
SENATE BILL 6502

State of Washington

64th Legislature

2016 Regular Session

By Senators Hargrove and Frockt

Read first time 01/22/16. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to forest fire prevention and suppression;
2 amending RCW 76.04.167 and 76.04.610; adding a new section to chapter
3 76.04 RCW; adding a new section to chapter 28B.35 RCW; creating a new
4 section; making appropriations; and providing an effective date.

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

6 **Sec. 1.** RCW 76.04.167 and 2001 c 279 s 1 are each amended to
7 read as follows:

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

9 (a) Forest wild fires are a threat to public health and safety
10 and can cause catastrophic damage to public and private resources,
11 including clean air, clean water, fish and wildlife habitat, timber
12 resources, forest soils, scenic beauty, recreational opportunities,
13 economic and employment opportunities, structures, and other
14 improvements;

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;

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

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

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

16 (2) The legislature hereby finds and declares that:

17 (a) It is in the public interest to establish and maintain a
18 complete, cooperative, and coordinated forest fire protection and
19 suppression program for the state; (~~that,~~)

20 (b) Fighting forest land wildfires is an extraordinarily complex
21 and difficult task involving numerous quickly changing conditions and
22 the increasing number of homes in forested areas increase those
23 complexities;

24 (c) Second only to saving lives, the primary mission of the
25 department is protecting forest resources and suppressing forest wild
26 fires; (~~that~~)

27 (d) A primary mission of rural fire districts and municipal fire
28 departments is protecting improved property and suppressing
29 structural fires; and (~~that the most effective way to protect~~
30 structures is for the department to focus its efforts and resources
31 on aggressively suppressing forest wild fires))

32 (e) Specific firefighting priorities are coordinated among
33 firefighting entities and those priorities are heavily influenced by
34 the protection of human life, communities, and property.

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

1 **Sec. 2.** RCW 76.04.610 and 2012 2nd sp.s. c 7 s 922 are each
2 amended to read as follows:

3 (1)(a) If any owner of forest land within a forest protection
4 zone neglects or fails to provide adequate fire protection as
5 required by RCW 76.04.600, the department shall provide such
6 protection and shall annually impose the following assessments on
7 each parcel of such land: (i) A flat fee assessment of seventeen
8 dollars and fifty cents; and (ii) twenty-seven cents on each acre
9 exceeding fifty acres.

10 (b) Assessors may, at their option, collect the assessment on tax
11 exempt lands. If the assessor elects not to collect the assessment,
12 the department may bill the landowner directly.

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

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

21 (b) If all the parcels together contain fifty or more acres, then
22 the refund is equal to the flat fee assessments paid, reduced by the
23 total of (i) seventeen dollars, (ii) twenty-seven cents for each acre
24 exceeding fifty acres, and (iii) the total of the amounts retained by
25 the county from such assessments under subsection (~~((+5))~~) (6) of this
26 section.

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

33 In addition to the procedures under this subsection, property
34 owners with multiple parcels in a single county who qualify for a
35 refund under this section may apply to the department on an
36 application listing all the parcels owned in order to have the
37 assessment computed on all parcels but billed to a single parcel.
38 Property owners with the following number of parcels may apply to the
39 department in the year indicated:

1	Year	Number of Parcels
2	2002	10 or more parcels
3	2003	8 or more parcels
4	2004 and thereafter	6 or more parcels

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

10 (3) For every taxable parcel of land within the state of
11 Washington that is not subject to the assessment imposed under
12 subsection (1) of this section, the department shall impose an annual
13 per parcel assessment of four dollars and ninety-five cents.

