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**SUBSTITUTE HOUSE BILL 2579**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Griffey, Goodman, Orwall, Dent, Wilson, Van De Wege, and McBride)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to prefire mitigation; amending RCW 43.43.934;  
2 reenacting and amending RCW 43.79A.040; adding a new section to  
3 chapter 43.43 RCW; adding a new section to chapter 48.14 RCW; and  
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that wildfire  
7 occurrence, fire intensity, and values at risk have continued to  
8 increase across the state in recent years. Three of the primary  
9 causal factors behind these increases are population growth, changes  
10 in land use, and weather patterns and drought. The 2015 wildfire  
11 season was one of the worst in history and caused untold millions of  
12 dollars' worth of fire-related damages. Costs associated with ongoing  
13 fire resource deployment, state fire mobilization, as well as  
14 lingering air quality issues and freight delay due to road closures,  
15 have added up to one of the costliest fire seasons on record.

16 (2) The legislature intends to help limit the scope of future  
17 wildfires by establishing a statewide prefire mitigation plan to be  
18 overseen by the office of the state fire marshal. This plan must  
19 provide for coordination with local fire departments to develop  
20 individualized community-wide protection plans that include public

1 education such as firewise, partnership building, and personal  
2 wildfire action plans in the event of a wildfire.

3 **Sec. 2.** RCW 43.43.934 and 2015 c 43 s 1 are each amended to read  
4 as follows:

5 (1) The director of fire protection shall:

6 ~~((1))~~(a)(i) With the state board for community and technical  
7 colleges, provide academic, vocational, and field training programs  
8 for the fire service; and (ii) with the state colleges and  
9 universities, provide instructional programs requiring advanced  
10 training, especially in command and management skills;

11 (b) Cooperate with the common schools, technical and community  
12 colleges, institutions of higher education, and any department or  
13 division of the state, or of any county or municipal corporation in  
14 establishing and maintaining instruction in fire service training and  
15 education in accordance with any act of congress and legislation  
16 enacted by the legislature in pursuance thereof and in establishing,  
17 building, and operating training and education facilities.

18 Industrial fire departments and private fire investigators may  
19 participate in training and education programs under this chapter for  
20 a reasonable fee established by rule;

21 (c) Develop and adopt a master plan for constructing, equipping,  
22 maintaining, and operating necessary fire service training and  
23 education facilities subject to the provisions of chapter ~~((43.19))~~  
24 39.26 RCW;

25 (d) Develop and adopt a master plan for the purchase, lease, or  
26 other acquisition of real estate necessary for fire service training  
27 and education facilities in a manner provided by law; ~~((and))~~

28 (e)(i) Develop and adopt a plan for the Washington state patrol  
29 fire training academy to deliver basic firefighter training and  
30 testing to all city fire departments, fire protection districts,  
31 regional fire protection service authorities, and other public fire  
32 agencies in the state. The plan required by this subsection (1)(e)  
33 must specify that the delivery of training and testing services will  
34 be provided:

35 (A) To recipients in the following order of priority:

36 (I) Volunteer departments;

37 (II) Combination departments; and

38 (III) Fire agencies that employ only career firefighters and fire  
39 officers; and

1 (B) By personnel of the fire training academy, either at the  
2 academy's facilities in North Bend, Washington, or regionally at  
3 local fire agencies.

4 (ii)(A) In lieu of receiving training and testing services from  
5 the fire training academy, city fire departments, fire protection  
6 districts, regional fire protection service authorities, and other  
7 public fire agencies in the state may seek reimbursement for their  
8 firefighter I training expenses. The amount of reimbursement will be  
9 calculated on a per capita basis. The per capita amount is equal to  
10 the three-year statewide firefighter per capita average for the  
11 regional direct delivery of training by the fire training academy.  
12 The three-year statewide firefighter per capita average is calculated  
13 by dividing the number of firefighters trained using the regional  
14 direct delivery program during the three-year period into the total  
15 cost of providing regional direct delivery during the same three-year  
16 period. The regional direct delivery costs used for the basis of  
17 these calculations does not include the costs of the fire training  
18 academy personnel used to coordinate the direct delivery programs,  
19 the state's indirect costs, or any other indirect costs.

20 (B) Prior to the implementation of the reimbursement provisions  
21 in (e)(ii)(A) of this subsection, the amount of reimbursement for  
22 city fire departments, fire protection districts, regional fire  
23 protection service authorities, and other public fire agencies must  
24 be not less than three dollars for every one hour of firefighter I  
25 training, and may not exceed two hundred hours.

26 (iii) Subject to approval by the director of fire protection, and  
27 in accordance with the plan required by this subsection (1)(e), the  
28 fire training academy facilities and programs must be made available  
29 at no cost to fire service youth programs. The goal of making these  
30 facilities and programs available is to increase enrollment of  
31 volunteer firefighters, and to improve gender, cultural, and ethnic  
32 diversity within the fire service.

