, at minimum, update or address provisions in  
19 the smoke management plan that:

20 (i) Identify communities most vulnerable to wildfire and  
21 prioritize prescribed burning and other appropriate resiliency  
22 treatments on lands surrounding those communities;

23 (ii) Raise the minimum threshold to be considered a large fire;

24 (iii) Provide longer range forecasts for permitted prescribed  
25 burns, including twenty-four hour and forty-eight hour forecasts;

26 (iv) Authorize individual prescribed burns twenty-four hours  
27 prior to ignition of the fire. Any burn decision made twenty-four  
28 hours in advance is subject to change if meteorological conditions or  
29 conditions affecting smoke dispersion are different from those  
30 anticipated and are forecast to contribute significantly to either an  
31 exceedance of an air quality standard or to a threat to public health  
32 or safety;

33 (v) Allow the department to authorize, by special burn permit,  
34 prescribed burning on days when the department would otherwise deny  
35 burning if the denial of such a permit would threaten imminent and  
36 substantial economic loss;

37 (vi) Clarify the criteria the department of natural resources  
38 considers when determining whether a burn "has the potential to  
39 affect communities" with respect to multiple day burns;

1 (vii) Increase utilization of multiple day burns and coordinate  
2 with prescribed burn managers with approved multiple day burn permits  
3 to ensure predictability and to maximize opportunities to burn on  
4 each day of the approved multiple day burn permit; and

5 (viii) The department of natural resources may not deny a  
6 prescribed burn solely on the potential for smoke intrusions into  
7 communities unless the smoke intrusion is forecast to contribute  
8 significantly to either an exceedance of an air quality standard or  
9 to a significant threat to public health or safety.

10 (c) The department of natural resources must adopt rules pursuant  
11 to chapter 34.05 RCW to implement the smoke management plan adopted  
12 under this section.

13 (d) The department of natural resources must report to the  
14 legislature on its progress in updating the smoke management plan,  
15 including summaries of meetings held, stakeholders included, public  
16 comments received, policies as they are updated, and relevant budget,  
17 expenditure, and fund source information by December 31, 2016, and  
18 December 31, 2017.

19 (4) If the December 31, 1994, emission reductions targets in this  
20 section are not met, the department of natural resources, in  
21 consultation with the department of ecology, shall use its authority  
22 granted in this chapter and chapter 76.04 RCW to immediately limit  
23 emissions from such burning to the 1994 target levels and limit  
24 silvicultural forest burning in subsequent years to achieve equal  
25 annual incremental reductions so as to achieve the December 31, 2000,  
26 target level. If, as a result of the program established in this  
27 section, the emission reductions are met in 1994, but are not met by  
28 December 31, 2000, the department of natural resources in  
29 consultation with the department of ecology shall immediately limit  
30 silvicultural forest burning to reduce emissions from such burning to  
31 the December 31, 2000, target level in all subsequent years.

32 ~~((4))~~ (5) Emissions from silvicultural burning in eastern  
33 Washington that is conducted for the purpose of restoring forest  
34 health or preventing the additional deterioration of forest health  
35 are exempt from the reduction targets and calculations in this  
36 section if the following conditions are met:

37 (a) The landowner submits a written request to the department  
38 identifying the location of the proposed burning and the nature of  
39 the forest health problem to be corrected. The request shall include  
40 a brief description of alternatives to silvicultural burning and

1 reasons why the landowner believes the alternatives not to be  
2 appropriate.

3 (b) The department determines that the proposed silvicultural  
4 burning operation is being conducted to restore forest health or  
5 prevent additional deterioration to forest health; meets the  
6 requirements of the state smoke management plan to protect public  
7 health, visibility, and the environment; and will not be conducted  
8 during an air pollution episode or during periods of impaired air  
9 quality in the vicinity of the proposed burn.

10 (c) Upon approval of the request by the department and before  
11 burning, the landowner is encouraged to notify the public in the  
12 vicinity of the burn of the general location and approximate time of  
13 ignition.

14 ~~((+5))~~ (6) The department of ecology may conduct a limited,  
15 seasonal ambient air quality monitoring program to measure the  
16 effects of forest health burning conducted under subsection ~~((+4))~~  
17 (5) of this section. The monitoring program may be developed in  
18 consultation with the department of natural resources, private and  
19 public forest landowners, academic experts in forest health issues,  
20 and the general public.

21 **Sec. 204.** RCW 70.94.6538 and 2009 c 118 s 502 are each amended  
22 to read as follows:

23 BURN PERMIT AUTHORITY. The department of natural resources in  
24 granting burning permits for fires for the purposes set forth in RCW  
25 70.94.6534 shall condition the issuance and use of such permits to  
26 comply with air quality standards established by the department of  
27 ecology after full consultation with the department of natural  
28 resources. ~~((Such burning shall not cause the state air quality  
29 standards to be exceeded in the ambient air up to two thousand feet  
30 above ground level over critical areas designated by the department  
31 of ecology, otherwise subject to air pollution from other sources.  
32 Air quality standards shall be established and published by))~~ The  
33 department of ecology ~~((which shall))~~ must also establish a procedure  
34 for advising the department of natural resources when and where air  
35 contaminant levels exceed or threaten to exceed the ambient air  
36 standards over such critical areas. The air quality shall be  
37 quantitatively measured by the department of ecology or the  
38 appropriate local air pollution control authority at established  
39 monitoring stations over such designated areas. Further, such



1 permitted burning shall not cause damage to public health or the  
2 environment. All permits issued under this section shall be subject  
3 to all applicable fees, permitting, penalty, and enforcement  
4 provisions of this chapter. The department of natural resources shall  
5 set forth smoke dispersal objectives designed consistent with this  
6 section to minimize any air pollution from such burning and the  
7 procedures necessary to meet those objectives.

8 The department of natural resources shall encourage more intense  
9 utilization in logging and alternative silviculture practices (~~to~~  
10 ~~reduce the need for burning~~) and encourage thinning to reduce fuel  
11 loads and prescribed burning when appropriate for forest health  
12 improvement and fire prevention. The department of natural resources  
13 shall, whenever practical, encourage landowners to (~~develop and~~)  
14 use (~~alternative acceptable~~) effective and efficient disposal  
15 methods (~~subject to the following priorities~~), including the  
16 following: ((+1)) Slash production minimization(~~(, (2))~~); slash  
17 utilization(~~(, (3))~~); nonburning disposal(~~(, (4))~~); and silvicultural  
18 burning. Such alternative methods shall be evaluated as to the  
19 relative impact on air, water, and land pollution, public health, and  
20 their financial feasibility.

21 The department of natural resources shall not issue burning  
22 permits and shall revoke previously issued permits at any time in any  
23 area where the department of ecology or local board has declared a  
24 stage of impaired air quality as defined in RCW 70.94.473.

25 **Sec. 205.** RCW 76.04.205 and 1986 c 100 s 17 are each amended to  
26 read as follows:

27 BURN PERMIT REVOCATION OR POSTPONEMENT. (1) Except in certain  
28 areas designated by the department or as permitted under rules  
29 adopted by the department, a person shall have a valid written  
30 burning permit obtained from the department to burn:

- 31 (a) Any flammable material on any lands under the protection of  
32 the department; or
- 33 (b) Refuse or waste forest material on forest lands protected by  
34 the department.

35 (2) To be valid a permit must be signed by both the department  
36 and the permittee. Conditions may be imposed in the permit for the  
37 protection of life, property, or air quality and (~~{the department}~~)  
38 the department may suspend or revoke the permits when conditions  
39 warrant. A permit shall be effective only under the conditions and

1 for the period stated therein. Signing of the permit shall indicate  
2 the permittee's agreement to and acceptance of the conditions of the  
3 permit.

4 (3) The department may inspect or cause to be inspected the area  
5 involved and may issue a burning permit if:

6 (a) All requirements relating to firefighting equipment, the work  
7 to be done, and precautions to be taken before commencing the burning  
8 have been met;

9 (b) No unreasonable danger will result; and

10 (c) Burning will be done in compliance with air quality standards  
11 established by chapter 70.94 RCW.

12 (4) The department, authorized employees thereof, or any warden  
13 or ranger may refuse, revoke, or postpone the use of ~~((permits))~~ a  
14 permit to burn only when necessary for the safety of adjacent  
15 property or when ~~((necessary in their judgment to prevent air~~  
16 ~~pollution))~~ the particular burn at issue is forecast to contribute  
17 significantly to either an exceedance of an air quality standard as  
18 provided in chapter 70.94 RCW or to create a threat to public health  
19 or safety.

20 **Sec. 206.** RCW 76.04.315 and 1986 c 100 s 22 are each amended to  
21 read as follows:

22 BURN BAN AUTHORITY. (1) In times and localities of unusual fire  
23 danger, the department may issue an order suspending any or all  
24 burning permits or privileges authorized by RCW 76.04.205 and may  
25 prohibit absolutely the use of fire in such locations.

26 (2) For the purposes of this section, "unusual fire danger" means  
27 adverse weather and fire fuel conditions, in combination with the  
28 prevalence of ignition sources, that indicate high potential over a  
29 large area for a fire to ignite, spread, and require suppression  
30 action.

