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**SUBSTITUTE SENATE BILL 6632**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senators Braun, Parlette, and Hargrove)

AN ACT Relating to wildfire management; amending RCW 70.94.6536, 43.43.960, 43.43.961, 43.43.961, 43.43.962, and 43.88.550; reenacting and amending RCW 43.43.960 and 76.04.005; adding new sections to chapter 76.04 RCW; creating new sections; providing an effective date; and providing expiration dates.

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

NEW SECTION. **Sec.**  (1) By July 31, 2016, the department of enterprise services, in coordination with the department of natural resources, must use a request for information to a broad base of wildfire insurance carriers to gain an understanding of insurance requirements and data needed for an accurate quote.

(2) By September 30, 2016, the department of enterprise services, in coordination with the department of natural resources, must use a request for quote to a broad base of wildfire insurance carriers to discern how each carrier would meet the needs of Washington and the cost of annual premiums. Preference must be given to insurance policies with a deductible of fifty million dollars or less, but for purposes of this section and for comparison, the departments may solicit quotes with varying deductibles.

(3) By November 30, 2016, the department of enterprise services, in coordination with the department of natural resources, must report to the legislature on: The criteria used in the request for information and request for quote; information gathered; premium and deductible data; and all other relevant information gathered during the solicitation process. If more than one insurance carrier offers a policy quote, the report must also include recommendations as to which insurer and insurance policy best fits the needs of the state. No formal request for proposal may be issued under this section absent express authorization from the legislature.

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

(1) The department must develop a twenty-year strategic plan to treat the two million seven hundred thousand acres of Washington forestland identified by the department as being in poor forest health condition. The department must develop the forest health and wildfire prevention strategic plan in consultation with relevant local, state, and federal agencies, tribes, forest landowners, representatives from milling and log transportation industries, and other interested parties from the nonprofit and commercial sectors.

(2) The strategic plan must be updated at least every two years and must include timelines and, at minimum, strategies to:

(a) Facilitate communication and coordination between local, state, federal, and tribal fire personnel;

(b) Improve public education and outreach regarding fire prevention and suppression activities;

(c) Streamline contract procedures to perform forest health treatments on public and private lands;

(d) Expand technical assistance programs for local governmental entities and private landowners; and

(e) Address barriers to wildfire prevention and suppression activities, particularly in rural areas where resources may be limited.

(3) The department must report on the forest health and wildfire prevention strategic plan and its assessment of progress to the appropriate committees of the legislature by December 31, 2017. The report must include relevant fiscal information and recommendations for any legislative action needed to execute the strategic plan.

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

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

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

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

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

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

**Sec.**  RCW 70.94.6536 and 1995 c 143 s 1 are each amended to read as follows:

(1)(a) The department of natural resources shall administer a program to reduce statewide emissions from silvicultural forest burning so as to achieve the following minimum objectives:

((~~(a)~~)) (i) Twenty percent reduction by December 31, 1994 providing a ceiling for emissions until December 31, 2000; and

((~~(b)~~)) (ii) Fifty percent reduction by December 31, 2000 providing a ceiling for emissions thereafter.

(b) Reductions shall be calculated from the average annual emissions level from calendar years 1985 to 1989, using the same methodology for both reduction and base year calculations.

(2)(a) The department of natural resources, within twelve months after May 15, 1991, shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost-effective manner possible. The plan shall be developed in consultation with the department of ecology, public and private landowners engaged in silvicultural forest burning, and representatives of the public.

(b) The plan shall recognize the variations in silvicultural forest burning including, but not limited to, a landowner's responsibility to abate an extreme fire hazard under chapter 76.04 RCW and other objectives of burning, including abating and preventing a fire hazard, geographic region, climate, elevation and slope, proximity to populated areas, and diversity of land ownership. The plan shall establish priorities that the department of natural resources shall use to allocate allowable emissions, including but not limited to, silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. The plan shall also recognize the real costs of the emissions program and recommend equitable fees to cover the costs of the program.

(c) The emission reductions in this section are to apply to all forest lands including those owned and managed by the United States. If the United States does not participate in implementing the plan, the departments of natural resources and ecology shall use all appropriate and available methods or enforcement powers to ensure participation.