33 (iv) For purposes of this subsection (1)(e), the following  
34 definitions apply:

35 (A) "Basic firefighter training and testing" means training and  
36 testing for firefighters that is up to and includes the requirements  
37 of firefighter I, as identified by the national fire protection  
38 association standard 1001;

1 (B) "Combination department" means a fire department with  
2 emergency service personnel comprising less than eighty-five percent  
3 of either volunteer or career membership;

4 (C) "Delivery of training" includes all resources, personnel, and  
5 equipment necessary to deliver training at the fire academy in North  
6 Bend, Washington, or regionally at local fire agencies; and

7 (D) "Volunteer department" means a fire department with volunteer  
8 emergency service personnel comprising eighty-five percent or greater  
9 of its department membership(~~(-)~~);

10 (~~((2)(a))~~) (f)(i) Promote mutual aid and disaster planning for  
11 fire services in this state;

12 (~~((b))~~) (ii) Assure the dissemination of information concerning  
13 the amount of fire damage including that damage caused by arson, and  
14 its causes and prevention; and

15 (~~((c))~~) (iii) Implement any legislation enacted by the  
16 legislature to meet the requirements of any acts of congress that  
17 apply to this section; and

18 (g)(i) Develop a statewide plan for prefire mitigation by  
19 adopting by rule the principles and tenets of a nationally recognized  
20 plan, such as the Ready Set Go program developed by the international  
21 association of fire chiefs. The rules must require coordination with  
22 local fire departments and the department of natural resources to  
23 develop individualized community-wide protection plans that include  
24 public education such as firewise, partnership building, and personal  
25 wildfire action plans in the event of a wildfire.

26 (ii) Nothing in this section is intended to duplicate or transfer  
27 the community wildfire protection planning program, firewise  
28 communities program, or other fire prevention education and outreach  
29 activities of the department of natural resources.

30 (iii) For the purposes of this section, prefire mitigation  
31 efforts include silvicultural burning as defined in RCW 70.94.030.

32 (~~((3))~~) (2)(a) In carrying out its statutory duties, the office  
33 of the state fire marshal shall give particular consideration to the  
34 appropriate roles to be played by the state and by local  
35 jurisdictions with fire protection responsibilities. Any  
36 determinations on the division of responsibility shall be made in  
37 consultation with local fire officials and their representatives.

38 (b) To the extent possible, the office of the state fire marshal  
39 shall encourage development of regional units along compatible  
40 geographic, population, economic, and fire risk dimensions. Such

1 regional units may serve to: ~~((a))~~ (i) Reinforce coordination among  
2 state and local activities in fire service training, reporting,  
3 inspections, and investigations; ~~((b))~~ (ii) identify areas of  
4 special need, particularly in smaller jurisdictions with inadequate  
5 resources; ~~((c))~~ (iii) assist the state in its oversight  
6 responsibilities; ~~((d))~~ (iv) identify funding needs and options at  
7 both the state and local levels; and ~~((e))~~ (v) provide models for  
8 building local capacity in fire protection programs.

9 (3)(a) The office of the state fire marshal must identify  
10 priority interface zones and work to develop a grant program to  
11 assist local jurisdictions in the voluntary adoption of the  
12 international wildland urban interface code.

13 (b) Any city or county that is awarded grant funds for the  
14 mapping of wildland urban interface areas within the city or county  
15 and does not adopt the international wildland urban interface code  
16 within five years of the award must return the total amount awarded  
17 back to the wildfire prevention account created in section 3 of this  
18 act.

19 (c) Funds awarded to special purpose districts, including but not  
20 limited to fire districts, for the mapping of wildland urban  
21 interface areas must be returned in full to the wildfire prevention  
22 account created in section 3 of this act if the county in which the  
23 special purpose district resides does not adopt the international  
24 wildland urban interface code within five years of the award.

25 (d) Funds awarded to any jurisdiction for the following purposes  
26 are not required to be returned to the wildfire prevention account  
27 regardless of whether or not the jurisdiction, or the county in which  
28 the jurisdiction resides, adopts the international wildland urban  
29 interface code:

30 (i) To implement the tenets of a nationally recognized prefire  
31 mitigation plan, such as the Ready Set Go program; or

32 (ii) To develop community-wide protection plans that include  
33 public education such as firewise, partnership building, and personal  
34 wildfire action plans.

35 (4) "Firewise," for the purposes of this chapter, means the  
36 firewise communities program developed by the national fire  
37 protection association, which encourages local solutions for wildfire  
38 safety by involving homeowners, community leaders, planners,  
39 developers, firefighters, and others in the effort to protect people  
40 and property from wildfire risks.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 43.43  
2 RCW to read as follows:

3        (1) The wildfire prevention account is created in the custody of  
4 the state treasurer. The account consists of:

5        (a) All bequests, fees, gifts, emoluments, or donations given or  
6 paid into the account;

7        (b) Five percent of all moneys received by the state from taxes  
8 on fire insurance premiums under RCW 48.14.020;

9        (c) Interest on the investments of the account; and

10       (d) Funds returned to the account in accordance with RCW  
11 43.43.934(3).