31 NEW SECTION. **Sec. 207.** A new section is added to chapter 76.04  
32 RCW to read as follows:

33 FEDERAL LAND MANAGEMENT COOPERATION. (1) The legislature finds  
34 that over twenty-seven percent of Washington state lands are owned by  
35 federal agencies. The legislature further finds that increased  
36 coordination and improved communication between state and federal  
37 government agencies is necessary for effective forest health  
38 treatments and wildfire prevention and suppression activities.

1 (2) Subject to the availability of amounts appropriated for this  
2 specific purpose, the department must enter into discussions with the  
3 federal agencies managing land in the state with the objective of  
4 entering into or updating existing memoranda of understandings or  
5 contracts regarding forest health and wildfire management. The  
6 department must initiate these discussions with all relevant federal  
7 partners including, but not limited to, the United States forest  
8 service, the bureau of land management, the national park service,  
9 the United States fish and wildlife service, and the army corps of  
10 engineers. The department may consult with federally recognized  
11 tribes, forest landowners, and other entities involved in forest  
12 health treatment or wildfire prevention and suppression for the  
13 negotiations required by this section.

14 (3) The department must discuss, with the objective on agreeing  
15 to terms regarding, the following issue areas:

16 (a) Cost and labor-sharing agreements for forest health  
17 treatments conducted on federally owned lands;

18 (b) Timelines and measurable forest health improvement goals  
19 reachable within ten years of the date of agreement;

20 (c) Streamlining processes to share fire protection resources  
21 across jurisdictional lines; and

22 (d) Improving interagency cooperation to facilitate rapid initial  
23 response to fire. For example, the department may enter into an  
24 agreement with a federal partner to share in attacking wildfires  
25 along common ownership boundaries and exchange assistance free of  
26 charge across agency jurisdictions during the first twenty-four hours  
27 of a fire.

28 (4) By December 31, 2016, the department must report to the  
29 legislature on the following:

30 (a) All agreements with federal land management partners in place  
31 as of the effective date of this section;

32 (b) A log of efforts undertaken to enter into either new  
33 agreements or to update existing agreements as required by this  
34 section;

35 (c) Agreements entered into or updated as a result of those  
36 efforts listed under (b) of this subsection;

37 (d) Significant barriers, if any, to reaching consensus;

38 (e) Recommendations for any legislative action that will  
39 encourage intergovernmental cooperation; and

40 (f) Relevant fiscal information.

1 (5) For efficiency, the department may include the report  
2 required in this subsection as part of the report on the forest  
3 health and wildfire management strategic plan, also due on December  
4 31, 2016, as required under section 202(3) of this act.

5 NEW SECTION. **Sec. 208.** JOINT FIREFIGHTER TRAINING AND THE  
6 NATIONAL GUARD. The legislature finds that training firefighters from  
7 different agencies together to the same national standards prepares  
8 firefighters to work together seamlessly once a wildland fire starts.  
9 Joint training also results in effective integration and deployment  
10 of assets, such as the national guard, when fire severity levels are  
11 high. The department of natural resources must strive to ensure  
12 adequate capacity of trained, effective firefighting forces across  
13 all available local, state, and federal agencies, tribes, and the  
14 private sector to meet state needs during each fire season. In  
15 addition, subject to the availability of amounts appropriated for  
16 this specific purpose, the national guard must coordinate with the  
17 department of natural resources to maintain trained firefighters to  
18 be deployed as needed during the fire season.

19 The legislature intends that not less than six hundred national  
20 guard personnel be maintained with training and fire suppression  
21 personal protective equipment and the legislature intends to provide  
22 appropriations to maintain this level of readiness.

23 NEW SECTION. **Sec. 209.** COORDINATED COMMAND FOR LARGE FIRES.  
24 The legislature finds that critical shortages in command personnel  
25 have resulted in delays in deploying needed resources, such as fire  
26 crews and equipment, during periods of high fire severity. Subject to  
27 the availability of amounts appropriated for this specific purpose,  
28 the department of natural resources must strive to ensure that  
29 adequately trained fire commanders are available to dispatch  
30 resources where they are needed most. To foster efficient year-round  
31 workforce management, the department of natural resources must,  
32 whenever practical, train existing department or local fire district  
33 personnel to fill such additional fire commander positions during the  
34 fire season.

35 NEW SECTION. **Sec. 210.** AERIAL ATTACK. The legislature finds  
36 that cost-efficient aerial resources are necessary to attack and  
37 suppress wildland fires before the fires spread and cause devastation

1 to our land, ecosystem, and communities. Subject to the availability  
2 of amounts appropriated for this specific purpose, the department of  
3 natural resources must enter into ninety-day contracts for fixed-wing  
4 single engine air tankers for wildland fire suppression and strive to  
5 ensure sufficient fire aviation personnel, including operations  
6 managers and dispatchers, are available to coordinate and deploy  
7 aviation assets where they are most needed.

8 NEW SECTION. **Sec. 211.** A new section is added to chapter 76.04  
9 RCW to read as follows:

10 MULTILINGUAL PRESCRIBED BURN NOTICES. Prior to conducting a  
11 prescribed burn, the department is encouraged to notify the public in  
12 the vicinity of the burn of the general location, approximate time of  
13 ignition, and expected duration of the prescribed burn. The  
14 department may notify the public through written and verbal notices,  
15 press releases to local media, and social media. The department is  
16 further encouraged to give such notifications in a language that  
17 diverse residents can understand when a significant segment of the  
18 community speaks a language other than English and has limited  
19 proficiency in English.

20 NEW SECTION. **Sec. 212.** ACCOUNTING FOR FOREST HEALTH AND FIRE  
21 MANAGEMENT-RELATED APPROPRIATIONS. (1) By December 31, 2016, the  
22 department of natural resources must report to the legislature on how  
23 funds appropriated in the 2016 supplemental operating budget for use  
24 related to forest health and wildfire management were expended or are  
25 expected to be expended in 2017. In particular, the report must  
26 include an accounting of funds appropriated for the following  
27 purposes:

28 (a) An inventory of fire engines and other equipment provided to  
29 local fire districts under sections 301 and 302 of this act;

30 (b) A roster of firefighters and fire commanders trained under  
31 sections 208 and 209 of this act;

32 (c) A list of coordinated command staff and a demonstrable  
33 correlation between those staff and the commensurate expansion of  
34 wildland fire response capability. The list must include information  
35 showing the relevant certification or certifications each individual  
36 holds, each individual's primary geographic location, and, if trained  
37 under section 209 of this act, whether each individual was already

1 employed by the department or a local fire district as of the  
2 effective date of this section;

3 (d) A list of department-owned or controlled aviation resources,  
4 including staff, available to the department during the 2015 fire  
5 season, a list of additional aviation resources, including staff, as  
6 of the time of reporting, and a demonstrable correlation between the  
7 additional equipment and staff and the commensurate expansion of  
8 aerial firefighting capability;

9 (e) An inventory of additional radios and radio-related equipment  
10 purchased and information on how and where the equipment was put into  
11 service;

12 (f) A log of fire prevention coordinators' interactions with  
13 landowners and communities about becoming firewise and reducing  
14 wildfire hazards;

15 (g) A log of fire technicians' interactions with local fire  
16 districts, other local entities, landowners, and individuals about  
17 coordinated wildland fire preparedness, response, and wildfire  
18 prevention actions; and

19 (h) Lists and maps of state, federal, tribal, and private lands  
20 treated to improve forest health and reduce wildfire hazards,  
21 including descriptions of the types of treatments applied, whether  
22 mechanical or prescribed burning, and a description of a program for  
23 ongoing monitoring and assessment of treatment effectiveness.

24 (2) For efficiency, the department of natural resources may  
25 include the report required in this section as part of the report on  
26 the forest health and wildfire management strategic plan, also due on  
27 December 31, 2016, as required under section 202(3) of this act.

28 NEW SECTION. **Sec. 213.** A new section is added to chapter 38.52  
29 RCW to read as follows:

30 MULTILINGUAL PUBLIC HEALTH AND SAFETY RISK NOTICES. (1) State  
31 agencies required by law or rule to provide public notices to a  
32 community or area to advise or inform the public about an imminent or  
33 emergent public health, safety, or welfare risk are encouraged to  
34 provide notices in the language that diverse residents can understand  
35 when a significant segment of the community speaks a language other  
36 than English and has limited proficiency in English. Under a state of  
37 emergency, state agencies are encouraged to provide such notices,  
38 information, and services in the languages represented by the  
39 specific affected area's demographic data.

1 (2) During emergencies, political subdivisions' emergency  
2 management departments are encouraged to provide accurate written and  
3 verbal notices including, but not limited to, evacuation notices and  
4 shelter information, in the languages represented by their  
5 communities who speak a language other than English. Emergency  
6 management departments of political subdivisions are also encouraged  
7 to air public service announcements by radio or television broadcast  
8 in the languages represented by their communities who speak a  
9 language other than English.