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

19 ((+4)) (5) For the purpose of this chapter, the department may
20 divide the forest lands of the state, or any part thereof, into
21 districts, for fire protection and assessment purposes, may classify
22 lands according to the character of timber prevailing, and the fire
23 hazard existing, and place unprotected lands under the administration
24 of the proper district. Amounts paid or contracted to be paid by the
25 department for protection of forest lands from funds at its disposal
26 shall be a lien upon the property protected, unless reimbursed by the
27 owner within ten days after October 1st of the year in which they
28 were incurred. The department shall be prepared to make statement
29 thereof, upon request, to a forest owner whose own protection has not
30 been previously approved as to its adequacy, the department shall
31 report the same to the assessor of the county in which the property
32 is situated. The assessor shall extend the amounts upon the tax rolls
33 covering the property, and upon authorization from the department
34 shall levy the forest protection assessment against the amounts of
35 unimproved land as shown in each ownership on the county assessor's
36 records. The assessor may then segregate on the records to provide
37 that the improved land and improvements thereon carry the millage

1 levy designed to support the rural fire protection districts as
2 provided for in RCW 52.16.170.

3 ~~((+5))~~ (6) The amounts assessed shall be collected at the time,
4 in the same manner, by the same procedure, and with the same
5 penalties attached that general state and county taxes on the same
6 property are collected, except that errors in assessments may be
7 corrected at any time by the department certifying them to the
8 treasurer of the county in which the land involved is situated.
9 Assessments shall be known and designated as assessments of the year
10 in which the amounts became reimbursable. Upon the collection of
11 assessments the county treasurer shall place fifty cents of the total
12 assessments paid on a parcel for fire protection into the county
13 current expense fund to defray the costs of listing, billing, and
14 collecting these assessments. The treasurer shall then transmit the
15 balance to the department. Collections shall be applied against
16 expenses incurred in carrying out the provisions of this section,
17 including necessary and reasonable administrative costs incurred by
18 the department in the enforcement of these provisions. The department
19 may also expend sums collected from owners of forest lands or
20 received from any other source for necessary administrative costs in
21 connection with the enforcement of RCW 76.04.660.

22 ~~((+6))~~ (7) Beginning in fiscal year 2017, the department shall
23 transfer ten percent of the revenue collected from the parcel
24 assessments specified in subsections (1) and (3) of this section into
25 the military department active state service account, created in RCW
26 38.40.220.

27 (8) When land against which forest protection assessments are
28 outstanding is acquired for delinquent taxes and sold at public
29 auction, the state shall have a prior lien on the proceeds of sale
30 over and above the amount necessary to satisfy the county's
31 delinquent tax judgment. The county treasurer, in case the proceeds
32 of sale exceed the amount of the delinquent tax judgment, shall
33 immediately remit to the department the amount of the outstanding
34 forest protection assessments.

35 ~~((+7))~~ (9) All nonfederal public bodies owning or administering
36 forest land included in a forest protection zone shall pay the forest
37 protection assessments provided in this section and the special
38 forest fire suppression account assessments under RCW 76.04.630. The
39 forest protection assessments and special forest fire suppression
40 account assessments shall be payable by nonfederal public bodies from

1 available funds within thirty days following receipt of the written
2 notice from the department which is given after October 1st of the
3 year in which the protection was provided. Unpaid assessments are not
4 a lien against the nonfederal publicly owned land but shall
5 constitute a debt by the nonfederal public body to the department and
6 are subject to interest charges at the legal rate. (~~During the~~
7 ~~2011-2013 fiscal biennium, the forest fire protection assessment~~
8 ~~account may be appropriated to The Evergreen State College for~~
9 ~~analysis and recommendations to improve the efficiency and~~
10 ~~effectiveness of the state's mechanisms for funding fire prevention~~
11 ~~and suppression activities.~~

12 ~~(+8))~~ (10) A public body, having failed to previously pay the
13 forest protection assessments required of it by this section, which
14 fails to suppress a fire on or originating from forest lands owned or
15 administered by it, is liable for the costs of suppression incurred
16 by the department or its agent and is not entitled to reimbursement
17 of costs incurred by the public body in the suppression activities.

18 ~~((+9))~~ (11) The department may adopt rules to implement this
19 section, including, but not limited to, rules on levying and
20 collecting forest protection assessments.

