H-4137.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE HOUSE BILL 2579**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**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)

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

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

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

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

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

(1) The director of fire protection shall:

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

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

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

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

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

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

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

(I) Volunteer departments;

(II) Combination departments; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the Washington advanced college tuition payment program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the wildfire prevention account, and the radiation perpetual maintenance fund.

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

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

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

**--- END ---**