

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2104

Chapter 279, Laws of 2001

57th Legislature
2001 Regular Legislative Session

FOREST FIRE PROTECTION--FUNDING

EFFECTIVE DATE: 7/22/01

Passed by the House April 22, 2001
Yeas 83 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

CLYDE BALLARD
Speaker of the House of Representatives

Passed by the Senate April 20, 2001
Yeas 40 Nays 0

BRAD OWEN
President of the Senate

Approved May 11, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2104** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

CYNTHIA ZEHNDER
Chief Clerk

FILED

May 11, 2001 - 10:11 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2104

AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Rockefeller, Sump, Pearson and Doumit)

Read first time . Referred to Committee on .

1 AN ACT Relating to funding for forest fire protection; amending RCW
2 76.04.167 and 76.04.610; and creating a new section.

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

4 **Sec. 1.** RCW 76.04.167 and 1995 c 151 s 1 are each amended to read
5 as follows:

6 (1) The legislature hereby finds and declares that:

7 (a) Forest wild fires are a threat to public health and safety and
8 can cause catastrophic damage to public and private resources,
9 including clean air, clean water, fish and wildlife habitat, timber
10 resources, forest soils, scenic beauty, recreational opportunities,
11 economic and employment opportunities, structures, and other
12 improvements; ((and that it is in the public interest to protect
13 forests and forest resources by preventing and suppressing forest wild
14 fires.))

15 (b) Forest landowners and the public have a shared interest in
16 protecting forests and forest resources by preventing and suppressing
17 forest wild fires;

1 (c) A recent independent analysis of the state fire program
2 considered it imperative to restore a more equitable split between the
3 general fund and forest protection assessments;

4 (d) Without a substantial increase in forest protection funds, the
5 state's citizens will be paying much more money for emergency fire
6 suppression; and

7 (e) It is therefore the intent of the legislature that the costs of
8 fire protection be equitably shared between the forest protection
9 assessment account and state contributions to ensure that there will be
10 sufficient fire fighters who are equipped and trained to respond
11 quickly to fires in order to keep fires small and manage those large
12 fires that do occur. In recognition of increases in landowner
13 assessments, the legislature declares its intent that increases in the
14 state's share for forest protection should be provided to stabilize the
15 funding for the forest protection program, and that sufficient state
16 funds should be committed to the forest protection program so that the
17 recommendations contained in the 1997 tridata report can be implemented
18 on an equitable basis.

19 (2) The legislature hereby finds and declares that it is in the
20 public interest to establish and maintain a complete, cooperative, and
21 coordinated forest fire protection and suppression program for the
22 state; that, second only to saving lives, the primary mission of the
23 department is protecting forest resources and suppressing forest wild
24 fires; that a primary mission of rural fire districts and municipal
25 fire departments is protecting improved property and suppressing
26 structural fires; and that the most effective way to protect structures
27 is for the department to focus its efforts and resources on
28 aggressively suppressing forest wild fires.

29 (3) The legislature also acknowledges the natural role of fire in
30 forest ecosystems, and finds and declares it in the public interest to
31 use fire under controlled conditions to prevent wild fires by
32 maintaining healthy forests and eliminating sources of fuel.

33 **Sec. 2.** RCW 76.04.610 and 1993 c 36 s 1 are each amended to read
34 as follows:

35 (1) If any owner of forest land within a forest protection zone
36 neglects or fails to provide adequate fire protection as required by
37 RCW 76.04.600, the department shall provide such protection and shall
38 annually impose the following assessments on each parcel of such land:

1 (a) A flat fee assessment of fourteen dollars and fifty cents; and (b)
2 (~~twenty-two~~) twenty-five cents on each acre exceeding fifty acres.
3 Assessors may, at their option, collect the assessment on tax exempt
4 lands. If the assessor elects not to collect the assessment, the
5 department may bill the landowner directly.

6 (2) An owner who has paid assessments on two or more parcels, each
7 containing fewer than fifty acres and each within the same county, may
8 obtain the following refund:

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

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

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

26 In addition to the procedures under this subsection, property
27 owners with multiple parcels in a single county who qualify for a
28 refund under this section may apply to the department on an application
29 listing all the parcels owned in order to have the assessment computed
30 on all parcels but billed to a single parcel. Property owners with the
31 following number of parcels may apply to the department in the year
32 indicated:

<u>Year</u>	<u>Number of Parcels</u>
34 <u>2002</u>	<u>10 or more parcels</u>
35 <u>2003</u>	<u>8 or more parcels</u>
36 <u>2004</u>	<u>6 or more parcels</u>
37 <u>2005</u>	<u>4 or more parcels</u>
38 <u>2006 and thereafter</u>	<u>2 or more parcels</u>

1 The department must compute the correct assessment and allocate one
2 parcel in the county to use to collect the assessment. The county must
3 then bill the forest fire protection assessment on that one allocated
4 identified parcel. The landowner is responsible for notifying the
5 department of any changes in parcel ownership.

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

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

31 (5) The amounts assessed shall be collected at the time, in the
32 same manner, by the same procedure, and with the same penalties
33 attached that general state and county taxes on the same property are
34 collected, except that errors in assessments may be corrected at any
35 time by the department certifying them to the treasurer of the county
36 in which the land involved is situated. Assessments shall be known and
37 designated as assessments of the year in which the amounts became
38 reimbursable. Upon the collection of assessments the county treasurer
39 shall place fifty cents of the total assessments paid on a parcel for

1 fire protection into the county current expense fund to defray the
2 costs of listing, billing, and collecting these assessments. The
3 treasurer shall then transmit the balance to the department.
4 Collections shall be applied against expenses incurred in carrying out
5 the provisions of this section, including necessary and reasonable
6 administrative costs incurred by the department in the enforcement of
7 these provisions. The department may also expend sums collected from
8 owners of forest lands or received from any other source for necessary
9 administrative costs in connection with the enforcement of RCW
10 76.04.660.

11 (6) When land against which forest protection assessments are
12 outstanding is acquired for delinquent taxes and sold at public
13 auction, the state shall have a prior lien on the proceeds of sale over
14 and above the amount necessary to satisfy the county's delinquent tax
15 judgment. The county treasurer, in case the proceeds of sale exceed
16 the amount of the delinquent tax judgment, shall immediately remit to
17 the department the amount of the outstanding forest protection
18 assessments.

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

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

1 (9) The department may adopt rules to implement this section,
2 including, but not limited to, rules on levying and collecting forest
3 protection assessments.

4 NEW SECTION. **Sec. 3.** If specific funding for the purposes of this
5 act, referencing this act by bill or chapter number, is not provided by
6 June 30, 2001, in the omnibus appropriations act, this act is null and
7 void.

Passed the House April 22, 2001.

Passed the Senate April 20, 2001.

Approved by the Governor May 11, 2001.

Filed in Office of Secretary of State May 11, 2001.