(d) The plan shall include a tracking system designed to measure the degree of progress toward the emission reductions goals set in this section. The department of natural resources shall report annually to the department of ecology and the legislature on the status of the plan, emission reductions and progress toward meeting the objectives specified in this section, and the goals of this chapter and chapter 76.04 RCW.

(3)(a) By December 31, 2018, the department of natural resources must update the smoke management plan through a science-based stakeholder process that balances forest health and public health interests. The plan should include the identification of communities most vulnerable to wildfire and prioritize prescribed burning and other appropriate resiliency treatments on lands surrounding those communities. In addition, the department of natural resources must, in consultation with the department, other relevant state and federal agencies, participating tribes, and public and private landowners engaged in silvicultural forest burning, update the smoke management plan developed under subsection (2) of this section. The purpose of the smoke management plan is to provide for the continuation of silvicultural or forestland burning as a resource management tool and to provide increased opportunities for prescribed burning. The primary purpose of the smoke management plan update is to increase transparency and predictability for prescribed burns.

(b) The department of natural resources must, at minimum, update or include procedures in the smoke management plan according to the following directives:

(i) The minimum threshold to be considered a large fire in areas near communities or prone to inversions must be increased to one thousand tons per burn and the threshold for pile burns in low-risk areas must be increased to two thousand tons per burn;

(ii) The department of natural resources must issue forty-eight hour forecasts for permitted prescribed burns;

(iii) The department of natural resources must authorize individual prescribed burns twenty-four hours prior to ignition of the fire. Any burn decision made twenty-four hours in advance is subject to change if meteorological conditions or conditions affecting smoke dispersion are different from those anticipated and either pose an imminent and significant threat to public health or are forecast to exceed an air quality standard;

(iv) The department of natural resources may, by special burn permit, authorize prescribed burning on days when the department would otherwise deny burning if the denial of such a permit would threaten imminent and substantial economic loss. In authorizing such burning, the department of natural resources must limit the amount of material that can be burned in any one day and may only authorize burning that is not forecast to exceed an air quality standard;

(v) In addition to the priorities listed in subsection (2) of this section, the department of natural resources must prioritize burn projects according to the public benefits, including forest health, wildfire prevention, safety, and public health;

(vi) The department of natural resources must clarify the criteria it considers when determining whether a burn "has the potential to affect communities" with respect to multiple day burns;

(vii) The department of natural resources must cooperate with prescribed burn managers with approved multiple day burn permits to ensure predictability and to maximize opportunities to burn on each day of the approved multiple day burn permit; and

(viii) The department of natural resources may not deny a prescribed burn solely on the potential for smoke intrusions into communities unless there is clear evidence of an imminent and significant threat to public health or clear evidence that the smoke intrusion is forecast to contribute to an exceedance of an air quality standard.

(4) If the December 31, 1994, emission reductions targets in this section are not met, the department of natural resources, in consultation with the department of ecology, shall use its authority granted in this chapter and chapter 76.04 RCW to immediately limit emissions from such burning to the 1994 target levels and limit silvicultural forest burning in subsequent years to achieve equal annual incremental reductions so as to achieve the December 31, 2000, target level. If, as a result of the program established in this section, the emission reductions are met in 1994, but are not met by December 31, 2000, the department of natural resources in consultation with the department of ecology shall immediately limit silvicultural forest burning to reduce emissions from such burning to the December 31, 2000, target level in all subsequent years.

((~~(4)~~)) (5) Emissions from silvicultural burning in eastern Washington that is conducted for the purpose of restoring forest health or preventing the additional deterioration of forest health are exempt from the reduction targets and calculations in this section if the following conditions are met:

(a) The landowner submits a written request to the department identifying the location of the proposed burning and the nature of the forest health problem to be corrected. The request shall include a brief description of alternatives to silvicultural burning and reasons why the landowner believes the alternatives not to be appropriate.

(b) The department determines that the proposed silvicultural burning operation is being conducted to restore forest health or prevent additional deterioration to forest health; meets the requirements of the state smoke management plan to protect public health, visibility, and the environment; and will not be conducted during an air pollution episode or during periods of impaired air quality in the vicinity of the proposed burn.

(c) Upon approval of the request by the department and before burning, the landowner is encouraged to notify the public in the vicinity of the burn of the general location and approximate time of ignition.

