

HOUSE BILL REPORT

HB 2509

As Reported by House Committee On: Agriculture & Natural Resources

Title: An act relating to providing discretion to the department of natural resources to use firefighting funding to ensure that firefighting equipment does not serve as an agent for spreading noxious weeds.

Brief Description: Authorizing the department of natural resources to use certain funds to ensure that firefighting equipment does not spread noxious weeds.

Sponsors: Representatives Short, Chase, Upthegrove, Chandler, Haler, Ericks, Warnick and Kretz.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/14/10, 1/28/10 [DPS].

Brief Summary of Substitute Bill

- Authorizes the Department of Natural Resources to use funds from the Forest Fire Suppression Assessments and the Landowner Contingency Forest Fire Suppression Account to clean firefighting equipment in order to minimize the spread of noxious weeds.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks, Kretz, Nelson, Pearson, Rolfes and Warnick.

Minority Report: Do not pass. Signed by 3 members: Representatives Liias, McCoy and Van De Wege.

Staff: Leslie Ryan-Connelly (786-7166).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Noxious Weeds.

A noxious weed is a plant that is highly destructive, competitive, or difficult to control by cultural or chemical practices. The State Noxious Weed Control Board adopts a list of noxious weeds annually and categorizes each weed by seriousness of threat to the state or a region. County noxious weed control boards adopt a county noxious weed list based, as applicable to their county, upon the state list. A county board works with landowners to eradicate or control noxious weeds on their property. State agencies are also required to control the spread of noxious weeds on land they own, lease or otherwise control.

Forest Fire Suppression.

The Department of Natural Resources (Department) is the lead state agency responsible for fire suppression on state and private forest land. The Department also assists the federal government with fire suppression on federal and tribal land. Private landowners are obligated to provide for forest fire protection on their land.

All private forest land owners are required to pay an assessment to the Department for services which is deposited into the Landowner Contingency Forest Fire Suppression Account (LCFFSA). Funds from the LCFFSA may be used when a forest fire occurs as a result of a private landowner's silviculture operations. Landowners paying the LCFFSA assessment are billed both at a flat rate and at an additional rate according to the size of their forest land. All landowners must pay a flat rate assessment fee of \$0.20 per parcel on the eastside of the state and \$0.40 per parcel on the westside of the state. This flat rate fee is paid by all forest land owners regardless of ownership size. Landowners who own more than 50 acres of forest land must pay the flat rate fee, plus an additional \$0.02 per each additional acre on the eastside of the state and \$0.04 per each additional acre on the westside of the state.

In addition, all private forest land owners that do not have fire protection services provided locally are required to pay a Forest Fire Protection Assessment (FFPA) to the Department for services. Landowners paying the FFPA assessment are billed both at a flat rate and at an additional rate according to the size of their forest land. All landowners must pay a flat rate assessment fee of \$17.50 per parcel. This flat rate fee is paid by all forest land owners regardless of ownership size. Landowners who own more than 50 acres of forest land must pay the flat rate fee plus an additional 27 cents per acre over the initial 50 acres.

Summary of Substitute Bill:

The Department may use funds provided by the Forest Fire Suppression Assessments and the LCFFSA to cover the costs associated with cleaning firefighting equipment used during a fire to minimize the spread of noxious weeds.

The Commissioner of Public Lands shall consider the location and size of the fire, type of fire, whether the fire response involves the use of out-of-state equipment, and other factors as appropriate when determining whether to clean firefighting equipment. Cleaning equipment is not required and shall not slow down response to any fire.

Substitute Bill Compared to Original Bill:

The substitute bill provides direction on what factors the Commissioner of Public Lands shall consider when determining whether to clean firefighting equipment to minimize the threat of spreading noxious weeds. The ability to use general fund appropriation to pay for the cost of cleaning equipment is replaced with funds from the Forest Fire Suppression Assessments. The substitute bill clarifies that cleaning equipment is not required and shall not slow down fire response.

Appropriation: None.

Fiscal Note: Available on original bill. New fiscal note requested on substitute bill on January 28, 2010.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Department does not think they have the authority to clean firefighting equipment to reduce the spread of noxious weeds. Firefighting equipment can come from all over the country and bring weeds with it. The biggest concern is for vehicles from outside the county and the state. Landowners are responsible for any weeds that come onto their property. This is an additional tool for the Department that is not mandatory. The federal government and Bureau of Indian Affairs clean firefighting equipment for Type I and II fires. The cost of cleaning equipment is a preventative measure toward reducing the spread of noxious weeds.

(Opposed) The Department supports the concept of stopping the spread of noxious weeds. However, washing equipment is not an effective method to address the problem of the spread of weeds. In order to be effective, all vehicles would need to be cleaned, not just firefighting equipment. The estimated cost for the cleaning equipment is \$1,500 per day which would result in about \$84,000 in additional firefighting costs in Okanogan County alone. This will increase the additional supplemental general appropriation requests. If the Department is required to clean all equipment in advance it would slow down the response time. The Department could do a limited application after mobilization is set up or at the end of the fire but this would not be effective to reduce the spread of weeds. While the bill does not require the Department to clean equipment, it could set up the expectation that the Department will do it.

Persons Testifying: (In support) Representative Short, prime sponsor; Jack Field, Washington Cattlemen's Association; and Sheilah Kennedy, S K Environmental.

(Opposed) Chuck Turley, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.