
HOUSE BILL 1290

State of Washington

54th Legislature

1995 Regular Session

By Representative Valle

Read first time 01/20/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to responsible forest fire protection measures;
2 amending RCW 66.08.200 and 82.08.170; adding a new section to chapter
3 76.04 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a growing number
6 of people are building first or second residences and other structures
7 within or near forested areas. The legislature acknowledges county
8 authority to make land use planning decisions and the value of freedom
9 for citizens to choose where and how they wish to live, including in
10 forested areas. However, the legislature further finds that these
11 parties' choices are, in some cases, leading to increased expenditures
12 for taxpayers in the forms of increased fire fighting costs and loss of
13 valuable timber and other forest resources. There are limited
14 resources available for fire protection of forest lands, and, in some
15 cases, forest fire fighters are being diverted from protecting forests
16 to save privately owned structures within forested areas where neither
17 the landowner nor the county has undertaken adequate fire prevention
18 measures to safeguard the structures. While the legislature affirms
19 counties' and citizens' rights to make such decisions, the legislature

1 finds that these parties also have a responsibility to taxpayers as
2 well as forest landowners. State taxpayers should not be responsible
3 for the costs of defending private structures located in or near
4 forested areas if the county has not adopted and enforced adequate fire
5 protection standards.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04 RCW
7 to read as follows:

8 (1) The provisions of this section apply to areas (a) where the
9 construction of homes or other structures is occurring in or near
10 public or private forest lands; and (b) where such construction poses
11 a threat to or hindrance of forest fire protection efforts on such
12 forest lands because fire suppression efforts will be diverted to the
13 protection of homes and other structures to the substantial detriment
14 of the forest lands. The department may identify these areas by rule,
15 adjusting the designations over time to account for changes in the
16 interface or intermix of developed and forest lands.

17 (2) The legislature encourages each county to adopt appropriate
18 fire protection standards for areas identified under subsection (1) of
19 this section where structures or other human development interface with
20 forest lands. The legislature encourages each county to apply these
21 standards when issuing building permits and when engaging in land use
22 planning. The department shall adopt rules identifying appropriate
23 fire protection standards which, at a minimum, must include:

24 (a) Fire protection performance for building materials, including
25 fire-resistant roofing, in addition to the requirements of the uniform
26 fire code;

27 (b) Adequacy and availability of water supplies for fire protection
28 needs;

29 (c) The amount of flammable vegetation and other combustible growth
30 in these areas and the proximity of such vegetation to structures; and

31 (d) Access of fire protection services and equipment to structures
32 in these areas.

33 Standards that do not provide for adequate fire protection are not
34 appropriate for the purposes of this section. If a county chooses not
35 to adopt appropriate fire protection standards for areas identified
36 under subsection (1) of this section, the responsibility for taking
37 appropriate fire protection measures rests with individual landowners
38 with structures in these areas. Each county that adopts fire

1 protection standards under this subsection shall submit a copy to the
2 department for its review.

3 (3) A county is liable to pay the department for the department's
4 costs of protecting a private structure from a forest fire and for
5 resulting fire damage to forest land if the private structure is
6 located in or near a forested area in the county and the department
7 determines that the county has not adopted and enforced adequate fire
8 protection standards and, as a result, public forest fire fighters were
9 diverted to protect the private structure and the diversion resulted in
10 fire damage to forest land. If the county does not reimburse the
11 department directly, moneys that otherwise would be distributed to the
12 county from the liquor excise tax fund and the liquor revolving fund
13 shall be diverted and distributed to the department to pay these costs.
14 The department shall certify the amount of these costs to the state
15 treasurer.

16 The owner of a private structure that is located in or near a
17 forested area is liable to pay the department for its costs of
18 protecting the private structure from a forest fire and for resulting
19 damage to forest land if the department determines that the private
20 structure does not meet the adequate fire protection standards
21 established by the department and that, as a result, public forest fire
22 fighters were diverted to protect the structure and that the diversion
23 resulted in fire damage to forest land. The costs shall constitute a
24 lien on the private property or chattels under the owner's control and
25 shall be recovered in the same manner as liens are recovered under RCW
26 76.04.750.

27 **Sec. 3.** RCW 66.08.200 and 1979 c 151 s 167 are each amended to
28 read as follows:

29 With respect to the ten percent share coming to the counties, the
30 computations for distribution shall be made by the state agency
31 responsible for collecting the same as follows:

32 The share coming to each eligible county shall be determined by a
33 division among the eligible counties according to the relation which
34 the population of the unincorporated area of such eligible county, as
35 last determined by the office of financial management, bears to the
36 population of the total combined unincorporated areas of all eligible
37 counties, as determined by the office of financial management:
38 PROVIDED, That no county in which the sale of liquor is forbidden in

1 the unincorporated area thereof as the result of an election shall be
2 entitled to share in such distribution. As provided in section 2 of
3 this act, distributions to a county shall be diverted to the department
4 of natural resources. "Unincorporated area" means all that portion of
5 any county not included within the limits of incorporated cities and
6 towns.

7 When a special county census has been conducted for the purpose of
8 determining the population base of a county's unincorporated area for
9 use in the distribution of liquor funds, the census figure shall become
10 effective for the purpose of distributing funds as of the official
11 census date once the census results have been certified by the office
12 of financial management and officially submitted to the office of the
13 secretary of state.

14 **Sec. 4.** RCW 82.08.170 and 1983 c 3 s 215 are each amended to read
15 as follows:

16 On the first day of the months of January, April, July and October
17 of each year, the state treasurer shall make the apportionment and
18 distribution of all moneys in the liquor excise tax fund to the
19 counties, cities and towns in the following proportions: Twenty
20 percent of the moneys in said liquor excise tax fund shall be divided
21 among and distributed to the counties of the state in accordance with
22 the provisions of RCW 66.08.200; eighty percent of the moneys in said
23 liquor excise tax fund shall be divided among and distributed to the
24 cities and towns of the state in accordance with the provisions of RCW
25 66.08.210. As provided in section 2 of this act, distributions to a
26 county shall be diverted to the department of natural resources.

--- END ---