10 **Sec. 214.** RCW 38.52.070 and 1997 c 49 s 4 are each amended to  
11 read as follows:

12 MULTILINGUAL EMERGENCY DISASTER COMMUNICATION. (1) Each political  
13 subdivision of this state is hereby authorized and directed to  
14 establish a local organization or to be a member of a joint local  
15 organization for emergency management in accordance with the state  
16 comprehensive emergency management plan and program: PROVIDED, That a  
17 political subdivision proposing such establishment shall submit its  
18 plan and program for emergency management to the state director and  
19 secure his or her recommendations thereon, and verification of  
20 consistency with the state comprehensive emergency management plan,  
21 in order that the plan of the local organization for emergency  
22 management may be coordinated with the plan and program of the state.  
23 Local comprehensive emergency management plans must specify the use  
24 of the incident command system for multiagency/multijurisdiction  
25 operations. No political subdivision may be required to include in  
26 its plan provisions for the emergency evacuation or relocation of  
27 residents in anticipation of nuclear attack. If the director's  
28 recommendations are adverse to the plan as submitted, and, if the  
29 local organization does not agree to the director's recommendations  
30 for modification to the proposal, the matter shall be referred to the  
31 council for final action. The director may authorize two or more  
32 political subdivisions to join in the establishment and operation of  
33 a joint local organization for emergency management as circumstances  
34 may warrant, in which case each political subdivision shall  
35 contribute to the cost of emergency management upon such fair and  
36 equitable basis as may be determined upon by the executive heads of  
37 the constituent subdivisions. If in any case the executive heads  
38 cannot agree upon the proper division of cost the matter shall be  
39 referred to the council for arbitration and its decision shall be

1 final. When two or more political subdivisions join in the  
2 establishment and operation of a joint local organization for  
3 emergency management each shall pay its share of the cost into a  
4 special pooled fund to be administered by the treasurer of the most  
5 populous subdivision, which fund shall be known as the . . . . .  
6 emergency management fund. Each local organization or joint local  
7 organization for emergency management shall have a director who shall  
8 be appointed by the executive head of the political subdivision, and  
9 who shall have direct responsibility for the organization,  
10 administration, and operation of such local organization for  
11 emergency management, subject to the direction and control of such  
12 executive officer or officers. In the case of a joint local  
13 organization for emergency management, the director shall be  
14 appointed by the joint action of the executive heads of the  
15 constituent political subdivisions. Each local organization or joint  
16 local organization for emergency management shall perform emergency  
17 management functions within the territorial limits of the political  
18 subdivision within which it is organized, and, in addition, shall  
19 conduct such functions outside of such territorial limits as may be  
20 required pursuant to the provisions of this chapter.

21 (2) In carrying out the provisions of this chapter each political  
22 subdivision, in which any disaster as described in RCW 38.52.020  
23 occurs, shall have the power to enter into contracts and incur  
24 obligations necessary to combat such disaster, protecting the health  
25 and safety of persons and property, and providing emergency  
26 assistance and communication to the victims of such disaster. Each  
27 political subdivision is authorized to exercise the powers vested  
28 under this section in the light of the exigencies of an extreme  
29 emergency situation without regard to time-consuming procedures and  
30 formalities prescribed by law (excepting mandatory constitutional  
31 requirements), including, but not limited to, budget law limitations,  
32 requirements of competitive bidding and publication of notices,  
33 provisions pertaining to the performance of public work, entering  
34 into contracts, the incurring of obligations, the employment of  
35 temporary workers, the rental of equipment, the purchase of supplies  
36 and materials, the levying of taxes, and the appropriation and  
37 expenditures of public funds.

38  
39

**PART 3**  
**LOCAL FIRE MANAGEMENT**



1           NEW SECTION.           **Sec. 301.**           LOCAL FIRE EQUIPMENT. (1) The

2 legislature finds that it is necessary to improve the initial attack  
3 capabilities of local fire districts to keep wildland fires small and  
4 to avoid the catastrophic large fire costs and impacts witnessed  
5 during the 2014 and 2015 fire seasons.

6           (2)(a) Subject to the availability of amounts appropriated for  
7 this specific purpose, the department of natural resources must  
8 determine where additional fire resources are needed and which local  
9 fire districts would most benefit from those additional resources.  
10 Fire resources may include, but are not limited to, fire engines,  
11 safety equipment, chainsaws, and radios.

12           (b) In making fire resource determinations under this section,  
13 the department of natural resources must, at minimum, consider the  
14 following factors:

15           (i) Geographic location, including whether the local fire  
16 district is located in a fire-prone area; and

17           (ii) Particular resource needs identified either by the  
18 department of natural resources or by the local fire district, based  
19 on a ten-year history of wildland fire activity in or near the local  
20 fire district's jurisdiction.

21           (3)(a) The legislature further finds that all communities at risk  
22 of damage from wildland fires should contribute to and be included in  
23 a local fire protection jurisdiction with capacity to provide  
24 wildland fire response services.

25           (b) Subject to the availability of amounts appropriated for this  
26 specific purpose, the department of natural resources must, in  
27 consultation with county assessor's offices, local fire districts, or  
28 other relevant public or private entities, identify fire-prone areas  
29 of the state that are not currently within any fire protection  
30 jurisdiction. By December 31, 2016, the department of natural  
31 resources must report to the appropriate fiscal and policy committees  
32 of the legislature and to relevant county commissioners identifying  
33 the location of those fire-prone areas lying outside any fire  
34 protection jurisdiction and providing recommendations on the  
35 extension of wildland fire services to those areas. The report must  
36 also identify any potentially negative consequences related to the  
37 failure to include the identified fire-prone areas in a fire  
38 protection district, including effects on repositioning of wildland  
39 fire suppression resources and wildland fire suppression costs.

1        NEW SECTION.    **Sec. 302.**    A new section is added to chapter 76.04  
2    RCW to read as follows:

3        PERSONAL PROTECTION GEAR FOR VOLUNTEERS. (1) Subject to the  
4    availability of amounts appropriated for this specific purpose, the  
5    department must provide all necessary personal protection gear at no  
6    cost to each fire suppression volunteer for use while the volunteer  
7    is dispatched to wildland fire suppression duty. If the department  
8    cannot provide the personal protection gear, it must offer to  
9    reimburse any volunteer who purchases new equipment suitable for the  
10   kind of volunteer work to be performed. If the volunteer accepts  
11   reimbursement, the volunteer must surrender the equipment for which  
12   he or she was reimbursed when the volunteer period comes to an end.

13        (2) The department must ensure the inventory of personal  
14   protection gear for volunteers is kept in good condition through  
15   periodic safety inspections. The personal protection gear must be  
16   stored in a geographic area and manner for quick distribution to  
17   volunteers when needed for wildland fire suppression.

18        (3) For purposes of this section, "volunteers" means qualified  
19   individuals who are not affiliated with a fire department or district  
20   and who perform fire suppression activities for the department  
21   without any expectation of compensation. The department must require  
22   proof of adequate training and possession of valid incident  
23   qualifications, such as those commonly known as "red cards" or "blue  
24   cards" before allowing any volunteer to assist the department in fire  
25   suppression activities.

26        (4) Qualified volunteers identified in subsection (3) of this  
27   section may be dispatched to support wildland fire suppression  
28   efforts through the coordinated resource ordering systems of local or  
29   state firefighting organizations. Volunteers are prohibited from  
30   independently assigning themselves to wildfires without an official  
31   resource order.

32        (5) Nothing in this section prohibits the department from  
33   conducting condensed safety training on the site of a wildland fire  
34   in order to utilize available volunteers.

35        (6) No civil liability may be imposed by any court on the state  
36   or its officers and employees for any adverse impacts resulting from  
37   the training, equipping, or dispatching of volunteers under the  
38   provisions of this section except upon proof of gross negligence or  
39   willful or wanton misconduct.

1        NEW SECTION.    **Sec. 303.**    A new section is added to chapter 76.04  
2    RCW to read as follows:

3        LOCAL WILDLAND FIRE SEVERITY ACCOUNT CREATED.    (1)    The local  
4    wildland fire severity account is created in the state treasury. All  
5    moneys appropriated to the account by law must be deposited in the  
6    account. Moneys in the account may be spent only after appropriation.  
7    Expenditures from the account may only be used by the department  
8    consistent with this section and to provide funding for the  
9    implementation of section 304 of this act.

10       (2)    All appropriations to the local wildland fire severity  
11    account are separate and in addition to all base wildfire suppression  
12    appropriations provided directly to the department.

13       (3)    Every two years as part of its budget request process under  
14    chapter 43.88 RCW, the department must prepare a budget request for  
15    the local wildland fire severity account based on the demand on the  
16    account in recent biennia and the anticipated fire conditions for the  
17    requested biennium.

18       NEW SECTION.    **Sec. 304.**    A new section is added to chapter 76.04  
19    RCW to read as follows:

20       LOCAL WILDLAND FIRE SEVERITY PROGRAM.    (1)(a)    A local suppression  
21    entity that has satisfied the prerequisites established in this  
22    section may contact the department and request prepositioned fire  
23    suppression resources be provided in the jurisdiction of the  
24    requesting local suppression entity if a severity condition is  
25    declared for the area of request.

