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HOUSE BILL 2667

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Chandler, Simpson, Kelley, and Warnick

Read first time 01/12/10. Referred to Committee on Agriculture & Natural Resources.

1            AN ACT Relating to communications during a forest fire response;  
2 and amending RCW 76.04.015 and 43.43.963.

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

4            **Sec. 1.** RCW 76.04.015 and 1993 c 196 s 3 are each amended to read  
5 as follows:

6            (1) The department may, at its discretion, appoint trained  
7 personnel possessing the necessary qualifications to carry out the  
8 duties and supporting functions of the department and may determine  
9 their respective salaries.

10           (2) The department shall have direct charge of and supervision of  
11 all matters pertaining to the forest fire service of the state.

12           (3) The department shall:

13           (a) Enforce all laws within this chapter;

14           (b) Be empowered to take charge of and direct the work of  
15 suppressing forest fires;

16           (c)(i) Investigate the origin and cause of all forest fires to  
17 determine whether either a criminal act or negligence by any person,  
18 firm, or corporation caused the starting, spreading, or existence of  
19 the fire. In conducting investigations, the department shall work

1 cooperatively, to the extent possible, with utilities, property owners,  
2 and other interested parties to identify and preserve evidence. Except  
3 as provided otherwise in this subsection, the department in conducting  
4 investigations is authorized, without court order, to take possession  
5 or control of relevant evidence found in plain view and belonging to  
6 any person, firm, or corporation. To the extent possible, the  
7 department shall notify the person, firm, or corporation of its intent  
8 to take possession or control of the evidence. The person, firm, or  
9 corporation shall be afforded reasonable opportunity to view the  
10 evidence and, before the department takes possession or control of the  
11 evidence, also shall be afforded reasonable opportunity to examine,  
12 document, and photograph it. If the person, firm, or corporation  
13 objects in writing to the department's taking possession or control of  
14 the evidence, the department must either return the evidence within  
15 seven days after the day on which the department is provided with the  
16 written objections or obtain a court order authorizing the continued  
17 possession or control.

18 (ii) Absent a court order authorizing otherwise, the department may  
19 not take possession or control of evidence over the objection of the  
20 owner of the evidence if ~~((+—(i)))~~ the evidence is used by the owner in  
21 conducting a business or in providing an electric utility service ~~((+))~~  
22 and ~~((+ii))~~ the department's taking possession or control of the  
23 evidence would substantially and materially interfere with the  
24 operation of the business or provision of electric utility service.

25 (iii) Absent a court order authorizing otherwise, the department  
26 may not take possession or control of evidence over the objection of an  
27 electric utility when the evidence is not owned by the utility but has  
28 caused damage to property owned by the utility. However, this  
29 ~~((paragraph))~~ subsection (3)(c)(iii) does not apply if the department  
30 has notified the utility of its intent to take possession or control of  
31 the evidence and provided the utility with reasonable time to examine,  
32 document, and photograph the evidence.

33 (iv) Only personnel qualified to work on electrical equipment may  
34 take possession or control of evidence owned or controlled by an  
35 electric utility;

36 (d) Furnish notices or information to the public calling attention  
37 to forest fire dangers and the penalties for violation of this chapter;

1 (e) Be familiar with all timbered and cut-over areas of the state;  
2 and

3 (f) Regulate and control the official actions of its employees, the  
4 wardens, and the rangers.

5 (4) The department may:

6 (a) Authorize all needful and proper expenditures for forest  
7 protection;

8 (b) Adopt rules consistent with this section for the prevention,  
9 control, and suppression of forest fires as it considers necessary  
10 including but not limited to: Fire equipment and materials; use of  
11 personnel; and fire prevention standards and operating conditions  
12 including a provision for reducing these conditions where justified by  
13 local factors such as location and weather;

14 (c) Remove at will the commission of any ranger or suspend the  
15 authority of any warden;

16 (d) Inquire into:

17 (i) The extent, kind, value, and condition of all timber lands  
18 within the state;

19 (ii) The extent to which timber lands are being destroyed by fire  
20 and the damage thereon.

21 (5) Any rules adopted under this section for the suppression of  
22 forest fires must include a mechanism by which a dedicated fire  
23 mobilization radio frequency is made available during the response to  
24 any forest fire that crosses jurisdictional lines so that all  
25 responders have access to communications during the response.

26 (6) When the department considers it to be in the best interest of  
27 the state, it may cooperate with any agency of another state, the  
28 United States or any agency thereof, the Dominion of Canada or any  
29 agency or province thereof, and any county, town, corporation,  
30 individual, or Indian tribe within the state of Washington in forest  
31 firefighting and patrol.

32 **Sec. 2.** RCW 43.43.963 and 1997 c 49 s 11 are each amended to read  
33 as follows:

34 (1) Regions within the state are initially established as follows  
35 but may be adjusted as necessary by the state fire marshal:

36 ((+1)) (a) Northwest region - Whatcom, Skagit, Snohomish, San  
37 Juan, and Island counties;

1 ((+2)) (b) Northeast region - Okanogan, Ferry, Stevens, Pend  
2 Oreille, Spokane, and Lincoln counties;

3 ((+3)) (c) Olympic region - Clallam and Jefferson counties;

4 ((+4)) (d) South Puget Sound region - Kitsap, Mason, King, and  
5 Pierce counties;

6 ((+5)) (e) Southeast region - Chelan, Douglas, Kittitas, Grant,  
7 Adams, Whitman, Yakima, Klickitat, Benton, Franklin, Walla Walla,  
8 Columbia, Garfield, and Asotin counties;

9 ((+6)) (f) Central region - Grays Harbor, Thurston, Pacific, and  
10 Lewis counties; and

11 ((+7)) (g) Southwest region - Wahkiakum, Cowlitz, Clark, and  
12 Skamania counties.

13 (2)(a) There is created a regional fire defense board within each  
14 ~~((of these)) region((s there is created a regional fire defense board))~~  
15 created in subsection (1) of this section.

16 (b) The regional fire defense boards shall consist of two members  
17 from each county in the region. One member from each county shall be  
18 appointed by the county fire chiefs' association or, in the event there  
19 is no such county association, by the county's legislative authority.  
20 Each county's office of emergency management or, in the event there is  
21 no such office, the county's legislative authority shall select the  
22 second representative to the regional board. The department of natural  
23 resources fire control chief shall appoint a representative from each  
24 department of natural resources region to serve as a member of the  
25 appropriate regional fire defense board.

26 (c) Members of each regional board will select a chairperson and  
27 secretary as officers. Members serving on the regional boards do so in  
28 a voluntary capacity and are not eligible for reimbursement for  
29 meeting-related expenses from the state.

30 (3)(a) Regional defense boards shall develop regional fire service  
31 plans that include provisions for organized fire agencies to respond  
32 across municipal, county, or regional boundaries.

33 (b) Each regional plan shall be consistent with the incident  
34 command system, the Washington state fire services mobilization plan,  
35 the requirements of this section, and regional response plans already  
36 adopted and in use in the state. The regional boards shall work with  
37 the relevant local government entities to facilitate development of

1 intergovernmental agreements if any such agreements are required to  
2 implement a regional fire service plan.

3 (c) Each regional fire service plan must include a mechanism by  
4 which a dedicated fire mobilization radio frequency is made available  
5 during the response to any forest fire that crosses jurisdictional  
6 lines so that all responders have access to communications during the  
7 response.

8 (d) Each regional fire service plan shall be approved by the fire  
9 protection policy board before implementation.

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