

SENATE BILL REPORT

SB 6347

As Reported by Senate Committee On:
Natural Resources & Parks, February 4, 2016

Title: An act relating to forest fire prevention and suppression.

Brief Description: Concerning forest fire prevention and suppression.

Sponsors: Senators Hobbs, Hargrove and Conway.

Brief History:

Committee Activity: Natural Resources & Parks: 1/27/16, 2/04/16 [DP-WM].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Chair; Dangel, Vice Chair; Jayapal, Ranking Member; Chase, Fraser, Hewitt and Warnick.

Staff: Bonnie Kim (786-7316)

Background: The Department of Natural Resources (DNR) is responsible for forest fire prevention and response on both state-owned and private forest land in Washington.

Forest land is defined as unimproved land with enough trees or flammable material to create a fire menace to life or property. Sagebrush and grass areas east of the Cascade mountains may be considered forest land if such lands are adjacent to, or intermingled with, tree growth. For protection purposes, forest land does not include structures.

Forest Protection Zones. DNR is responsible for working with the state's other fire control agencies to define geographic areas of responsibility. Forest protection zones include all forest land which DNR is obligated to protect but does not include forest land within rural or municipal fire districts.

Forest Fire Protection Assessments (FFPAs). The costs of forest fire protection are to be equitably shared between forest landowners and the state. Owners of forest land are under an obligation to provide forest fire protection on their land at a level that provides adequate protection against the spread of fire from or across their land. However, if a landowner's property is located on forest land not included within the boundaries of certain rural or

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municipal fire districts, and the landowner fails to provide adequate protection against the spread of forest fire, then the landowner must pay the protection assessment to DNR.

Landowners paying the assessment are billed both at a flat rate and an additional rate according to the size of their forest land. All owners of forest land must pay a flat rate assessment fee of \$17.50 per parcel. Landowners who own more than 50 acres of forest land must pay the flat fee plus an additional \$0.27 per acre exceeding the 50 acres.

FFPA Refunds. Qualifying landowners who pay assessments on multiple parcels may claim a refund for assessments. To qualify for the refund, a landowner must have paid assessments on more than one parcel less than 50 acres in size in the same county.

If the cumulative size of all parcels owned by the landowner is less than 50 acres, then the landowner is entitled to be refunded the \$17.50 assessment paid on all but one of the properties, less \$0.50 per parcel retained for county administration. The landowner is not refunded the additional \$0.27 per acre assessment paid for the acreage exceeding 50 acres.

Forest Fire Protection Liability. When DNR is acting in its fire prevention and suppression capacity, a duty is owed to the public in general and not to any individual or class of persons separate from the general public.

Summary of Bill: The definition for unimproved lands is amended to mean lands occupied by shrub-steppe vegetation and forest lands devoted primarily to production of livestock or agricultural commodities for commercial purposes. Unimproved lands do not include improved lands which are defined as property on which a structure is located not including roads, bridges, forest lands, or unimproved lands.

Forest Protection Zones. DNR's area of protection does not necessarily include all parcels paying a per parcel assessment. Forest protection zones may include nonforested, unimproved land. DNR is obligated to protect all state and privately owned unimproved lands located outside of fire protection districts as of January 1, 2016.

FFPA. DNR must impose an annual per parcel assessment of \$4.95 on each taxable parcel of land in the state. DNR must impose a fire protection assessment on those lands it protects. The assessment rate is \$0.27 per acre for parcels west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat counties; and \$0.29 per acre on all other parcels. Landowners with multiple parcels located in one county may apply to DNR to pay for no more than 10 parcel assessments. The per acreage assessment is computed on all parcels but the per parcel assessment is billed to a single parcel.

DNR must provide protection for forest land and nonforested, unimproved lands located outside of a fire protection district boundary as of January 1, 2016. Land that is owned or administered by nonfederal public bodies or having tax-exempt status must pay the assessments.

FFPA Refunds. As of January 1, 2017, landowners owning multiple small parcels within a single county will no longer be eligible for a refund of paid assessments.

Forest Fire Protection Liability. DNR's liability protection is expanded to include actions within its discretionary authority that may prevent approaching wildfire from destroying or damaging personal property.

Revenue. Beginning in fiscal year 2017, DNR must transfer 10 percent of FFPA revenue to the military department active state service account.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2017.

Staff Summary of Public Testimony: PRO: We need to ramp up the national guard's ability to fight fires. It takes time to train our soldiers for their red cards. Our trained soldiers could not be deployed this fire season because there were no qualified supervisors available.

OTHER: There is no dedicated funding source to train and equip the national guard to fight fires. We would like to train our soldiers to be crew bosses, freeing up department or civilian supervisors to fight other fires. This training would mean a \$1.7 million investment. WA Public Employees Association supports this bill. WA spends far too much money on contractors to fight fires. WDFW supports the intent of the bill. Over 60,000 acres of WDFW public lands burned in the last two fire seasons. WDFW has experienced over \$8 million in damages. It is unclear from the bill which WDFW lands would get DNR fire protection. DNR is unsure of the fiscal impacts of the amendment to the definition of unimproved lands. DNR appreciates a dedicated funding stream for our national guard partners.

Persons Testifying: PRO: Senator Hobbs, prime sponsor.

OTHER: Major General Bret Daugherty, Adjutant General, Commander WA National Guard, Director-WA Military Department.; Seamus Petrie, WA Public Employees Association; Paul Dahmer, WA Dept. of Fish and Wildlife; Mary Verner, WA Dept. of Natural Resources.

Persons Signed In To Testify But Not Testifying: No one.