CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1320

Chapter 36, Laws of 1993

53rd Legislature
1993 Regular Session

FOREST FIRE PROTECTION ASSESSMENTS--REVISIONS

EFFECTIVE DATE: 4/15/93

Passed by the House March 13, 1993
Yeas 83  Nays 14

BRIAN EBERSOLE
Speaker of the
House of Representatives

Passed by the Senate April 12, 1993
Yeas 38  Nays 7

JOEL PRITCHARD
President of the Senate

I, Alan Thompson, Chief Clerk of the
House of Representatives of the State
of Washington, do hereby certify that
the attached is ENGROSSED SUBSTITUTE
HOUSE BILL 1320 as passed by the House
of Representatives and the Senate on
the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

Approved April 15, 1993

MIKE LOWRY
Governor of the State of Washington

FILED

April 15, 1993 - 5:05 p.m.

Secretary of State
State of Washington
AN ACT Relating to forest fire protection; amending RCW 76.04.610 and 76.04.630; and declaring an emergency.

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

Sec. 1. RCW 76.04.610 and 1989 c 362 s 1 are each amended to read as follows:

(1) If any owner of forest land within a forest protection zone (or any owner of forest land located where fire protection responsibility has not been mutually agreed upon as provided in RCW 76.04.165(2)) neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection (notwithstanding the provisions of RCW 76.04.630, at a cost to the owner of not to exceed twenty-two cents an acre per year for assessments levied after December 31, 1989: PROVIDED, That there shall be no assessment on any parcel of privately owned lands of less than two acres)) and shall annually impose the following assessments on each parcel of such land: (a) A flat fee assessment of fourteen dollars and fifty cents; and (b) twenty-two cents on each acre exceeding fifty acres. Assessors may, at their option, collect the assessment on ((any)) tax exempt lands ((less than ten acres)). If the
assessor elects not to collect the assessment, the department may bill
the landowner directly. (The minimum assessment for any ownership
parcel subject to the assessment shall be ten dollars for assessments
levied in collection year 1990 and fourteen dollars for each year
thereafter.)

(2) An owner of two or more parcels per county, each containing
less than fifty acres, may obtain a refund of the assessments paid on
all such parcels over one by applying therefor within the year the
assessment was due to the department, in such form as the department
may require. Verification that all assessments and property taxes on
the property have been paid shall be provided to the department by the
owner. If the total acreage of the parcels exceeds fifty acres, the
per acre rate shall apply and the refund shall be computed accordingly.
Application for the refund may be made by mail who has paid
assessments on two or more parcels, each containing fewer than fifty
acres and each within the same county, may obtain the following refund:

(a) If all the parcels together contain less than fifty acres, then
the refund is equal to the flat fee assessments paid, reduced by the
total of (i) fourteen dollars and (ii) the total of the amounts
retained by the county from such assessments under subsection (5) of
this section.

(b) If all the parcels together contain fifty or more acres, then
the refund is equal to the flat fee assessments paid, reduced by the
total of (i) fourteen dollars, (ii) twenty-two cents for each acre
exceeding fifty acres, and (iii) the total of the amounts retained by
the county from such assessments under subsection (5) of this section.

Applications for refunds shall be submitted to the department on a
form prescribed by the department and in the same year in which the
assessments were paid. The department may not provide refunds to
applicants who do not provide verification that all assessments and
property taxes on the property have been paid. Applications may be
made by mail.

(3) Beginning January 1, 1991, under the administration and at the
discretion of the department up to two hundred thousand dollars per
year of this assessment shall be used in support of those rural fire
districts assisting the department in fire protection services on
forest lands.

(4) For the purpose of this chapter, the department may divide the
forest lands of the state, or any part thereof, into districts, for
fire protection and assessment purposes, may classify lands according
to the character of timber prevailing, and the fire hazard existing,
and place unprotected lands under the administration of the proper
district. ((Any)) Amounts paid or contracted to be paid by the
department for protection of forest lands from ((any)) funds at its
disposal shall be a lien upon the property protected, unless reimbursed
by the owner within ten days after October 1st of the year in which
they were incurred. The department shall be prepared to make statement
thereof, upon request, to ((any)) a forest owner whose own protection
has not been previously approved as to its adequacy, the department
shall report the same to the assessor of the county in which the
property is situated. The assessor shall extend the amounts upon the
tax rolls covering the property, and upon authorization from the
department shall levy the forest protection assessment against the
amounts of unimproved land as shown in each ownership on the county
assessor’s records. The assessor may then segregate on the records to
provide that the improved land and improvements thereon carry the
millage levy designed to support the rural fire protection districts as
provided for in RCW 52.16.170.