21 NEW SECTION. **Sec. 3.** By December 31, 2016, the department of
22 natural resources must recommend to the appropriate committees of the
23 legislature options to incentivize adoption of the International
24 Wildland Urban Interface Code, published by the International Code
25 Council, Inc., particularly by counties at high risk during wildfire
26 season.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 76.04
28 RCW to read as follows:

29 (1) The department must create a prescribed burn manager
30 certification program for those who practice prescribed burning in
31 the state. The certification program must include training on all
32 relevant aspects of prescribed fire in Washington including, but not
33 limited to, the following: Legal requirements; safety; weather; fire
34 behavior; smoke management; prescribed fire techniques; public
35 relations; planning; and contingencies.

36 (2) The department may not require certification under the
37 program created under subsection (1) of this section for burn permit
38 approval under this chapter. Nothing in this section may be construed

1 as creating a mandatory prescribed burn manager certification
2 requirement to conduct prescribed burning in Washington.

3 (3) No civil or criminal liability may be imposed by any court on
4 the state or its officers and employees, or a prescribed burn manager
5 certified under the program created under subsection (1) of this
6 section, for any direct or proximate adverse impacts resulting from a
7 prescribed fire conducted under the provisions of this chapter except
8 upon proof of gross negligence or willful or wanton misconduct.

9 (4) The department may adopt rules to create the prescribed burn
10 manager certification program and to set periodic renewal criteria.
11 The department may also adopt rules to establish a decertification
12 process for certified prescribed burn managers who commit a violation
13 under this chapter or rules adopted under this chapter. The
14 department may, in its own discretion, develop an equivalency test
15 for experienced prescribed burn managers.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.35
17 RCW to read as follows:

18 Central Washington University shall develop a bachelor of science
19 degree program for wildfire behavior forecasting. Central Washington
20 University shall also develop a specialized wildfire management
21 certification course to train wildfire professionals.

22 NEW SECTION. **Sec. 6.** The sum of six hundred fifty thousand
23 dollars, or as much thereof as may be necessary, is appropriated for
24 the fiscal year ending June 30, 2017, from the general fund to
25 Central Washington University for the purposes of section 4 of this
26 act.

27 NEW SECTION. **Sec. 7.** Section 2 of this act takes effect January
28 1, 2017.

29 NEW SECTION. **Sec. 8.** (1) The sum of twelve million two hundred
30 twenty-six thousand dollars from the disaster response account and
31 the sum of nine hundred twenty-eight thousand dollars from the
32 general fund are appropriated for the fiscal biennium ending June 30,
33 2017, to the department of natural resources for the purposes
34 specified in this section.

35 (2) The appropriations in this section are subject to the
36 following conditions and limitations:

1 (a) \$464,000 of the general fund—state appropriation for fiscal
2 year 2016 and \$464,000 of the general fund—state appropriation for
3 fiscal year 2017 are provided solely for fire control in order to
4 fund a ninety-day exclusive use contract for a fixed-wing single
5 engine air tanker, aerial coordination, and associated operational
6 costs.

7 (b) \$3,796,000 of the disaster response account appropriation is
8 provided solely for joint wildland fire training of the department of
9 natural resources, Washington national guard, local governments, and
10 tribal firefighters.

11 (c) \$1,372,000 of the disaster response account appropriation is
12 provided solely to enhance the department of natural resource's
13 capacity to respond to large wildfires using in-state resources and
14 to enhance capacity for aerial attack for wildfires.

15 (d) \$1,177,000 of the disaster response account appropriation is
16 provided solely for implementation of firewise, wildfire prevention
17 education, community outreach programs, technical assistance to
18 landowners, and to ensure landowner compliance with grant and
19 contract requirements, burn permit conditions, and industrial fire
20 precaution levels.

21 (e) \$1,200,000 of the disaster response account appropriation is
22 provided solely for radio communications system maintenance and
23 upgrades in coordination with the state interoperability executive
24 committee.

25 (f) \$4,681,000 of the disaster response account appropriation is
26 provided solely for a grant program to local fire districts for
27 wildland firefighting equipment and to provide a state match for
28 federal equipment grants to fire districts. In providing these
29 grants, priority must be given to districts with the highest risk of
30 wildfire, greatest equipment deficiencies, and the greatest financial
31 need.

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