26       (b)    For purposes of this section, "prepositioned fire suppression  
27    resources" means fire suppression-related resources either  
28    geographically positioned or contracted for prior to and in  
29    anticipation of wildland fire suppression activity during a fire  
30    season. Prepositioned fire suppression resources must meet department  
31    standards and requirements, and may include, but are not limited to,  
32    wildfire engines, heavy equipment, helicopters, single-engine air  
33    tankers, and personnel, such as hand crews, operators, pilots, and  
34    supervisors.

35       (2)    The department may release assets requested under this  
36    section by a local suppression entity based on availability of assets  
37    and any applicable regionally coordinated priority for the placement  
38    of assets. Any requested aerial or specialized suppression assets may

1 only be released within the context of an interagency regional  
2 coordination agreement.

3 (3) As a prerequisite to receiving resources under this section,  
4 a local suppression entity must establish agreements, prior to its  
5 funding request, with the department and, as applicable, with other  
6 local suppression entities and local fire suppression assets in the  
7 general vicinity of the requesting local suppression entity's  
8 jurisdiction. The purpose of these agreements is to ensure that the  
9 prepositioning of assets during severity conditions is well planned  
10 prior to the onset of the severity conditions and the release of  
11 assets.

12 (4)(a) The costs of fulfilling the requests of local suppression  
13 entities under this section must be incurred initially by the  
14 department out of its base wildfire suppression appropriation. The  
15 department may reimburse itself from the local wildland fire severity  
16 account created in section 303 of this act for the costs incurred  
17 fulfilling requests under this section within the same fiscal  
18 biennium of incurring the costs.

19 (b) If the costs incurred by the department under this section  
20 exceed the balance in the local wildland fire severity account, the  
21 department may continue to implement this section and may receive  
22 reimbursements for the costs incurred by subsequent supplemental  
23 legislative appropriations to the local wildland fire severity  
24 account.

25 (5) Nothing in this section creates or infers additional  
26 liability on the department, the state fire marshal, a local response  
27 entity, or a contractor of the department or a local response entity  
28 in any suppression efforts funded through the local wildland fire  
29 severity account or for the failure to fund suppression efforts.

30 (6) This section is subject to the availability of amounts  
31 appropriated for the specific purpose of this section.

32 NEW SECTION. **Sec. 305.** LOCAL WILDLAND FIRE SEVERITY REPORT. (1)  
33 Subject to the availability of amounts appropriated for this specific  
34 purpose, by October 31, 2018, the department of natural resources  
35 must present a report to the legislature, consistent with RCW  
36 43.01.036, that summarizes the demand placed on the local wildland  
37 fire severity account and an estimate of a funding level for the  
38 local wildland fire severity account that would more accurately match  
39 the demand on the account.

1 (2) This section expires June 30, 2019.

2 **Sec. 306.** RCW 76.04.005 and 2015 c 182 s 7 are each reenacted  
3 and amended to read as follows:

4 DEFINITIONS. As used in this chapter, the following terms have  
5 the meanings indicated unless the context clearly requires otherwise.

6 (1) "Additional fire hazard" means a condition existing on any  
7 land in the state:

8 (a) Covered wholly or in part by forest debris which is likely to  
9 further the spread of fire and thereby endanger life or property; or

10 (b) When, due to the effects of disturbance agents, broken, down,  
11 dead, or dying trees exist on forest land in sufficient quantity to  
12 be likely to further the spread of fire within areas covered by a  
13 forest health hazard warning or order issued by the commissioner of  
14 public lands under RCW 76.06.180. The term "additional fire hazard"  
15 does not include green trees or snags left standing in upland or  
16 riparian areas under the provisions of RCW 76.04.465 or chapter 76.09  
17 RCW.

18 (2) "Closed season" means the period between April 15th and  
19 October 15th, unless the department designates different dates  
20 because of prevailing fire weather conditions.

21 (3) "Commissioner" means the commissioner of public lands.

22 (4) "Department" means the department of natural resources, or  
23 its authorized representatives, as defined in chapter 43.30 RCW.

24 (5) "Department protected lands" means all lands subject to the  
25 forest protection assessment under RCW 76.04.610 or covered under  
26 contract or agreement pursuant to RCW 76.04.135 by the department.

27 (6) "Disturbance agent" means those forces that damage or kill  
28 significant numbers of forest trees, such as insects, diseases, wind  
29 storms, ice storms, and fires.

30 (7) "Emergency fire costs" means those costs incurred or approved  
31 by the department for emergency forest fire suppression, including  
32 the employment of personnel, rental of equipment, and purchase of  
33 supplies over and above costs regularly budgeted and provided for  
34 nonemergency fire expenses for the biennium in which the costs occur.

35 (8) "Exploding target" means a device that is designed or  
36 marketed to ignite or explode when struck by firearm ammunition or  
37 other projectiles.

38 (9) "Forest debris" includes forest slash, chips, and any other  
39 vegetative residue resulting from activities on forest land.

1 (10) "Forest fire service" includes all wardens, rangers, and  
2 other persons employed especially for preventing or fighting forest  
3 fires.

4 (11) "Forest land" means any unimproved lands which have enough  
5 trees, standing or down, or flammable material, to constitute in the  
6 judgment of the department, a fire menace to life or property.  
7 Sagebrush and grass areas east of the summit of the Cascade mountains  
8 may be considered forest lands when such areas are adjacent to or  
9 intermingled with areas supporting tree growth. Forest land, for  
10 protection purposes, does not include structures.

11 (12) "Forest landowner," "owner of forest land," "landowner," or  
12 "owner" means the owner or the person in possession of any public or  
13 private forest land.

14 (13) "Forest material" means forest slash, chips, timber,  
15 standing or down, or other vegetation.

16 (14) "Incendiary ammunition" means ammunition that is designed to  
17 ignite or explode upon impact with or penetration of a target or  
18 designed to trace its course in the air with a trail of smoke,  
19 chemical incandescence, or fire.

20 (15) "Landowner operation" means every activity, and supporting  
21 activities, of a forest landowner and the landowner's agents,  
22 employees, or independent contractors or permittees in the management  
23 and use of forest land subject to the forest protection assessment  
24 under RCW 76.04.610 for the primary benefit of the owner. The term  
25 includes, but is not limited to, the growing and harvesting of forest  
26 products, the development of transportation systems, the utilization  
27 of minerals or other natural resources, and the clearing of land. The  
28 term does not include recreational and/or residential activities not  
29 associated with these enumerated activities.

30 (16) "Local fire suppression assets" means firefighting equipment  
31 that is located in close proximity to the wildland fire and that  
32 meets department standards and requirements.

33 (17) "Local wildland fire liaison" means the person appointed by  
34 the commissioner to serve as the local wildland fire liaison as  
35 provided in RCW 43.30.111.

36 (18) "Participating landowner" means an owner of forest land  
37 whose land is subject to the forest protection assessment under RCW  
38 76.04.610.

1 (19) "Sky lantern" means an unmanned self-contained luminary  
2 device that uses heated air produced by an open flame or produced by  
3 another source to become or remain airborne.

4 (20) "Slash" means organic forest debris such as tree tops,  
5 limbs, brush, and other dead flammable material remaining on forest  
6 land as a result of a landowner operation.

7 (21) "Slash burning" means the planned and controlled burning of  
8 forest debris on forest lands by broadcast burning, underburning,  
9 pile burning, or other means, for the purposes of silviculture,  
10 hazard abatement, or reduction and prevention or elimination of a  
11 fire hazard.

12 (22) "Suppression" means all activities involved in the  
13 containment and control of forest fires, including the patrolling  
14 thereof until such fires are extinguished or considered by the  
15 department to pose no further threat to life or property.

16 (23) "Unimproved lands" means those lands that will support  
17 grass, brush and tree growth, or other flammable material when such  
18 lands are not cleared or cultivated and, in the opinion of the  
19 department, are a fire menace to life and property.

20 (24) "Local suppression entity" means a city, county, fire  
21 department, fire district, or other nonstate, nonfederal public  
22 entity responsible for suppressing wildland fires within its  
23 jurisdiction.

24 (25) "Local wildland fire severity account" means the account  
25 created in section 303 of this act to assist in funding immediate,  
26 local suppression efforts.

27 (26) "Severity conditions" has the same meaning as defined in RCW  
28 43.43.960.

29 **Sec. 307.** RCW 43.43.960 and 2015 c 181 s 2 are each reenacted  
30 and amended to read as follows:

31 DEFINITIONS. (~~Unless the context clearly requires otherwise,~~)  
32 The definitions in this section apply throughout this subchapter  
33 unless the context clearly requires otherwise.

34 (1) "All risk resources" means those resources regularly provided  
35 by fire departments, fire districts, and regional fire protection  
36 service authorities required to respond to natural or man-made  
37 incidents, including but not limited to:

- 38 (a) Wild land fires;
- 39 (b) Landslides;

- 1 (c) Earthquakes;  
2 (d) Floods; and  
3 (e) Contagious diseases.

