

SENATE BILL REPORT

SB 6837

As of February 16, 2010

Title: An act relating to forest fire protection and suppression.

Brief Description: Modifying the funding provisions for forest fire protection and emergency fire suppression.

Sponsors: Senator Tom.

Brief History:

Committee Activity: Ways & Means: 2/17/10.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Maria Hovde (786-7710)

Background: The Department of Natural Resources (DNR) is responsible for forest fire prevention and response on both state-owned and private forest land in Washington.

The current law defines forest land as unimproved land with enough trees or flammable material to create a fire menace to life or property. Sagebrush and grass areas east of the Cascade mountains may be considered forest land if such lands are adjacent to, or intermingled with tree growth. For protection purposes, forest land does not include structures. Additional fire hazard is defined as a condition existing on any land in the state where forest debris, including dead or dying trees, is likely to further the spread of fire.

Fire Protection Zones. DNR is responsible for working with the state's other fire control agencies to define geographic areas of responsibility. Fire protection zones include all forest land which DNR is obligated to protect but does not include forestland within rural or municipal fire districts.

Forest Fire Protection Assessments. The costs of forest fire protection are to be equitably shared between forest landowners and the state. Owners of forest land are under an obligation to provide forest fire protection on their land at a level that provides adequate protection against the spread of fire from or across their land.

However, if a landowner's property is located on forest land not included within the boundaries of certain rural or municipal fire districts, and the landowner fails to provide

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.

adequate protection against the spread of forest fire, then the landowner must pay to DNR a forest fire protection assessment (assessment).

Landowners paying the assessment are billed both at a flat rate and 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. Landowners who own more than 50 acres of forest land must pay the flat fee plus an additional 27 cents per acre exceeding the 50 acres. The counties retain 50 cents of each flat rate assessment paid to defray administrative expenses and the remainder is deposited into the Forest Fire Protection Assessment Account.

Landowners may also be subject to an annual special forest fire suppression flat fee assessment of \$7.50 for parcels of 50 acres or less. For parcels larger than 50 acres, DNR may charge the flat fee assessment plus a per acre assessment not to exceed 15 cents per acre per year. Revenue collected from this special assessment is deposited into the Landowner Contingency Forest Fire Suppression Account and is utilized to pay for emergency fire costs resulting from a landowner fire. DNR is required to maintain a balance in this account of \$3 million.

Forest Fire Protection Assessment Refunds. Qualifying landowners who pay assessments on multiple parcels may claim a refund for assessments. To qualify for the refund, a landowner must have paid assessments on more than one parcel less than 50 acres in size. The parcels must be located in the same county.

If the cumulative size of all parcels owned by the landowner is less than 50 acres, then the landowner is entitled to be refunded the \$17.50 assessment paid on all but one of the properties, less 50 cents per parcel retained for county administration. The landowner is not refunded the additional 27 cents per acre assessment paid for the acreage exceeding 50 acres.

Summary of Bill: The definition for additional fire hazard is modified to include the failure to maintain defensible space. Defensible space is defined as the area around a residence that has been landscaped to reduce fire danger.

Forest Fire Protection Assessments. The costs of both forest fire protection and suppression are to be equitably shared between forest landowners and the state.

Beginning December 1, 2010, and every five years thereafter, DNR is required to review actual expenditures for emergency fire suppression for class one through three fires and categorize counties as either high risk, medium risk, or low risk. Expenditures from the landowner contingency forest fire suppression account and reimbursement for suppression activities on federal land will not be included in this analysis.

High risk counties are those counties that encompass at least 60 percent of the per acre suppression costs; medium risk counties are those counties that encompass the next 20 percent of the per acre suppression costs; and low risk counties encompass all other counties not specified as high or medium risk. For high risk counties, landowners will be required to pay a flat rate assessment of \$68.50 per parcel and an acreage assessment of \$1.08 on each acre exceeding 50 acres. For medium risk counties, landowners will be required to pay a flat rate assessment of \$34.50 per parcel and an acreage assessment of 54 cents on each acre

exceeding 50 acres. Low risk counties will continue to pay the existing flat rate assessment fee of \$17.50 per parcel and an acreage assessment of 27 cents on each acre exceeding 50 acres.

Beginning July 1, 2010, a \$20.00 fee is imposed on each building permit issued by a county or city for structures that will be erected within the forest protection zones and an annual emergency fire suppression assessment equal to five percent of the annual lease amount must be imposed on persons leasing state lands. Revenue collected from these sources will be deposited into the Forest Fire Protection Assessment Account.

Forest Fire Protection Assessment Refunds. Landowners owning multiple small parcels within a single county will no longer be eligible for a refund of paid assessments.

Appropriation: None.

Fiscal Note: Requested on February 5, 2010.
[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: July 1, 2010.