

# HOUSE BILL REPORT

## HB 2427

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to addressing wildfires caused by incendiary devices.

**Brief Description:** Addressing wildfires caused by incendiary devices.

**Sponsors:** Representatives Blake, Orcutt, Hurst, MacEwen, Kretz, Haigh, Ryu and Buys.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 1/24/14, 1/31/14 [DPS].

**Brief Summary of Substitute Bill**

- Creates criminal liability for individuals who use or detonate incendiary ammunition, sky lanterns, or exploding targets on specific land use types during specified times of the year.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Dunshee, Haigh, Kretz, Orcutt, Schmick, Stanford, Van De Wege and Warnick.

**Staff:** Jason Callahan (786-7117).

**Background:**

Between the dates of April 14 and October 15, or another date range designed by the Department of Natural Resources (DNR), it is unlawful to throw away any lighted material (such as a cigarette, match, charcoal, or fireworks), or discharge any tracer or incendiary ammunition, in any forest, brush, range, or grain area. Those dates are defined in statute as the "closed season." A violation of this provision is punishable as a misdemeanor.

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*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.*

### **Summary of Substitute Bill:**

The prohibition on discharging incendiary and tracer ammunition on forest, brush, range, or grain lands during the closed season is expanded to include detonating an exploding target and releasing a sky lantern. The specific ban on tracer ammunition is removed; however, the concept of tracer ammunition is added to the definition of incendiary ammunition.

Additional prohibitions are also created for time periods other than the closed season. When it is not the closed season, it is unlawful to discharge incendiary ammunition, release a sky lantern, or detonate an exploding target on or over forest, brush, range, or grain lands when the person doing the act does not own the land in question or have prior written permission to do the acts from the owner of the land.

The term "exploding target" is defined as a device designed for use as a target, and which consists of flammable substances capable of exploding when struck by projectiles. The term "sky lantern" is defined to mean an unmanned, self-contained luminary device that utilizes heated air produced by an open flame to remain airborne. The term "incendiary ammunition" is defined to mean flammable ammunition that is designed to explode upon impact or designed to trace its course in the air with a trail of smoke, fire, or chemical incandescence.

### **Substitute Bill Compared to Original Bill:**

The substitute bill makes a change to the existing law regarding unlawful disposal of lit materials that changes the prosecutable action from "throwing away" to "discarding."

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**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) There are some new, fun firearm-related products on the market that are seeing a growth in sales; however, many of these products can cause a severe forest fire risk. The state has already incurred substantial fire suppression costs for fires started by these items. Fires from these items can also start outside of the fire season as we know it. It is probably an oversight that these products are already not limited in order to prevent forest fires.

The items in the bill are already prohibited from use on DNR lands and expanding that prohibition extends those same protections to private landowners. Limiting forest fires is critical to keeping working forests working. Wildfires are not just limited to timber. Range lands are also susceptible.

(Opposed) None.

**Persons Testifying:** Representative Blake, prime sponsor; Mary Verner and Dennis Hergford, Washington Department of Natural Resources; Tim Boyd and Jerry Bailey, Port Blakely Tree Farms; Debora Munguia, Washington Forest Protection Association; and Jack Field, Washington Cattlemen's Association.

**Persons Signed In To Testify But Not Testifying:** None.