4 (2) "Chief" means the chief of the Washington state patrol.

5 (3) "Fire chief" includes the chief officer of a statutorily  
6 authorized fire agency, or the fire chief's authorized  
7 representative. Also included are the department of natural resources  
8 fire control chief, and the department of natural resources regional  
9 managers.

10 (4) "Jurisdiction" means state, county, city, fire district,  
11 regional fire protection service authority, or port district units,  
12 or other units covered by this chapter.

13 (5)(a) "Mobilization" means that all risk resources regularly  
14 provided by fire departments, fire districts, and regional fire  
15 protection service authorities beyond those available through  
16 existing agreements will be requested and, when available, sent in  
17 response to an emergency or disaster situation that has exceeded the  
18 capabilities of available local resources. During a large scale  
19 emergency, mobilization includes the redistribution of regional or  
20 statewide risk resources to either direct emergency incident  
21 assignments or to assignment in communities where resources are  
22 needed. Fire department resources may not be mobilized to assist law  
23 enforcement with police activities during a civil protest or  
24 demonstration, however, fire departments, fire districts, and  
25 regional fire protection service authorities are not restricted from  
26 providing medical care or aid and firefighting when mobilized for any  
27 purpose.

28 (b) When mobilization is declared and authorized as provided in  
29 this chapter, all risk resources regularly provided by fire  
30 departments, fire districts, and regional fire protection service  
31 authorities including those of the host fire protection authorities,  
32 i.e. incident jurisdiction, shall be deemed as mobilized under this  
33 chapter, including those that responded earlier under existing mutual  
34 aid or other agreement. All nonhost fire protection authorities  
35 providing resources in response to a mobilization declaration shall  
36 be eligible for expense reimbursement as provided by this chapter  
37 from the time of the mobilization declaration.

38 (c) This chapter shall not reduce or suspend the authority or  
39 responsibility of the department of natural resources under chapter  
40 76.04 RCW.



1 (6) "Mutual aid" means emergency interagency assistance provided  
2 without compensation under an agreement between jurisdictions under  
3 chapter 39.34 RCW.

4 (7) "Severity conditions" means that the conditions in a region  
5 of the state indicate a high level of wildfire risk as indicated by  
6 official actions, such as the declaration of a red flag warning, of  
7 the issuance of a high wildfire probability by a state or federal  
8 wildland fire organization.

9 (8) "State fire marshal" means the director of fire protection in  
10 the Washington state patrol.

11 **Sec. 308.** RCW 43.43.960 and 2003 c 405 s 1 are each amended to  
12 read as follows:

13 (~~Unless the context clearly requires otherwise,~~) The  
14 definitions in this section apply throughout this subchapter unless  
15 the context clearly requires otherwise.

16 (1) "Chief" means the chief of the Washington state patrol.

17 (2) "State fire marshal" means the director of fire protection in  
18 the Washington state patrol.

19 (3) "Fire chief" includes the chief officer of a statutorily  
20 authorized fire agency, or the fire chief's authorized  
21 representative. Also included are the department of natural resources  
22 fire control chief, and the department of natural resources regional  
23 managers.

24 (4) "Jurisdiction" means state, county, city, fire district, or  
25 port district firefighting units, or other units covered by this  
26 chapter.

27 (5)(a) "Mobilization" means that firefighting resources beyond  
28 those available through existing agreements will be requested and,  
29 when available, sent in response to an emergency or disaster  
30 situation that has exceeded the capabilities of available local  
31 resources. During a large scale emergency, mobilization includes the  
32 redistribution of regional or statewide firefighting resources to  
33 either direct emergency incident assignments or to assignment in  
34 communities where firefighting resources are needed.

35 (b) When mobilization is declared and authorized as provided in  
36 this chapter, all firefighting resources including those of the host  
37 fire protection authorities, i.e. incident jurisdiction, shall be  
38 deemed as mobilized under this chapter, including those that  
39 responded earlier under existing mutual aid or other agreement. All

1 nonhost fire protection authorities providing firefighting resources  
2 in response to a mobilization declaration shall be eligible for  
3 expense reimbursement as provided by this chapter from the time of  
4 the mobilization declaration.

5 (c) This chapter shall not reduce or suspend the authority or  
6 responsibility of the department of natural resources under chapter  
7 76.04 RCW.

8 (6) "Mutual aid" means emergency interagency assistance provided  
9 without compensation under an agreement between jurisdictions under  
10 chapter 39.34 RCW.

11 (7) "Severity conditions" means that the conditions in a region  
12 of the state indicate a high level of wildfire risk as indicated by  
13 official actions, such as the declaration of a red flag warning, of  
14 the issuance of a high wildfire probability by a state or federal  
15 wildland fire organization.

16 **Sec. 309.** RCW 43.43.961 and 2015 c 181 s 3 are each amended to  
17 read as follows:

18 PREPOSITIONING ASSETS DURING SEVERITY CONDITIONS. (1)(a) Because  
19 of the possibility of the occurrence of disastrous fires or other  
20 disasters of unprecedented size and destructiveness, the need to  
21 (~~insure~~) ensure that the state is adequately prepared to respond to  
22 such a fire or disaster, the need to establish a mechanism and a  
23 procedure to provide for reimbursement to state agencies and local  
24 agencies that respond to help others in time of need or to a host  
25 fire district that experiences expenses beyond the resources of the  
26 fire district, the need to allow the prepositioning of wildland fire  
27 suppression assets during severity conditions, and generally to  
28 protect the public peace, health, safety, lives, and property of the  
29 people of Washington, it is hereby declared necessary to:

30 (~~(1)~~) (i) Provide the policy and organizational structure for  
31 large scale mobilization of all risk resources in the state through  
32 creation of the Washington state fire services mobilization plan;

33 (~~(2)~~) (ii) Confer upon the chief the powers provided herein;

34 (~~(3)~~) (iii) Provide a means for reimbursement to state agencies  
35 and local fire jurisdictions that incur expenses when mobilized by  
36 the chief under the Washington state fire services mobilization plan  
37 and when prepositioning assets during severity conditions; and

38 (~~(4)~~) (iv) Provide for reimbursement of the host fire  
39 department or fire protection district when it has: (~~(a)~~)

1       (A) Exhausted all of its resources; and ((+b+))

2       (B) Invoked its local mutual aid network and exhausted those  
3 resources.

4       (b) Upon implementation of state fire mobilization, the host  
5 district resources shall become state fire mobilization resources  
6 consistent with the fire mobilization plan.

7       (2) It is the intent of the legislature that mutual aid and other  
8 interlocal agreements providing for enhanced emergency response be  
9 encouraged as essential to the public peace, safety, health, and  
10 welfare, and for the protection of the lives and property of the  
11 people of the state of Washington. If possible, mutual aid agreements  
12 should be without stated limitations as to resources available, time,  
13 or area. Nothing in this chapter shall be construed or interpreted to  
14 limit the eligibility of any nonhost fire protection authority for  
15 reimbursement of expenses incurred in providing all risk resources  
16 for mobilization provided that the mobilization must meet the  
17 requirements identified in the Washington state fire service  
18 mobilization plan.

19       **Sec. 310.** RCW 43.43.961 and 2003 c 405 s 2 are each amended to  
20 read as follows:

21       PREPOSITIONING ASSETS DURING SEVERITY CONDITIONS. (1)(a) Because  
22 of the possibility of the occurrence of disastrous fires or other  
23 disasters of unprecedented size and destructiveness, the need to  
24 ((insure)) ensure that the state is adequately prepared to respond to  
25 such a fire or disaster, the need to establish a mechanism and a  
26 procedure to provide for reimbursement to state agencies and local  
27 firefighting agencies that respond to help others in time of need or  
28 to a host fire district that experiences expenses beyond the  
29 resources of the fire district, the need to allow the prepositioning  
30 of wildland fire suppression assets during severity conditions, and  
31 generally to protect the public peace, health, safety, lives, and  
32 property of the people of Washington, it is hereby declared necessary  
33 to:

34       ((+1+)) (i) Provide the policy and organizational structure for  
35 large scale mobilization of firefighting resources in the state  
36 through creation of the Washington state fire services mobilization  
37 plan;

38       ((+2+)) (ii) Confer upon the chief the powers provided herein;

1       (~~(3)~~) (iii) Provide a means for reimbursement to state agencies  
2 and local fire jurisdictions that incur expenses when mobilized by  
3 the chief under the Washington state fire services mobilization plan  
4 and when prepositioning assets during severity conditions; and

5       (~~(4)~~) (iv) Provide for reimbursement of the host fire  
6 department or fire protection district when it has: (~~(a)~~)

7       (A) Exhausted all of its resources; and (~~(b)~~)

8       (B) Invoked its local mutual aid network and exhausted those  
9 resources. Upon implementation of state fire mobilization, the host  
10 district resources shall become state fire mobilization resources  
11 consistent with the fire mobilization plan.

