

HOUSE BILL REPORT

HB 2213

As Passed House:
January 30, 2012

Title: An act relating to modifying certain definitions for the purpose of firefighting services for unprotected lands.

Brief Description: Modifying certain definitions for the purpose of firefighting services for unprotected lands.

Sponsors: Representatives Chandler, Van De Wege and Johnson.

Brief History:

Committee Activity:

Local Government: 1/17/12, 1/20/12 [DP].

Floor Activity:

Passed House: 1/30/12, 96-0.

Brief Summary of Bill

- Modifies the definition of "improved property" in regards to forest protection to specify that the definition includes agricultural structures, as defined in the state building code, and bridges.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Smith, Springer and Tharinger.

Staff: Ann Koepke (786-7291) and Ethan Moreno (786-7386).

Background:

Among other obligations, the Department of Natural Resources (DNR) has the duty and authority to prevent, control, and suppress state forest fires. Numerous statutorily defined terms are applicable in the provision of firefighting services of the DNR. Examples include:

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- "fire protection service agency" or "agency" means any local, state, or federal governmental entity responsible for the provision of firefighting services;
- "fire protection jurisdiction" means an area or property located within a fire protection district, a regional fire protection service authority, a city, a town, a port district, certain lands protected by the DNR, or on federal lands;
- "firefighting services" means the provision of services related to the protection of life and property;
- "property" is defined as land, structures, or land and structures;
- "improved property" means property upon which a structure is located, but does not include roads, bridges, land devoted primarily to growing and harvesting timber, or land devoted primarily to the production of livestock or agricultural commodities for commercial purposes; and
- "unprotected land" means improved property located outside of a fire protection jurisdiction.

Fire protection agencies are not obligated to provide firefighting services to unprotected land. If firefighting services are provided to unprotected land and the property owners have not formed or annexed into a fire protection jurisdiction or contracted with a fire protection agency for firefighting services, the property owners must reimburse the agency initiating firefighting services on unprotected land for actual costs that are incurred that are proportionate to the fire itself.

The Washington State Building Code exists to promote the safety and welfare of occupants and users of buildings and structures. It provides definitions of a number of structures, including agricultural structures.

Summary of Bill:

The definition of "improved property" in regards to forest protection is modified to specify that the definition includes agricultural structures, as defined in the state building code, and bridges.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill clarifies the definition of improved property so that fire departments can have the flexibility and incentive to fight fires on bridges or in agricultural buildings, such as barns. This bill provides a technical clean-up and clears up current confusion regarding what structures are covered in the building code. House Bill 2213 simply provides clear authority for fire response to address fires in agricultural buildings and on bridges. As a rule, fire departments fighting open fires do not protect structures. With the passage of this bill, that would still hold true in terms of houses, but would allow fire departments to deal

with basic structures that they do not need to enter in order to control and suppress. This would not require an expansion of fire protection jurisdictions' activities, but would give them the opportunity to exercise further discretion. This bill also allows the fire protection jurisdiction to charge for the cost incurred for fighting these fires on agricultural structures or bridges.

(Opposed) None.

Persons Testifying: Representative Chandler, prime sponsor; and Dylan Doty, Washington Fire Chiefs.

Persons Signed In To Testify But Not Testifying: None.