((~~(5)~~)) (6) The department of ecology may conduct a limited, seasonal ambient air quality monitoring program to measure the effects of forest health burning conducted under subsection ((~~(4)~~)) (5) of this section. The monitoring program may be developed in consultation with the department of natural resources, private and public forest landowners, academic experts in forest health issues, and the general public.

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

(1) The legislature finds that embers or fire brands are produced as trees and other objects burn in wildfires. These hot embers may be carried by winds over long distances and ignite surfaces far removed from the fire, resulting in fire spread. This process is often known as spotting. The legislature finds it to be of public interest to aid fire-prone communities and homeowners in protecting their land and preventing the unnecessary spread of forest fires.

(2) The department must provide water storage containers and hoses to local fire-prone communities and, when reasonable, to landowners to use to put out embers or fire brands that fall on their property. The department must also provide public education regarding the safest methods in putting out embers or fire brands and dousing areas around property and structures to prevent fire spread. The department may partner with local governmental entities and other relevant organizations, including local fire protection districts, in carrying out the activities required in this section.

(3) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from training or equipment provided by the department under the provisions of this section except upon proof of gross negligence or willful or wanton misconduct.

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

(1) The legislature finds that over twenty-seven percent of Washington state lands are owned by federal agencies. The legislature further finds that increased coordination and improved communication between state and federal government agencies is necessary for effective forest health treatments and wildfire prevention and suppression activities.

(2) The department must enter into discussions with the federal agencies managing land in the state with the objective of entering into or updating existing memoranda of understandings or contracts regarding forest health and wildfire management. The department must initiate these discussions with all relevant federal partners including, but not limited to, the bureau of land management, the national park service, the United States fish and wildlife service, and the army corps of engineers. The department may consult with federally recognized tribes, forest landowners, and other entities involved in forest health treatment or wildfire prevention and suppression for the negotiations required by this section.

(3) The department must discuss, with the objective on agreeing to terms regarding, the following issue areas:

(a) Cost and labor-sharing agreements for forest health treatments conducted on federally owned lands;

(b) Timelines and measurable forest health improvement goals reachable within ten years of the date of agreement;

(c) Streamlining processes to share fire protection resources across jurisdictional lines; and

(d) Improving interagency cooperation to facilitate rapid initial response to fire. For example, the department may enter into an agreement with a federal partner to share in attacking wildfires along common ownership boundaries and exchange assistance free of charge across agency jurisdictions during the first twenty-four hours of a fire.

(4) By December 31, 2016, the department must report to the legislature on all agreements with federal land management partners in place as of the effective date of this section; efforts undertaken to reach the agreements required by this section; agreements entered into or updated as a result of those efforts; significant barriers, if any, to reaching consensus; recommendations for any legislative action that will encourage intergovernmental cooperation; and fiscal information.

**Sec.**  RCW 43.43.960 and 2015 c 181 s 2 are each reenacted and amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1) "All risk resources" means those resources regularly provided by fire departments, fire districts, and regional fire protection service authorities required to respond to natural or man-made incidents, including but not limited to:

(a) Wild land fires;

(b) Landslides;

(c) Earthquakes;

(d) Floods; and

(e) Contagious diseases.

(2) "Chief" means the chief of the Washington state patrol.

(3) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(4) "Jurisdiction" means state, county, city, fire district, regional fire protection service authority, or port district units, or other units covered by this chapter.

(5)(a) "Mobilization" means that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities beyond those available through existing agreements will be requested and, when available, sent in response to an emergency or disaster situation that has exceeded the capabilities of available local resources. During a large scale emergency, mobilization includes the redistribution of regional or statewide risk resources to either direct emergency incident assignments or to assignment in communities where resources are needed. Fire department resources may not be mobilized to assist law enforcement with police activities during a civil protest or demonstration, however, fire departments, fire districts, and regional fire protection service authorities are not restricted from providing medical care or aid and firefighting when mobilized for any purpose.

(b) When mobilization is declared and authorized as provided in this chapter, all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities including those of the host fire protection authorities, i.e. incident jurisdiction, shall be deemed as mobilized under this chapter, including those that responded earlier under existing mutual aid or other agreement. All nonhost fire protection authorities providing resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter from the time of the mobilization declaration.