12       (2) It is the intent of the legislature that mutual aid and other  
13 interlocal agreements providing for enhanced emergency response be  
14 encouraged as essential to the public peace, safety, health, and  
15 welfare, and for the protection of the lives and property of the  
16 people of the state of Washington. If possible, mutual aid agreements  
17 should be without stated limitations as to resources available, time,  
18 or area. Nothing in this chapter shall be construed or interpreted to  
19 limit the eligibility of any nonhost fire protection authority for  
20 reimbursement of expenses incurred in providing firefighting  
21 resources for mobilization.

22       **Sec. 311.** RCW 43.43.962 and 2010 1st sp.s. c 7 s 47 are each  
23 amended to read as follows:

24       FIRE SERVICES MOBILIZATION PLAN. (1)(a) The director of fire  
25 protection shall review and make recommendations to the chief on the  
26 refinement and maintenance of the Washington state fire services  
27 mobilization plan, which shall include the procedures to be used  
28 during fire and other emergencies for coordinating local, regional,  
29 and state fire jurisdiction resources and the procedures for  
30 arranging prepositioning of resources during severity conditions. In  
31 carrying out this duty, the director of fire protection shall consult  
32 with and solicit recommendations from representatives of state and  
33 local fire and emergency management organizations, regional fire  
34 defense boards, and the department of natural resources.

35       (b) The Washington state fire services mobilization plan shall be  
36 consistent with, and made part of, the Washington state comprehensive  
37 emergency management plan. The chief shall review the fire services  
38 mobilization plan as submitted by the director of fire protection,  
39 recommend changes that may be necessary, and approve the fire

1 services mobilization plan for inclusion within the state  
2 comprehensive emergency management plan.

3 (2) It is the responsibility of the chief to mobilize  
4 jurisdictions under the Washington state fire services mobilization  
5 plan. The state fire marshal shall serve as the state fire resources  
6 coordinator when the Washington state fire services mobilization plan  
7 is mobilized.

8 **Sec. 312.** RCW 43.88.550 and 1989 c 362 s 3 are each amended to  
9 read as follows:

10 FIRE SUPPRESSION EXPENSES. (1) Based on schedules submitted by  
11 the director of financial management, the state treasurer shall  
12 transfer from the general fund—state, or such other funds as the  
13 state treasurer deems appropriate, to the Clarke-McNary fund such  
14 amounts as are necessary to meet unbudgeted forest firefighting  
15 expenses, including expenses incurred from the implementation of  
16 section 304 of this act.

17 (2) All amounts borrowed under the authority of this section  
18 shall be repaid to the appropriate fund, together with interest at a  
19 rate determined by the state treasurer to be equivalent to the return  
20 on investments of the state treasury during the period the amounts  
21 are borrowed.

22 NEW SECTION. **Sec. 313.** SURVEY TO IDENTIFY RESILIENCY TREATMENTS  
23 NEAR VULNERABLE COMMUNITIES. (1) Subject to the availability of  
24 amounts appropriated for this specific purpose, the department of  
25 natural resources must identify:

26 (a) Communities that are particularly vulnerable during the  
27 wildfire season; and

28 (b) Lands surrounding the communities identified in (a) of this  
29 subsection with forest health conditions that would benefit from  
30 forest health or resiliency treatment.

31 (2) By December 31, 2016, the department of natural resources  
32 must report to the legislature on its findings, including a list of  
33 the communities identified under subsection (1)(a) of this section,  
34 and a list of the lands identified under subsection (1)(b) of this  
35 section, organized according to the following elements:

36 (a) Whether the land is state land, under the department's fire  
37 protection, or all other land; and

1 (b) Within each category listed in (a) of this subsection, by the  
2 ease or level of investment needed to apply necessary forest health  
3 or resiliency treatment, including a description of which treatment  
4 or treatments are necessary and particular geographic or other  
5 challenges to treating a specific area, if any.

6 (3) The report required in subsection (2) of this section must  
7 include an actionable plan to treat all land identified under  
8 subsection (1)(b) of this section, including timelines, and identify  
9 additional actions that may be required prior to treatment, such as  
10 entering cost-sharing and landowner maintenance agreements with  
11 private landowners. The report must also include recommendations for  
12 additional resources or legislative action needed to complete forest  
13 health or resiliency treatments identified under subsection (2)(b) of  
14 this section. For efficiency, the department may include the report  
15 required in this section as part of the report on the forest health  
16 and wildfire management strategic plan, also due on December 31,  
17 2016, as required under section 202(3) of this act.

18 NEW SECTION. **Sec. 314.** EXPIRATION DATE. Sections 307 and 309 of  
19 this act expire July 1, 2019.

20 NEW SECTION. **Sec. 315.** EFFECTIVE DATE. Sections 308 and 310 of  
21 this act take effect July 1, 2019.

#### 22 **PART 4**

#### 23 **DEPARTMENT OF NATURAL RESOURCES PROGRAMS**

24 NEW SECTION. **Sec. 401.** A new section is added to chapter 76.04  
25 RCW to read as follows:

26 **PRESCRIBED BURN MANAGER CERTIFICATION PROGRAM CREATED.** (1)  
27 Subject to the availability of amounts appropriated for this specific  
28 purpose, the department must create a prescribed burn manager  
29 certification program for those who practice prescribed burning in  
30 the state. The certification program must include training on all  
31 relevant aspects of prescribed fire in Washington including, but not  
32 limited to, the following: Legal requirements; safety; weather; fire  
33 behavior; smoke management; prescribed fire techniques; public  
34 relations; planning; and contingencies.

35 (2) The department may not require certification under the  
36 program created under subsection (1) of this section for burn permit

1 approval under this chapter. Nothing in this section may be construed  
2 as creating a mandatory prescribed burn manager certification  
3 requirement to conduct prescribed burning in Washington.

4 (3) No civil or criminal liability may be imposed by any court on  
5 the state or its officers and employees, or a prescribed burn manager  
6 certified under the program created under subsection (1) of this  
7 section, for any direct or proximate adverse impacts resulting from a  
8 prescribed fire conducted under the provisions of this chapter except  
9 upon proof of gross negligence or willful or wanton misconduct.

10 (4) The department may adopt rules to create the prescribed burn  
11 manager certification program and to set periodic renewal criteria.  
12 The department may also adopt rules to establish a decertification  
13 process for certified prescribed burn managers who commit a violation  
14 under this chapter or rules adopted under this chapter. The  
15 department may, in its own discretion, develop an equivalency test  
16 for experienced prescribed burn managers.

17 NEW SECTION. **Sec. 402.** PUBLIC EDUCATION RELATED TO PROTECTING  
18 STRUCTURES FROM FIRE. (1) The legislature finds that the record 2015  
19 fire season saw over one million acres burned across the state. The  
20 legislature further finds that in addition to the devastating effect  
21 on our land and economy, wildfires destroyed four hundred ninety-nine  
22 structures, including three hundred seven primary residences, twenty-  
23 one commercial structures, and one hundred seventy-seven  
24 outbuildings. The legislature finds that the state must employ the  
25 best firefighting techniques, products, and technologies to prevent  
26 the unnecessary destruction of structures during future wildfire  
27 incidents. Last, the legislature finds that educating home and  
28 business owners on how they may safely protect their structures from  
29 encroaching wildfire is in the best interest of the state and fire-  
30 prone communities.

31 (2)(a) Subject to the availability of amounts appropriated for  
32 this specific purpose, by July 1, 2016, the department of natural  
33 resources must create and distribute educational material regarding  
34 foams, gels, and other products designed to protect structures from  
35 encroaching wildfires by direct mailer to homeowners in communities  
36 located in fire-prone areas of the state. The department must also  
37 create and maintain a web page on its web site regarding the  
38 availability, benefits, and other information about foams, gels, and  
39 other products designed to protect structures from encroaching

1 wildfires. The department may coordinate with other entities involved  
2 in fire suppression activities, including local fire districts, to  
3 carry out the activities required in this section.

4 (b) Nothing in this subsection creates or infers additional  
5 liability on the department or any other entity coordinating with the  
6 department to carry out this section. Nothing in this section  
7 prevents the department from omitting products the department  
8 determines are likely impractical for homeowners in the Washington  
9 fire landscape from educational materials or the web site required by  
10 this section. No educational material distributed or made available  
11 by the department may be construed as an endorsement of any product  
12 type or specific commercial product.

13 (3) Subject to the availability of amounts appropriated for this  
14 specific purpose, the department of natural resources must expand its  
15 programs to provide wildfire prevention education, community outreach  
16 programs, and technical assistance to landowners. The department of  
17 natural resources must also strive to ensure landowner compliance  
18 with grant and contract requirements with respect to forest health,  
19 resiliency, or fuels reduction treatments, burn permit conditions,  
20 and industrial fire precaution levels.