(5) The amounts assessed shall be collected at the time, in the
same manner, by the same procedure, and with the same penalties
attached that general state and county taxes on the same property are
collected, except that errors in assessments may be corrected at any
time by the department certifying them to the treasurer of the county
in which the land involved is situated. Assessments shall be known and
designated as assessments of the year in which the amounts became
reimbursable. Upon the collection of ((such)) assessments the county
treasurer shall ((transmit them)) place fifty cents of the total
assessments paid on a parcel for fire protection into the county
current expense fund to defray the costs of listing, billing, and
collecting these assessments. The treasurer shall then transmit the
balance to the department. Collections shall be applied against
expenses incurred in carrying out the provisions of this section,
including necessary and reasonable administrative costs incurred by the
department in the enforcement of these provisions. The department may
also expend ((any)) sums collected from owners of forest lands or
received from any other source for necessary administrative costs in
connection with the enforcement of RCW 76.04.660.
When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county’s delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall ((forthwith)) immediately remit to the department the amount of the outstanding forest protection assessments.

All nonfederal public bodies owning or administering forest land included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from ((any)) available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and shall be subject to interest charges at the legal rate.

A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of ((any)) costs incurred by the public body in the suppression activities.

The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.

Sec. 2. RCW 76.04.630 and 1991 sp.s. c 13 s 31 are each amended to read as follows:

There is created a landowner contingency forest fire suppression account in the state treasury. Moneys in the account may be spent only as provided in this section. Disbursements from the account shall be on authorization of the commissioner of public lands or the commissioner’s designee. The account is subject to the allotment
procedure provided under chapter 43.88 RCW, but no appropriation is 
required for disbursements.

The department may expend from this account ((such)) the amounts as 
may be available and as it considers appropriate for the payment of 
emergency fire costs resulting from a participating landowner fire. 
The department may, when moneys are available from the landowner 
contingency forest fire suppression account, expend moneys for 
summarily abating, isolating, or reducing an extreme fire hazard under 
RCW 76.04.660. All moneys recovered as a result of the department’s 
actions, from the owner or person responsible, under RCW 76.04.660 
shall be deposited in the landowner contingency forest fire suppression 
account.

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

This account shall be established and renewed ((by a special forest 
fire suppression account assessment paid by participating landowners at 
a rate to be established by the department, but not to exceed fifteen 
cents per acre per year for such period of years as may be necessary to 
establish and thereafter reestablish a balance in the account of three 
million dollars. The department may establish a minimum assessment for 
ownership parcels identified in RCW 76.04.610 as paying the minimum 
assessment. The maximum assessment for these parcels shall not exceed 
the fees levied on a thirty acre parcel. There shall be no assessment 
on each parcel of privately owned lands of less than two acres)) by an 
annual special forest fire suppression account assessment paid by 
participating landowners at a rate to be established by the department. 
In establishing assessments, the department shall seek to establish and 
thereafter reestablish a balance in the account of three million 
dollars. The department may establish a flat fee assessment of no more 
than seven dollars and fifty cents for participating landowners owning 
parcels of fifty acres or less. For participating landowners owning 
parcels larger than fifty acres, the department may charge the flat fee 
assessment plus a per acre assessment for every acre over fifty acres. 
The per acre assessment established by the department may not exceed
fifteen cents per acre per year. The assessments may differ to
equitably distribute the assessment based on emergency fire suppression
cost experience necessitated by landowner operations. Amounts assessed
for this account shall be a lien upon the forest lands with respect to
which the assessment is made and may be collected as directed by the
department in the same manner as forest protection assessments.
Payment of emergency costs from this account shall in no way restrict
the right of the department to recover costs pursuant to RCW 76.04.495
or other laws.

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

NEW SECTION. Sec. 3. This act is necessary for the immediate
preservation of the public peace, health, or safety, or support of the
state government and its existing public institutions, and shall take
effect immediately.

Passed the House March 13, 1993.
Passed the Senate April 12, 1993.
Approved by the Governor April 15, 1993.
Filed in Office of Secretary of State April 15, 1993.