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HOUSE BILL 2509

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Short, Chase, Upthegrove, Chandler, Haler, Ericks, Warnick, and Kretz

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1            AN ACT Relating to providing discretion to the department of  
2 natural resources to use firefighting funding to ensure that  
3 firefighting equipment does not serve as an agent for spreading noxious  
4 weeds; amending RCW 76.04.630; and adding a new section to chapter  
5 76.04 RCW.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 76.04 RCW  
8 under the subchapter heading "assessments, obligations, funds" to read  
9 as follows:

10            At the discretion of the commissioner of public lands, the  
11 department may use any funds provided to it by a general fund  
12 appropriation for fire suppression to cover the costs associated with  
13 cleaning firefighting equipment used during a fire so as to minimize  
14 the possibility of the equipment spreading the seeds of noxious weeds  
15 from one parcel to another.

16            **Sec. 2.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read  
17 as follows:

18            (1) There is created a landowner contingency forest fire

1 suppression account in the state treasury. Moneys in the account may  
2 be spent only as provided in this section. Disbursements from the  
3 account shall be on authorization of the commissioner of public lands  
4 or the commissioner's designee. The account is subject to the  
5 allotment procedure provided under chapter 43.88 RCW, but no  
6 appropriation is required for disbursements.

7 (2) The department may expend from this account the amounts as may  
8 be available and as it considers appropriate for the payment of  
9 emergency fire costs resulting from a participating landowner fire,  
10 including, when deemed appropriate, the costs associated with cleaning  
11 firefighting equipment used during a fire so as to minimize the  
12 possibility of the equipment spreading the seeds of noxious weeds from  
13 one parcel to another. The department may, when moneys are available  
14 from the landowner contingency forest fire suppression account, expend  
15 moneys for summarily abating, isolating, or reducing an extreme fire  
16 hazard under RCW 76.04.660. All moneys recovered as a result of the  
17 department's actions, from the owner or person responsible, under RCW  
18 76.04.660 shall be deposited in the landowner contingency forest fire  
19 suppression account.

20 (3) When a determination is made that the fire was started by other  
21 than a landowner operation, moneys expended from this account in the  
22 suppression of such fire shall be recovered from the general fund  
23 appropriations as may be available for emergency fire suppression  
24 costs. The department shall deposit in the landowner contingency  
25 forest fire suppression account moneys paid out of the account which  
26 are later recovered, less reasonable costs of recovery.

27 (4) This account shall be established and renewed by an annual  
28 special forest fire suppression account assessment paid by  
29 participating landowners at a rate to be established by the department.  
30 In establishing assessments, the department shall seek to establish and  
31 thereafter reestablish a balance in the account of three million  
32 dollars. The department may establish a flat fee assessment of no more  
33 than seven dollars and fifty cents for participating landowners owning  
34 parcels of fifty acres or less. For participating landowners owning  
35 parcels larger than fifty acres, the department may charge the flat fee  
36 assessment plus a per acre assessment for every acre over fifty acres.  
37 The per acre assessment established by the department may not exceed  
38 fifteen cents per acre per year. The assessments may differ to

1 equitably distribute the assessment based on emergency fire suppression  
2 cost experience necessitated by landowner operations. Amounts assessed  
3 for this account shall be a lien upon the forest lands with respect to  
4 which the assessment is made and may be collected as directed by the  
5 department in the same manner as forest protection assessments.  
6 Payment of emergency costs from this account shall in no way restrict  
7 the right of the department to recover costs pursuant to RCW 76.04.495  
8 or other laws.

9 (5) When the department determines that a forest fire was started  
10 in the course of or as a result of a landowner operation, it shall  
11 notify the forest fire advisory board of the determination. The  
12 determination shall be final, unless, within ninety days of the  
13 notification, the forest fire advisory board or an interested party  
14 serves a request for a hearing before the department. The hearing  
15 shall constitute an adjudicative proceeding under chapter 34.05 RCW,  
16 the administrative procedure act, and an appeal shall be in accordance  
17 with RCW 34.05.510 through 34.05.598.

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