21 NEW SECTION. **Sec. 403.** FOREST RESILIENCY BURNING PILOT PROJECT  
22 CREATED. (1) Subject to the availability of amounts appropriated for  
23 this specific purpose, the department of natural resources must  
24 conduct a forest resiliency burning pilot project. The goal of the  
25 pilot project is to monitor and evaluate the benefits of forest  
26 resiliency burning and the impacts on ambient air quality. The  
27 department of natural resources is responsible for establishing the  
28 processes and procedures necessary to administer the pilot project,  
29 including the review and approval of qualifying forest resiliency  
30 burning proposals. The department of natural resources may consider  
31 forest resiliency burning proposals that include treatments to reduce  
32 fuel loads prior to burning, including the thinning of forest stands  
33 and grazing to clear brush.

34 (2)(a) The department of natural resources must, as the primary  
35 focus of the pilot project, arrange with interested third parties to  
36 perform forest resiliency burning on land prone to forest or wildland  
37 fires in coordination with the following forest health collaboratives  
38 as recognized by the United States forest service:

39 (i) North Central Washington forest health collaborative;



1 (ii) Northeast Washington forestry collaborative; and

2 (iii) Tapash sustainable forest collaborative.

3 (b) The department of natural resources must also coordinate with  
4 at least one organized group of public agencies and interested  
5 stakeholders whose purpose is to protect, conserve, and expand the  
6 safe and responsible use of prescribed fire on the Washington  
7 landscape.

8 (3)(a) The department of natural resources must, as part of the  
9 pilot project, approve single day or multiple day forest resiliency  
10 burns if the burning is unlikely to significantly contribute to an  
11 exceedance of air quality standards established by chapter 70.94 RCW.  
12 Once approved, forest resiliency burns spanning multiple days may  
13 only be revoked or postponed midway through the duration of the  
14 approved burn if necessary for the safety of adjacent property or  
15 upon a determination by the department of natural resources or the  
16 department of ecology that the burn has significantly contributed to  
17 an exceedance of air quality standards under chapter 70.94 RCW.

18 (b) The department of natural resources must approve burns at  
19 least twenty-four hours prior to ignition of the fire.

20 (4) Forest resiliency burning, when conducted under the pilot  
21 project authorized by this section, is not subject to the outdoor  
22 burning restrictions in RCW 70.94.6512(2) and 70.94.6514.

23 (5) The implementation of the pilot project authorized in this  
24 section is not:

25 (a) Intended to require the department of natural resources to  
26 update the smoke management plan defined in RCW 70.94.6536. However,  
27 information obtained through the pilot project's implementation may  
28 be used to inform any future updates to the smoke management plan;  
29 and

30 (b) Subject to the provisions of chapter 43.21C RCW.

31 (6) Forest resiliency burning, and the implementation of the  
32 pilot project authorized in this section, must not be conducted at a  
33 scale that would require a revision to the state implementation plan  
34 under the federal clean air act.

35 (7) By December 31, 2017, the department of natural resources  
36 must submit a report to the legislature, consistent with RCW  
37 43.01.036. The report must include information and analyses regarding  
38 the following elements:

39 (a) The amount of forest resiliency burns proposed, approved, and  
40 conducted;

1 (b) Air pollution levels in areas where forest resiliency burns  
2 have been approved, both before and after the burn;

3 (c) The quantity and severity of air quality exceedances by  
4 pollutant type;

5 (d) A comparative analysis between the predicted smoke conditions  
6 and the actual smoke conditions observed on location by qualified  
7 meteorological personnel or trained prescribed burning professionals  
8 during the forest resiliency burn; and

9 (e) Recommendations relating to continuing or expanding forest  
10 resiliency burning and creating forest resiliency burning as a new  
11 type of outdoor burning permitted by the department of natural  
12 resources.

13 (8) The report to the legislature required by this section may  
14 include recommendations for the updating of the smoke management plan  
15 defined in RCW 70.94.6536. For efficiency, the department of natural  
16 resources may include the report required in this section as part of  
17 the report on the smoke management plan update, also due on December  
18 31, 2017, as required under RCW 70.94.6536(3).

19 (9) For the purposes of this section, "forest resiliency burning"  
20 means silvicultural burning carried out under the supervision of  
21 qualified silvicultural, ecological, or fire management professionals  
22 and used to improve fire dependent ecosystems, mitigate wildfire  
23 potential, decrease forest susceptibility to forest insect or disease  
24 as defined in RCW 76.06.020, or otherwise enhance forest resiliency  
25 to fire.

26 (10) This section expires July 1, 2018.

27 **PART 5**

28 **VOLUNTEER FIREFIGHTERS**

29 NEW SECTION. **Sec. 501.** LEGISLATIVE FINDINGS. Volunteer and  
30 part-time emergency personnel are sometimes called upon to serve  
31 extended engagements assisting with emergencies too large for one  
32 fire or police agency to handle. Under current law, if those  
33 volunteers and part-time personnel work more than a defined number of  
34 hours, they may be required to switch retirement systems. The  
35 legislature finds that this requirement can be detrimental to the  
36 benefits of many, but not all, of these personnel.

37 Therefore, the legislature intends that when members of the  
38 volunteer firefighters' and reserve officers' retirement plan in

1 chapter 41.24 RCW exceed the hours needed for the position to become  
2 an eligible position as defined in RCW 41.40.010(11) due to service  
3 in a large-scale state emergency, the affected individuals shall have  
4 a ninety-day window from the eligibility date or the end of the  
5 emergency, whichever comes last, to choose whether to join the public  
6 employees' retirement system or remain with the volunteer  
7 firefighters' and reserve officers' retirement plan.

8 The legislature further intends that members who do choose to  
9 join the public employees' retirement system will be subject to all  
10 the same plan choice and default provisions to which any new member  
11 of that system is subject.

12 NEW SECTION. **Sec. 502.** RECOMMENDATIONS AND COORDINATED RULE  
13 MAKING REQUIRED. Due to the complexity of enacting section 503 of  
14 this act, the department of retirement systems and board for  
15 volunteer firefighters and reserve officers are instructed to do the  
16 following by January 1, 2017:

17 (1) Jointly submit to the chair and vice chair of the house of  
18 representatives and senate fiscal committees a report detailing any  
19 additional statutory changes needed to effectively carry out the  
20 intent of section 503 of this act; and

21 (2) Work together to establish coordinated rules for their  
22 respective retirement systems to effectively carry out the intent of  
23 section 503 of this act in a manner consistent with applicable  
24 federal law.

25 **Sec. 503.** RCW 41.40.023 and 2010 c 80 s 1 are each amended to  
26 read as follows:

27 OPTION TO APPLY FOR RETIREMENT SYSTEM MEMBERSHIP CREATED.  
28 Membership in the retirement system shall consist of all regularly  
29 compensated employees and appointive and elective officials of  
30 employers, as defined in this chapter, with the following exceptions:

31 (1) Persons in ineligible positions;

32 (2) Employees of the legislature except the officers thereof  
33 elected by the members of the senate and the house and legislative  
34 committees, unless membership of such employees be authorized by the  
35 said committee;

36 (3)(a) Persons holding elective offices or persons appointed  
37 directly by the governor: PROVIDED, That such persons shall have the  
38 option of applying for membership during such periods of employment:

1 AND PROVIDED FURTHER, That any persons holding or who have held  
2 elective offices or persons appointed by the governor who are members  
3 in the retirement system and who have, prior to becoming such  
4 members, previously held an elective office, and did not at the start  
5 of such initial or successive terms of office exercise their option  
6 to become members, may apply for membership to be effective during  
7 such term or terms of office, and shall be allowed to establish the  
8 service credit applicable to such term or terms of office upon  
9 payment of the employee contributions therefor by the employee with  
10 interest as determined by the director and employer contributions  
11 therefor by the employer or employee with interest as determined by  
12 the director: AND PROVIDED FURTHER, That all contributions with  
13 interest submitted by the employee under this subsection shall be  
14 placed in the employee's individual account in the employee's savings  
15 fund and be treated as any other contribution made by the employee,  
16 with the exception that any contributions submitted by the employee  
17 in payment of the employer's obligation, together with the interest  
18 the director may apply to the employer's contribution, shall not be  
19 considered part of the member's annuity for any purpose except  
20 withdrawal of contributions;

21 (b) A member holding elective office who has elected to apply for  
22 membership pursuant to (a) of this subsection and who later wishes to  
23 be eligible for a retirement allowance shall have the option of  
24 ending his or her membership in the retirement system. A member  
25 wishing to end his or her membership under this subsection must file,  
26 on a form supplied by the department, a statement indicating that the  
27 member agrees to irrevocably abandon any claim for service for future  
28 periods served as an elected official. A member who receives more  
29 than fifteen thousand dollars per year in compensation for his or her  
30 elective service, adjusted annually for inflation by the director, is  
31 not eligible for the option provided by this subsection (3)(b);

32 (4) Employees holding membership in, or receiving pension  
33 benefits under, any retirement plan operated wholly or in part by an  
34 agency of the state or political subdivision thereof, or who are by  
35 reason of their current employment contributing to or otherwise  
36 establishing the right to receive benefits from any such retirement  
37 plan except as follows:

38 (a) In any case where the retirement system has in existence an  
39 agreement with another retirement system in connection with exchange  
40 of service credit or an agreement whereby members can retain service

1 credit in more than one system, such an employee shall be allowed  
2 membership rights should the agreement so provide;

