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**HOUSE BILL 1074**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Lytton, Tarleton, Ormsby, Farrell, and Gregerson

AN ACT Relating to creating the community wildfire protection assessment; reenacting and amending RCW 76.04.005; adding a new section to chapter 76.04 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that wildfire seasons have increased in frequency and intensity and have caused more damage over a wider geographic area than in the past, most recently during the historic 2014 and 2015 wildfire seasons. Recent wildfire seasons have proven that, while the climate of eastern Washington is more fire prone, communities in western Washington are not immune to wildfire hazards such as the Upper Skagit Complex of 2015. The legislature further finds that more people have moved into wildland-urban interface areas of the state. All of these factors indicate a greater need for fire protection services and prevention efforts to protect life and property in areas most at risk across the state and for public education efforts on how to reduce or prevent property damage caused by wildfire. The legislature intends to provide for this increased need through assessments on housing units in areas most likely to be at risk of a wildfire threat.

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

(1) The department shall annually impose an assessment of twenty dollars on each housing unit in unincorporated areas of counties west of the crest of the Cascade mountains, and thirty dollars on each housing unit in unincorporated areas of counties east of the crest of the Cascade mountains, that is located on:

(a) Department protected lands; or

(b) Lands protected by a fire protection district.

(2) The amounts assessed must be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the housing unit involved is situated. Upon the collection of assessments the county treasurer shall place fifty cents of the total assessments paid on a housing unit into the county current expense fund to defray the costs of listing, billing, and collecting these assessments. The treasurer shall then transmit the balance to the department.

(3) When a housing unit against which a community wildfire protection assessment is outstanding is acquired for delinquent taxes and sold at public auction, the state has a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall immediately remit to the department the amount of the outstanding community wildfire protection assessment.

(4) The department may adopt rules to implement this section including, but not limited to, rules on levying and collecting the community wildfire protection assessment and allowable uses of the community wildfire protection assessment.

(5) The community wildfire protection account is created in the custody of the state treasurer. Except as provided in subsection (2) of this section, all receipts from the community wildfire protection assessment under this section must be deposited into the account. Only the commissioner of public lands or the commissioner'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.

(a) Expenditures from the account may be used only for:

(i) Preparedness and deployment of wildfire suppression personnel, equipment, aircraft, and supplies;

(ii) Planning efforts to identify and prioritize community wildfire protection, prevention, and hazard mitigation needs;

(iii) Wildfire prevention and hazard mitigation projects;

(iv) Public education to reduce wildfire occurrences, risks, and hazards; and

(v) Purposes specified by the department pursuant to subsection (4) of this section.

(b) The commissioner of public lands or the commissioner's designee may authorize expenditures prior to the completion of rule making.

(6) Consistent with RCW 43.01.036, the department must report by November 1, 2017, and by November 1st of each subsequent year, to the appropriate committees of the legislature on administration, revenue, and expenditures related to the community wildfire protection account and assessment.

**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~~)) The definitions in this section apply throughout this chapter 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 forestland 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, windstorms, 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 forestland.

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

(11) "Forestland" 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 forestlands when such areas are adjacent to or intermingled with areas supporting tree growth. Forestland, for protection purposes, does not include structures.

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

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

(14) "Housing unit" means a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and that have direct access from the outside of the building or through a common hall.

(15) "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)~~)) (16) "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 forestland 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)~~)) (17) "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)~~)) (18) "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)~~)) (19) "Participating landowner" means an owner of forestland whose land is subject to the forest protection assessment under RCW 76.04.610.

((~~(19)~~)) (20) "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)~~)) (21) "Slash" means organic forest debris such as tree tops, limbs, brush, and other dead flammable material remaining on forestland as a result of a landowner operation.

((~~(21)~~)) (22) "Slash burning" means the planned and controlled burning of forest debris on forestlands 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)~~)) (23) "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)~~)) (24) "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.

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