

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2667

Chapter 38, Laws of 2010

61st Legislature
2010 Regular Session

FOREST FIRE RESPONSE--JURISDICTION--COMMUNICATIONS

EFFECTIVE DATE: 06/10/10

Passed by the House February 10, 2010
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 27, 2010
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved March 12, 2010, 2:26 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2667** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 12, 2010

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2667

Passed Legislature - 2010 Regular Session

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 local fire
23 mobilization radio frequency, consistent with RCW 43.43.963, is
24 identified and made available during the initial response to any forest
25 fire that crosses jurisdictional lines so that all responders have
26 access to communications during the response. Different initial
27 response frequencies may be identified and used as appropriate in
28 different geographic response areas. If the fire radio communication
29 needs escalate beyond the capability of the identified local radio
30 frequency, the use of other available designated interoperability radio
31 frequencies may be used.

32 (6) When the department considers it to be in the best interest of
33 the state, it may cooperate with any agency of another state, the
34 United States or any agency thereof, the Dominion of Canada or any
35 agency or province thereof, and any county, town, corporation,
36 individual, or Indian tribe within the state of Washington in forest
37 firefighting and patrol.

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

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

5 ~~((1))~~ (a) Northwest region - Whatcom, Skagit, Snohomish, San
6 Juan, and Island counties;

7 ~~((2))~~ (b) Northeast region - Okanogan, Ferry, Stevens, Pend
8 Oreille, Spokane, and Lincoln counties;

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

10 ~~((4))~~ (d) South Puget Sound region - Kitsap, Mason, King, and
11 Pierce counties;

12 ~~((5))~~ (e) Southeast region - Chelan, Douglas, Kittitas, Grant,
13 Adams, Whitman, Yakima, Klickitat, Benton, Franklin, Walla Walla,
14 Columbia, Garfield, and Asotin counties;

15 ~~((6))~~ (f) Central region - Grays Harbor, Thurston, Pacific, and
16 Lewis counties; and

17 ~~((7))~~ (g) Southwest region - Wahkiakum, Cowlitz, Clark, and
18 Skamania counties.

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

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

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

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

1 **(b)** Each regional plan shall be consistent with the incident
2 command system, the Washington state fire services mobilization plan,
3 the requirements of this section, and regional response plans already
4 adopted and in use in the state. The regional boards shall work with
5 the relevant local government entities to facilitate development of
6 intergovernmental agreements if any such agreements are required to
7 implement a regional fire service plan.

8 **(c)** Each regional fire service plan must include a mechanism by
9 which a local fire mobilization radio frequency, consistent with RCW
10 76.04.015, is identified and made available during the initial response
11 to any forest fire that crosses jurisdictional lines so that all
12 responders have access to communications during the response.
13 Different initial response frequencies may be identified and used as
14 appropriate in different geographic response areas. If the fire radio
15 communication needs escalate beyond the capability of the identified
16 local radio frequency, the use of other available designated
17 interoperability radio frequencies may be used.

18 **(d)** Each regional fire service plan shall be approved by the fire
19 protection policy board before implementation.

Passed by the House February 10, 2010.

Passed by the Senate February 27, 2010.

Approved by the Governor March 12, 2010.

Filed in Office of Secretary of State March 12, 2010.