3 (b) An employee shall be allowed membership if otherwise eligible  
4 while receiving survivor's benefits;

5 (c) An employee shall not either before or after June 7, 1984, be  
6 excluded from membership or denied service credit pursuant to this  
7 subsection solely on account of: (i) Membership in the plan created  
8 under chapter 2.14 RCW; or (ii) enrollment under the relief and  
9 compensation provisions or the pension provisions of the volunteer  
10 firefighters' relief and pension fund under chapter 41.24 RCW;

11 (d) Except as provided in RCW 41.40.109, on or after July 25,  
12 1999, an employee shall not be excluded from membership or denied  
13 service credit pursuant to this subsection solely on account of  
14 participation in a defined contribution pension plan qualified under  
15 section 401 of the internal revenue code;

16 (e) Employees who have been reported in the retirement system  
17 prior to July 25, 1999, and who participated during the same period  
18 of time in a defined contribution pension plan qualified under  
19 section 401 of the internal revenue code and operated wholly or in  
20 part by the employer, shall not be excluded from previous retirement  
21 system membership and service credit on account of such  
22 participation;

23 (5) Patient and inmate help in state charitable, penal, and  
24 correctional institutions;

25 (6) "Members" of a state veterans' home or state soldiers' home;

26 (7) Persons employed by an institution of higher learning or  
27 community college, primarily as an incident to and in furtherance of  
28 their education or training, or the education or training of a  
29 spouse;

30 (8) Employees of an institution of higher learning or community  
31 college during the period of service necessary to establish  
32 eligibility for membership in the retirement plans operated by such  
33 institutions;

34 (9) Persons rendering professional services to an employer on a  
35 fee, retainer, or contract basis or when the income from these  
36 services is less than fifty percent of the gross income received from  
37 the person's practice of a profession;

38 (10) Persons appointed after April 1, 1963, by the liquor  
39 (~~control~~) and cannabis board as contract liquor store managers;

1 (11) Employees of a labor guild, association, or organization:  
2 PROVIDED, That elective officials and employees of a labor guild,  
3 association, or organization which qualifies as an employer within  
4 this chapter shall have the option of applying for membership;

5 (12) Retirement system retirees: PROVIDED, That following  
6 reemployment in an eligible position, a retiree may elect to  
7 prospectively become a member of the retirement system if otherwise  
8 eligible;

9 (13) Persons employed by or appointed or elected as an official  
10 of a first class city that has its own retirement system: PROVIDED,  
11 That any member elected or appointed to an elective office on or  
12 after April 1, 1971, shall have the option of continuing as a member  
13 of this system in lieu of becoming a member of the city system. A  
14 member who elects to continue as a member of this system shall pay  
15 the appropriate member contributions and the city shall pay the  
16 employer contributions at the rates prescribed by this chapter. The  
17 city shall also transfer to this system all of such member's  
18 accumulated contributions together with such further amounts as  
19 necessary to equal all employee and employer contributions which  
20 would have been paid into this system on account of such service with  
21 the city and thereupon the member shall be granted credit for all  
22 such service. Any city that becomes an employer as defined in RCW  
23 41.40.010(13) as the result of an individual's election under this  
24 subsection shall not be required to have all employees covered for  
25 retirement under the provisions of this chapter. Nothing in this  
26 subsection shall prohibit a city of the first class with its own  
27 retirement system from: (a) Transferring all of its current employees  
28 to the retirement system established under this chapter, or (b)  
29 allowing newly hired employees the option of continuing coverage  
30 under the retirement system established by this chapter.

31 Notwithstanding any other provision of this chapter, persons  
32 transferring from employment with a first class city of over four  
33 hundred thousand population that has its own retirement system to  
34 employment with the state department of agriculture may elect to  
35 remain within the retirement system of such city and the state shall  
36 pay the employer contributions for such persons at like rates as  
37 prescribed for employers of other members of such system;

38 (14) Employees who (a) are not citizens of the United States, (b)  
39 do not reside in the United States, and (c) perform duties outside of  
40 the United States;

1 (15) Employees who (a) are not citizens of the United States, (b)  
2 are not covered by chapter 41.48 RCW, (c) are not excluded from  
3 membership under this chapter or chapter 41.04 RCW, (d) are residents  
4 of this state, and (e) make an irrevocable election to be excluded  
5 from membership, in writing, which is submitted to the director  
6 within thirty days after employment in an eligible position;

7 (16) Employees who are citizens of the United States and who  
8 reside and perform duties for an employer outside of the United  
9 States: PROVIDED, That unless otherwise excluded under this chapter  
10 or chapter 41.04 RCW, the employee may apply for membership (a)  
11 within thirty days after employment in an eligible position and  
12 membership service credit shall be granted from the first day of  
13 membership service, and (b) after this thirty-day period, but  
14 membership service credit shall be granted only if payment is made  
15 for the noncredited membership service under RCW 41.50.165(2),  
16 otherwise service shall be from the date of application;

17 (17) The city manager or chief administrative officer of a city  
18 or town, other than a retiree, who serves at the pleasure of an  
19 appointing authority: PROVIDED, That such persons shall have the  
20 option of applying for membership within thirty days from date of  
21 their appointment to such positions. Persons serving in such  
22 positions as of April 4, 1986, shall continue to be members in the  
23 retirement system unless they notify the director in writing prior to  
24 December 31, 1986, of their desire to withdraw from membership in the  
25 retirement system. A member who withdraws from membership in the  
26 system under this section shall receive a refund of the member's  
27 accumulated contributions.

28 Persons serving in such positions who have not opted for  
29 membership within the specified thirty days, may do so by paying the  
30 amount required under RCW 41.50.165(2) for the period from the date  
31 of their appointment to the date of acceptance into membership;

32 (18) Persons serving as: (a) The chief administrative officer of  
33 a public utility district as defined in RCW 54.16.100; (b) the chief  
34 administrative officer of a port district formed under chapter 53.04  
35 RCW; or (c) the chief administrative officer of a county who serves  
36 at the pleasure of an appointing authority: PROVIDED, That such  
37 persons shall have the option of applying for membership within  
38 thirty days from the date of their appointment to such positions.  
39 Persons serving in such positions as of July 25, 1999, shall continue  
40 to be members in the retirement system unless they notify the

1 director in writing prior to December 31, 1999, of their desire to  
2 withdraw from membership in the retirement system. A member who  
3 withdraws from membership in the system under this section shall  
4 receive a refund of the member's accumulated contributions upon  
5 termination of employment or as otherwise consistent with the plan's  
6 tax qualification status as defined in internal revenue code section  
7 401.

8 Persons serving in such positions who have not opted for  
9 membership within the specified thirty days, may do so at a later  
10 date by paying the amount required under RCW 41.50.165(2) for the  
11 period from the date of their appointment to the date of acceptance  
12 into membership;

13 (19) Persons enrolled in state-approved apprenticeship programs,  
14 authorized under chapter 49.04 RCW, and who are employed by local  
15 governments to earn hours to complete such apprenticeship programs,  
16 if the employee is a member of a union-sponsored retirement plan and  
17 is making contributions to such a retirement plan or if the employee  
18 is a member of a Taft-Hartley retirement plan;

19 (20) Beginning on July 22, 2001, persons employed exclusively as  
20 trainers or trainees in resident apprentice training programs  
21 operated by housing authorities authorized under chapter 35.82 RCW,  
22 (a) if the trainer or trainee is a member of a union-sponsored  
23 retirement plan and is making contributions to such a retirement plan  
24 or (b) if the employee is a member of a Taft-Hartley retirement plan;

25 (21) Employees who are removed from membership under RCW  
26 41.40.823 or 41.40.633; (~~and~~)

27 (22) Persons employed as the state director of fire protection  
28 under RCW 43.43.938 who were previously members of the law  
29 enforcement officers' and firefighters' retirement system plan 2  
30 under chapter 41.26 RCW may continue as a member of the law  
31 enforcement officers' and firefighters' retirement system in lieu of  
32 becoming a member of this system; and

33 (23) Any enrolled member of the relief and compensation  
34 provisions or the pension provisions of the volunteer firefighters'  
35 and reserve officers' relief and pension principal fund under chapter  
36 41.24 RCW whose position becomes eligible under this chapter due to  
37 service rendered at a large-scale emergency that exhausts all local  
38 resources and requires the response of the state and/or federal  
39 resources. Such a person shall have the option of applying for  
40 membership within ninety days of (a) the position becoming eligible,



1 or (b) the termination of the large-scale emergency, whichever comes  
2 later.

3 NEW SECTION. **Sec. 504.** Section 503 of this act takes effect  
4 July 1, 2017.

5 **PART 6**  
6 **IMPLEMENTATION**

7 NEW SECTION. **Sec. 601.** This act may be known and cited as the  
8 wildfire management act.

9 NEW SECTION. **Sec. 602.** Except for sections 308, 310, and 503 of  
10 this act, this act is necessary for the immediate preservation of the  
11 public peace, health, or safety, or support of the state government  
12 and its existing public institutions, and takes effect immediately.

--- END ---