(c) This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(6) "Mutual aid" means emergency interagency assistance provided without compensation under an agreement between jurisdictions under chapter 39.34 RCW.

(7) "Severity conditions" means that the conditions in a region of the state indicate a high level of wildfire risk as indicated by official actions, such as the declaration of a red flag warning, of a fire chief or the state fire marshal.

(8) "State fire marshal" means the director of fire protection in the Washington state patrol.

**Sec.**  RCW 43.43.960 and 2003 c 405 s 1 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1) "Chief" means the chief of the Washington state patrol.

(2) "State fire marshal" means the director of fire protection in the Washington state patrol.

(3) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(4) "Jurisdiction" means state, county, city, fire district, or port district firefighting units, or other units covered by this chapter.

(5)(a) "Mobilization" means that firefighting resources beyond those available through existing agreements will be requested and, when available, sent in response to an emergency or disaster situation that has exceeded the capabilities of available local resources. During a large scale emergency, mobilization includes the redistribution of regional or statewide firefighting resources to either direct emergency incident assignments or to assignment in communities where firefighting resources are needed.

(b) When mobilization is declared and authorized as provided in this chapter, all firefighting resources including those of the host fire protection authorities, i.e. incident jurisdiction, shall be deemed as mobilized under this chapter, including those that responded earlier under existing mutual aid or other agreement. All nonhost fire protection authorities providing firefighting resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter from the time of the mobilization declaration.

(c) This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(6) "Mutual aid" means emergency interagency assistance provided without compensation under an agreement between jurisdictions under chapter 39.34 RCW.

(7) "Severity conditions" means that the conditions in a region of the state indicate a high level of wildfire risk as indicated by official actions, such as the declaration of a red flag warning, of a fire chief or the state fire marshal.

**Sec.**  RCW 43.43.961 and 2015 c 181 s 3 are each amended to read as follows:

(1)(a) Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to ((~~insure~~)) ensure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to state agencies and local agencies that respond to help others in time of need or to a host fire district that experiences expenses beyond the resources of the fire district, the need to allow the prepositioning of wildland fire suppression assets during severity conditions, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:

((~~(1)~~)) (i) Provide the policy and organizational structure for large scale mobilization of all risk resources in the state through creation of the Washington state fire services mobilization plan;

((~~(2)~~)) (ii) Confer upon the chief the powers provided herein;

((~~(3)~~)) (iii) Provide a means for reimbursement to state agencies and local fire jurisdictions that incur expenses when mobilized by the chief under the Washington state fire services mobilization plan and when prepositioning assets during severity conditions; and

((~~(4)~~)) (iv) Provide for reimbursement of the host fire department or fire protection district when it has:

(A) Exhausted all of its resources; and

(B) Invoked its local mutual aid network and exhausted those resources.

(b) Upon implementation of state fire mobilization, the host district resources shall become state fire mobilization resources consistent with the fire mobilization plan.

(2) It is the intent of the legislature that mutual aid and other interlocal agreements providing for enhanced emergency response be encouraged as essential to the public peace, safety, health, and welfare, and for the protection of the lives and property of the people of the state of Washington. If possible, mutual aid agreements should be without stated limitations as to resources available, time, or area. Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost fire protection authority for reimbursement of expenses incurred in providing all risk resources for mobilization provided that the mobilization must meet the requirements identified in the Washington state fire service mobilization plan.

**Sec.**  RCW 43.43.961 and 2003 c 405 s 2 are each amended to read as follows:

(1)(a) Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to ((~~insure~~)) ensure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to state agencies and local firefighting agencies that respond to help others in time of need or to a host fire district that experiences expenses beyond the resources of the fire district, the need to allow the prepositioning of wildland fire suppression assets during severity conditions, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:

((~~(1)~~)) (i) Provide the policy and organizational structure for large scale mobilization of firefighting resources in the state through creation of the Washington state fire services mobilization plan;

((~~(2)~~)) (ii) Confer upon the chief the powers provided herein;

((~~(3)~~)) (iii) Provide a means for reimbursement to state agencies and local fire jurisdictions that incur expenses when mobilized by the chief under the Washington state fire services mobilization plan and when prepositioning assets during severity conditions; and

((~~(4)~~)) (iv) Provide for reimbursement of the host fire department or fire protection district when it has:

(A) Exhausted all of its resources; and

(B) Invoked its local mutual aid network and exhausted those resources.

