
HOUSE BILL 2579

State of Washington

64th Legislature

2016 Regular Session

By Representatives Griffey, Goodman, Orwall, Dent, Wilson, Van De Wege, and McBride

Read first time 01/15/16. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to prefire mitigation; amending RCW 43.43.934;
2 reenacting and amending RCW 43.79A.040; and creating a new section.

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

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

14 The legislature intends to help limit the scope of future
15 wildfires by establishing a statewide prefire mitigation plan to be
16 overseen by the office of the state fire marshal. This plan must
17 provide for coordination with local fire departments to develop
18 individualized community-wide protection plans that include public
19 education such as firewise, partnership building, and personal
20 wildfire action plans in the event of a wildfire.

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

3 (1) The director of fire protection shall:

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

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

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

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

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

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

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

34 (I) Volunteer departments;

35 (II) Combination departments; and

36 (III) Fire agencies that employ only career firefighters and fire
37 officers; and

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (~~(3)~~) (2) In carrying out its statutory duties, the office of
24 the state fire marshal shall give particular consideration to the
25 appropriate roles to be played by the state and by local
26 jurisdictions with fire protection responsibilities. Any
27 determinations on the division of responsibility shall be made in
28 consultation with local fire officials and their representatives.

29 To the extent possible, the office of the state fire marshal
30 shall encourage development of regional units along compatible
31 geographic, population, economic, and fire risk dimensions. Such
32 regional units may serve to: (a) Reinforce coordination among state
33 and local activities in fire service training, reporting,
34 inspections, and investigations; (b) identify areas of special need,
35 particularly in smaller jurisdictions with inadequate resources; (c)
36 assist the state in its oversight responsibilities; (d) identify
37 funding needs and options at both the state and local levels; and (e)
38 provide models for building local capacity in fire protection
39 programs.

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

5 (4) The wildfire prevention account is hereby created in the
6 custody of the state treasurer. The account must consist of: (a) All
7 bequests, fees, gifts, emoluments, or donations given or paid into
8 the account; (b) five percent of all moneys received by the state
9 from taxes on fire insurance premiums under RCW 48.14.020; and (c)
10 interest on the investments of the account. Expenditures from the
11 account may be used only for prefire mitigation efforts as described
12 in this chapter and any rules adopted under this chapter. Only the
13 director of state fire protection or the director's designee may
14 authorize expenditures from the account. The account is subject to
15 allotment procedures under chapter 43.88 RCW, but an appropriation is
16 not required for expenditures.

17 (5) "Firewise," for the purposes of this chapter, means the
18 firewise communities program developed by the national fire
19 protection association, which encourages local solutions for wildfire
20 safety by involving homeowners, community leaders, planners,
21 developers, firefighters, and others in the effort to protect people
22 and property from wildfire risks.

23 **Sec. 3.** RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are
24 each reenacted and amended to read as follows:

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

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

33 (3) The investment income account may be utilized for the payment
34 of purchased banking services on behalf of treasurer's trust funds
35 including, but not limited to, depository, safekeeping, and
36 disbursement functions for the state treasurer or affected state
37 agencies. The investment income account is subject in all respects to
38 chapter 43.88 RCW, but no appropriation is required for payments to

1 financial institutions. Payments must occur prior to distribution of
2 earnings set forth in subsection (4) of this section.

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

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

1 retirees' insurance reserve fund, the wildfire prevention account,
2 and the radiation perpetual maintenance fund.

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

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

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

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