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**SUBSTITUTE SENATE BILL 6502**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senators Hargrove and Frockt)

READ FIRST TIME 02/05/16.

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 wildfires are a threat to public health and safety and  
10 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 wildfires;

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) Second only to saving lives, the (~~primary~~) mission of the  
21 department is protecting forest resources and (~~suppressing forest~~  
22 wild fires)) preventing the spread of wildfires into communities and  
23 homes; (~~that~~)

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

29 (d) Specific firefighting priorities are coordinated among  
30 firefighting entities and those priorities are heavily influenced by  
31 the protection of human life, communities, and property.

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

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

38 (1)(a) If any owner of forest land within a forest protection  
39 zone neglects or fails to provide adequate fire protection as

1 required by RCW 76.04.600, the department shall provide such  
2 protection and shall annually impose the following assessments on  
3 each parcel of such land: (i) A flat fee assessment of seventeen  
4 dollars and fifty cents; and (ii) twenty-seven cents on each acre  
5 exceeding fifty acres.

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

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

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

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

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

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

36	Year	Number of Parcels
37	2002	10 or more parcels
38	2003	8 or more parcels

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

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

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

16 ~~((+4))~~ (5) For the purpose of this chapter, the department may  
17 divide the forest lands of the state, or any part thereof, into  
18 districts, for fire protection and assessment purposes, may classify  
19 lands according to the character of timber prevailing, and the fire  
20 hazard existing, and place unprotected lands under the administration  
21 of the proper district. Amounts paid or contracted to be paid by the  
22 department for protection of forest lands from funds at its disposal  
23 shall be a lien upon the property protected, unless reimbursed by the  
24 owner within ten days after October 1st of the year in which they  
25 were incurred. The department shall be prepared to make statement  
26 thereof, upon request, to a forest owner whose own protection has not  
27 been previously approved as to its adequacy, the department shall  
28 report the same to the assessor of the county in which the property  
29 is situated. The assessor shall extend the amounts upon the tax rolls  
30 covering the property, and upon authorization from the department  
31 shall levy the forest protection assessment against the amounts of  
32 unimproved land as shown in each ownership on the county assessor's  
33 records. The assessor may then segregate on the records to provide  
34 that the improved land and improvements thereon carry the millage  
35 levy designed to support the rural fire protection districts as  
36 provided for in RCW 52.16.170.

37 ~~((+5))~~ (6) The amounts assessed shall be collected at the time,  
38 in the same manner, by the same procedure, and with the same  
39 penalties attached that general state and county taxes on the same

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

17 ~~((+6))~~ (7) Beginning in fiscal year 2017, the department shall  
18 transfer ten percent of the revenue collected from the parcel  
19 assessments specified in subsections (1) and (3) of this section into  
20 the military department active state service account, created in RCW  
21 38.40.220.

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

30 ~~((+7))~~ (9) All nonfederal public bodies owning or administering  
31 forest land included in a forest protection zone shall pay the forest  
32 protection assessments provided in this section and the special  
33 forest fire suppression account assessments under RCW 76.04.630. The  
34 forest protection assessments and special forest fire suppression  
35 account assessments shall be payable by nonfederal public bodies from  
36 available funds within thirty days following receipt of the written  
37 notice from the department which is given after October 1st of the  
38 year in which the protection was provided. Unpaid assessments are not  
39 a lien against the nonfederal publicly owned land but shall  
40 constitute a debt by the nonfederal public body to the department and

1 are subject to interest charges at the legal rate. (~~During the~~  
2 ~~2011-2013 fiscal biennium, the forest fire protection assessment~~  
3 ~~account may be appropriated to The Evergreen State College for~~  
4 ~~analysis and recommendations to improve the efficiency and~~  
5 ~~effectiveness of the state's mechanisms for funding fire prevention~~  
6 ~~and suppression activities.~~

7 ~~(8))~~ (10) A public body, having failed to previously pay the  
8 forest protection assessments required of it by this section, which  
9 fails to suppress a fire on or originating from forest lands owned or  
10 administered by it, is liable for the costs of suppression incurred  
11 by the department or its agent and is not entitled to reimbursement  
12 of costs incurred by the public body in the suppression activities.

13 ~~((9))~~ (11) The department may adopt rules to implement this  
14 section, including, but not limited to, rules on levying and  
15 collecting forest protection assessments.

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

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

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

31 (2) The department may not require certification under the  
32 program created under subsection (1) of this section for burn permit  
33 approval under this chapter. Nothing in this section may be construed  
34 as creating a mandatory prescribed burn manager certification  
35 requirement to conduct prescribed burning in Washington.

36 (3) No civil or criminal liability may be imposed by any court on  
37 the state or its officers and employees, or a prescribed burn manager  
38 certified under the program created under subsection (1) of this

1 section, for any direct or proximate adverse impacts resulting from a  
2 prescribed fire conducted under the provisions of this chapter except  
3 upon proof of gross negligence or willful or wanton misconduct.

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

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

13 Central Washington University shall develop a bachelor of science  
14 degree program for wildfire behavior forecasting. Central Washington  
15 University shall also develop a specialized wildfire management  
16 certification course to train wildfire professionals.

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

22 NEW SECTION. **Sec. 7.** Section 2 of this act takes effect January  
23 1, 2017.

24 NEW SECTION. **Sec. 8.** (1) The sum of twelve million two hundred  
25 twenty-six thousand dollars from the disaster response account and  
26 the sum of nine hundred twenty-eight thousand dollars from the  
27 general fund are appropriated for the fiscal biennium ending June 30,  
28 2017, to the department of natural resources for the purposes  
29 specified in this section.

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

32 (a) \$464,000 of the general fund—state appropriation for fiscal  
33 year 2016 and \$464,000 of the general fund—state appropriation for  
34 fiscal year 2017 are provided solely for fire control in order to  
35 fund a ninety-day exclusive use contract for a fixed-wing single

1 engine air tanker, aerial coordination, and associated operational  
2 costs.

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

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

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

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

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

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