(b) Upon implementation of state fire mobilization, the host district resources shall become state fire mobilization resources consistent with the fire mobilization plan.

(2) It is the intent of the legislature that mutual aid and other interlocal agreements providing for enhanced emergency response be encouraged as essential to the public peace, safety, health, and welfare, and for the protection of the lives and property of the people of the state of Washington. If possible, mutual aid agreements should be without stated limitations as to resources available, time, or area. Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost fire protection authority for reimbursement of expenses incurred in providing firefighting resources for mobilization.

**Sec.**  RCW 43.43.962 and 2010 1st sp.s. c 7 s 47 are each amended to read as follows:

(1)(a) The director of fire protection shall review and make recommendations to the chief on the refinement and maintenance of the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources and the procedures for arranging prepositioning of resources during severity conditions. In carrying out this duty, the director of fire protection shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources.

(b) The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The chief shall review the fire services mobilization plan as submitted by the director of fire protection, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

(2) It is the responsibility of the chief to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

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

(1) The local wildland fire severity account is created in the state treasury. All moneys appropriated to the account by law must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used by the department consistent with this section and to provide funding for the implementation of section 14 of this act.

(2) All appropriations to the local wildland fire severity account are separate and in addition to all base wildfire suppression appropriations provided directly to the department.

(3) Every two years as part of its budget request process under chapter 43.88 RCW, the department shall prepare a budget request for the local wildland fire severity account based on the demand on the account in recent biennia and the anticipated fire conditions for the requested biennium.

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

(1) A local suppression entity that has satisfied the prerequisites established in this section may contact the department or the state fire marshal and request prepositioned fire suppression resources be provided in the jurisdiction of the requesting local suppression entity if a severity condition is declared for the area of request.

(2) The department may release assets requested under this section by a local suppression entity based on availability of assets and any applicable regionally coordinated priority for the placement of assets. Any requested aerial or specialized suppression assets may only be released within the context of an interagency regional coordination agreement.

(3) As a prerequisite to receiving resources under this section, a local suppression entity must establish agreements, prior to its funding request, with the department and, as applicable, with other local suppression entities and private contractors in the general vicinity of the requesting local suppression entity's jurisdiction. The purpose of these agreements is to ensure that the prepositioning of assets during severity conditions is well planned prior to the onset of the severity conditions and the release of assets.

(4)(a) The costs of fulfilling the requests of local suppression entities under this section must be incurred initially by the department out of its base wildfire suppression appropriation. The department may reimburse itself from the local wildland fire severity account created in section 13 of this act for the costs incurred fulfilling requests under this section within the same fiscal biennium of incurring the costs.

(b) If the costs incurred by the department under this section exceed the balance in the local wildland fire severity account, the department may continue to implement this section and may receive reimbursements for the costs incurred by subsequent supplemental legislative appropriations to the local wildland fire severity account.

(5) Nothing in this section creates or infers additional liability on the department, a local response entity, or a contractor of the department or a local response entity in any suppression efforts funded through the local wildland fire severity account or for the failure to fund suppression efforts.

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

(1) The department must present a report to the legislature, consistent with RCW 43.01.036, by October 31, 2018, that summarizes the demand placed on the local wildland fire severity account and an estimate of a funding level for the local wildland fire severity account that would more accurately match the demand on the account.

(2) This section expires June 30, 2019.

**Sec.**  RCW 76.04.005 and 2015 c 182 s 7 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Additional fire hazard" means a condition existing on any land in the state:

(a) Covered wholly or in part by forest debris which is likely to further the spread of fire and thereby endanger life or property; or

(b) When, due to the effects of disturbance agents, broken, down, dead, or dying trees exist on forest land in sufficient quantity to be likely to further the spread of fire within areas covered by a forest health hazard warning or order issued by the commissioner of public lands under RCW 76.06.180. The term "additional fire hazard" does not include green trees or snags left standing in upland or riparian areas under the provisions of RCW 76.04.465 or chapter 76.09 RCW.

(2) "Closed season" means the period between April 15th and October 15th, unless the department designates different dates because of prevailing fire weather conditions.

(3) "Commissioner" means the commissioner of public lands.

(4) "Department" means the department of natural resources, or its authorized representatives, as defined in chapter 43.30 RCW.