12       (2) Expenditures from the account may be used only for prefire  
13 mitigation efforts as described in this chapter and any rules adopted  
14 under this chapter, including silvicultural burning as defined in RCW  
15 70.94.030. Only the director of fire protection or the director's  
16 designee may authorize expenditures from the account. The account is  
17 subject to allotment procedures under chapter 43.88 RCW, but an  
18 appropriation is not required for expenditures.

19       (3) The director of fire protection or the director's designee  
20 may not authorize expenditures from the account to be distributed to  
21 any fire district that has levied less than sixty percent of its levy  
22 capacity as defined in chapter 52.16 RCW.

23       NEW SECTION.    **Sec. 4.**    A new section is added to chapter 48.14  
24 RCW to read as follows:

25       Five percent of all moneys received by the state from taxes on  
26 fire insurance premiums under RCW 48.14.020 must be deposited in the  
27 wildfire prevention account created in section 3 of this act.

28       **Sec. 5.**    RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are  
29 each reenacted and amended to read as follows:

30       (1) Money in the treasurer's trust fund may be deposited,  
31 invested, and reinvested by the state treasurer in accordance with  
32 RCW 43.84.080 in the same manner and to the same extent as if the  
33 money were in the state treasury, and may be commingled with moneys  
34 in the state treasury for cash management and cash balance purposes.

35       (2) All income received from investment of the treasurer's trust  
36 fund must be set aside in an account in the treasury trust fund to be  
37 known as the investment income account.

1 (3) The investment income account may be utilized for the payment  
2 of purchased banking services on behalf of treasurer's trust funds  
3 including, but not limited to, depository, safekeeping, and  
4 disbursement functions for the state treasurer or affected state  
5 agencies. The investment income account is subject in all respects to  
6 chapter 43.88 RCW, but no appropriation is required for payments to  
7 financial institutions. Payments must occur prior to distribution of  
8 earnings set forth in subsection (4) of this section.

9 (4)(a) Monthly, the state treasurer must distribute the earnings  
10 credited to the investment income account to the state general fund  
11 except under (b), (c), and (d) of this subsection.

12 (b) The following accounts and funds must receive their  
13 proportionate share of earnings based upon each account's or fund's  
14 average daily balance for the period: The Washington promise  
15 scholarship account, the Washington advanced college tuition payment  
16 program account, the accessible communities account, the community  
17 and technical college innovation account, the agricultural local  
18 fund, the American Indian scholarship endowment fund, the foster care  
19 scholarship endowment fund, the foster care endowed scholarship trust  
20 fund, the contract harvesting revolving account, the Washington state  
21 combined fund drive account, the commemorative works account, the  
22 county enhanced 911 excise tax account, the toll collection account,  
23 the developmental disabilities endowment trust fund, the energy  
24 account, the fair fund, the family leave insurance account, the food  
25 animal veterinarian conditional scholarship account, the fruit and  
26 vegetable inspection account, the future teachers conditional  
27 scholarship account, the game farm alternative account, the GET ready  
28 for math and science scholarship account, the Washington global  
29 health technologies and product development account, the grain  
30 inspection revolving fund, the industrial insurance rainy day fund,  
31 the juvenile accountability incentive account, the law enforcement  
32 officers' and firefighters' plan 2 expense fund, the local tourism  
33 promotion account, the multiagency permitting team account, the  
34 pilotage account, the produce railcar pool account, the regional  
35 transportation investment district account, the rural rehabilitation  
36 account, the stadium and exhibition center account, the youth  
37 athletic facility account, the self-insurance revolving fund, the  
38 children's trust fund, the Washington horse racing commission  
39 Washington bred owners' bonus fund and breeder awards account, the  
40 Washington horse racing commission class C purse fund account, the

1 individual development account program account, the Washington horse  
2 racing commission operating account, the life sciences discovery  
3 fund, the Washington state heritage center account, the reduced  
4 cigarette ignition propensity account, the center for childhood  
5 deafness and hearing loss account, the school for the blind account,  
6 the Millersylvania park trust fund, the public employees' and  
7 retirees' insurance reserve fund, the wildfire prevention account,  
8 and the radiation perpetual maintenance fund.

9 (c) The following accounts and funds must receive eighty percent  
10 of their proportionate share of earnings based upon each account's or  
11 fund's average daily balance for the period: The advanced right-of-  
12 way revolving fund, the advanced environmental mitigation revolving  
13 account, the federal narcotics asset forfeitures account, the high  
14 occupancy vehicle account, the local rail service assistance account,  
15 and the miscellaneous transportation programs account.

16 (d) Any state agency that has independent authority over accounts  
17 or funds not statutorily required to be held in the custody of the  
18 state treasurer that deposits funds into a fund or account in the  
19 custody of the state treasurer pursuant to an agreement with the  
20 office of the state treasurer shall receive its proportionate share  
21 of earnings based upon each account's or fund's average daily balance  
22 for the period.

23 (5) In conformance with Article II, section 37 of the state  
24 Constitution, no trust accounts or funds shall be allocated earnings  
25 without the specific affirmative directive of this section.

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