(5) "Department protected lands" means all lands subject to the forest protection assessment under RCW 76.04.610 or covered under contract or agreement pursuant to RCW 76.04.135 by the department.

(6) "Disturbance agent" means those forces that damage or kill significant numbers of forest trees, such as insects, diseases, wind storms, ice storms, and fires.

(7) "Emergency fire costs" means those costs incurred or approved by the department for emergency forest fire suppression, including the employment of personnel, rental of equipment, and purchase of supplies over and above costs regularly budgeted and provided for nonemergency fire expenses for the biennium in which the costs occur.

(8) "Exploding target" means a device that is designed or marketed to ignite or explode when struck by firearm ammunition or other projectiles.

(9) "Forest debris" includes forest slash, chips, and any other vegetative residue resulting from activities on forest land.

(10) "Forest fire service" includes all wardens, rangers, and other persons employed especially for preventing or fighting forest fires.

(11) "Forest land" means any unimproved lands which have enough trees, standing or down, or flammable material, to constitute in the judgment of the department, a fire menace to life or property. Sagebrush and grass areas east of the summit of the Cascade mountains may be considered forest lands when such areas are adjacent to or intermingled with areas supporting tree growth. Forest land, for protection purposes, does not include structures.

(12) "Forest landowner," "owner of forest land," "landowner," or "owner" means the owner or the person in possession of any public or private forest land.

(13) "Forest material" means forest slash, chips, timber, standing or down, or other vegetation.

(14) "Incendiary ammunition" means ammunition that is designed to ignite or explode upon impact with or penetration of a target or designed to trace its course in the air with a trail of smoke, chemical incandescence, or fire.

(15) "Landowner operation" means every activity, and supporting activities, of a forest landowner and the landowner's agents, employees, or independent contractors or permittees in the management and use of forest land subject to the forest protection assessment under RCW 76.04.610 for the primary benefit of the owner. The term includes, but is not limited to, the growing and harvesting of forest products, the development of transportation systems, the utilization of minerals or other natural resources, and the clearing of land. The term does not include recreational and/or residential activities not associated with these enumerated activities.

(16) "Local fire suppression assets" means firefighting equipment that is located in close proximity to the wildland fire and that meets department standards and requirements.

(17) "Local wildland fire liaison" means the person appointed by the commissioner to serve as the local wildland fire liaison as provided in RCW 43.30.111.

(18) "Participating landowner" means an owner of forest land whose land is subject to the forest protection assessment under RCW 76.04.610.

(19) "Sky lantern" means an unmanned self-contained luminary device that uses heated air produced by an open flame or produced by another source to become or remain airborne.

(20) "Slash" means organic forest debris such as tree tops, limbs, brush, and other dead flammable material remaining on forest land as a result of a landowner operation.

(21) "Slash burning" means the planned and controlled burning of forest debris on forest lands by broadcast burning, underburning, pile burning, or other means, for the purposes of silviculture, hazard abatement, or reduction and prevention or elimination of a fire hazard.

(22) "Suppression" means all activities involved in the containment and control of forest fires, including the patrolling thereof until such fires are extinguished or considered by the department to pose no further threat to life or property.

(23) "Unimproved lands" means those lands that will support grass, brush and tree growth, or other flammable material when such lands are not cleared or cultivated and, in the opinion of the department, are a fire menace to life and property.

(24) "Local suppression entity" means a city, county, fire department, fire district, or other nonstate, nonfederal public entity responsible for suppressing wildland fires within its jurisdiction.

(25) "Local wildland fire severity account" means the account created in section 13 of this act to assist in funding immediate, local suppression efforts.

(26) "Severity conditions" has the same meaning as defined in RCW 43.43.960.

**Sec.**  RCW 43.88.550 and 1989 c 362 s 3 are each amended to read as follows:

(1) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state, or such other funds as the state treasurer deems appropriate, to the Clarke-McNary fund such amounts as are necessary to meet unbudgeted forest firefighting expenses, including expenses incurred from the implementation of section 13 of this act.

(2) All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

NEW SECTION. **Sec.**  Sections 8 and 10 of this act expire July 1, 2019.

NEW SECTION. **Sec.**  Sections 9 and 11 of this act take effect July 1, 2019.

**--- END ---**