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HOUSE BILL 2441

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Manweller, Shea, Young, and Steele

Read first time 01/09/18. Referred to Committee on Community Development, Housing & Tribal Affairs.

1 AN ACT Relating to preventing and addressing catastrophic  
2 wildfires; amending RCW 36.22.179 and 43.185C.060; adding a new  
3 section to chapter 76.04 RCW; adding a new section to chapter 82.04  
4 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 36.22.179 and 2017 3rd sp.s. c 16 s 5 are each  
7 amended to read as follows:

8 (1) In addition to the surcharge authorized in RCW 36.22.178, and  
9 except as provided in subsection (2) of this section, an additional  
10 surcharge of ten dollars shall be charged by the county auditor for  
11 each document recorded, which will be in addition to any other charge  
12 allowed by law. From September 1, 2012, through June 30, 2023, the  
13 surcharge shall be forty dollars. The funds collected pursuant to  
14 this section are to be distributed and used as follows:

15 (a)(i) The auditor shall retain two percent for collection of the  
16 fee, and of the remainder shall remit sixty percent to the county to  
17 be deposited into a fund that must be used by the county and its  
18 cities and towns to accomplish the purposes of chapter 484, Laws of  
19 2005, six percent of which may be used by the county for the  
20 collection and local distribution of these funds and administrative  
21 costs related to its homeless housing plan, and the remainder for

1 programs which directly accomplish the goals of the county's local  
2 homeless housing plan, except that for each city in the county which  
3 elects as authorized in RCW 43.185C.080 to operate its own local  
4 homeless housing program, a percentage of the surcharge assessed  
5 under this section equal to the percentage of the city's local  
6 portion of the real estate excise tax collected by the county shall  
7 be transmitted at least quarterly to the city treasurer, without any  
8 deduction for county administrative costs, for use by the city for  
9 program costs which directly contribute to the goals of the city's  
10 local homeless housing plan; of the funds received by the city, it  
11 may use six percent for administrative costs for its homeless housing  
12 program.

13 (ii) For a county located east of the crest of the Cascade  
14 mountain range that has a population of one hundred thousand or  
15 fewer, any funds collected and remitted to the county for the  
16 authorized purposes in (a)(i) of this subsection may be used to  
17 educate homeowners about wildfire risk and prevention measures and be  
18 used for wildfire prevention and response activities. Any eligible  
19 county must hold a public hearing before using funding for such an  
20 authorized purpose.

21 (b) The auditor shall remit the remaining funds to the state  
22 treasurer for deposit in the home security fund account. The  
23 department may use twelve and one-half percent of this amount for  
24 administration of the program established in RCW 43.185C.020,  
25 including the costs of creating the statewide homeless housing  
26 strategic plan, measuring performance, providing technical assistance  
27 to local governments, and managing the homeless housing grant  
28 program. Of the remaining eighty-seven and one-half percent, at least  
29 forty-five percent must be set aside for the use of private rental  
30 housing payments, and the remainder is to be used by the department  
31 to:

32 (i) Provide housing and shelter for homeless people including,  
33 but not limited to: Grants to operate, repair, and staff shelters;  
34 grants to operate transitional housing; partial payments for rental  
35 assistance; consolidated emergency assistance; overnight youth  
36 shelters; grants and vouchers designated for victims of human  
37 trafficking and their families; and emergency shelter assistance; and

38 (ii) Fund the homeless housing grant program.

39 (2) The surcharge imposed in this section does not apply to (a)  
40 assignments or substitutions of previously recorded deeds of trust,

1 (b) documents recording a birth, marriage, divorce, or death, (c) any  
2 recorded documents otherwise exempted from a recording fee or  
3 additional surcharges under state law, (d) marriage licenses issued  
4 by the county auditor, (e) documents recording a state, county, or  
5 city lien or satisfaction of lien, or (f) documents recording a  
6 water-sewer district lien or satisfaction of a lien for delinquent  
7 utility payments.

8 **Sec. 2.** RCW 43.185C.060 and 2014 c 200 s 2 are each amended to  
9 read as follows:

10 The home security fund account is created in the state treasury,  
11 subject to appropriation. The state's portion of the surcharge  
12 established in RCW 36.22.179 and 36.22.1791 must be deposited in the  
13 account. Expenditures from the account may be used only for homeless  
14 housing programs as described in this chapter and for wildfire  
15 prevention and response activities pursuant to RCW  
16 36.22.179(1)(a)(ii). If an independent audit finds that the  
17 department has failed to set aside at least forty-five percent of  
18 funds received under RCW 36.22.179(1)(b) after June 12, 2014, for the  
19 use of private rental housing payments, the department must submit a  
20 corrective action plan to the office of financial management within  
21 thirty days of receipt of the independent audit. The office of  
22 financial management must monitor the department's corrective action  
23 plan and expenditures from this account for the remainder of the  
24 fiscal year. If the department is not in compliance with RCW  
25 36.22.179(1)(b) in any month of the fiscal year following submission  
26 of the corrective action plan, the office of financial management  
27 must reduce the department's allotments from this account and hold in  
28 reserve status a portion of the department's appropriation equal to  
29 the expenditures made during the month not in compliance with RCW  
30 36.22.179(1)(b).

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 76.04  
32 RCW to read as follows:

33 Subject to the availability of amounts appropriated for this  
34 specific purpose, the department must provide funding or training for  
35 prescribed burning to local authorities in areas at risk for  
36 wildfires.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 82.04  
2    RCW to read as follows:

3        (1)(a)    In computing the tax imposed under this chapter,  
4    harvesters are allowed a credit against the amount of tax otherwise  
5    due under this chapter, as provided in this section. The credit is  
6    equal to the total amount of tax due under this chapter on any  
7    forest-derived biomass sold or transferred when the harvest of the  
8    forest-derived biomass was done for the primary purpose of wildfire  
9    prevention or mitigation.

10        (b) In order to claim the credit, the tax payer must self-certify  
11    in a form and manner prescribed by the department that the harvest  
12    sold or transferred and claimed for purposes of this tax credit was  
13    done for the primary purpose of wildfire prevention or mitigation.

14        (2) Credit may not be claimed for forest derived biomass sold or  
15    transferred before the effective date of this section.

16        (3) For the purposes of this section, "forest-derived biomass"  
17    means the by-products of preventative silvicultural treatment, or  
18    wildfire damage, such as trees, wood, brush, thinnings, chips, and  
19    slash, that are removed to: Reduce hazardous fuels; reduce or contain  
20    disease or insect infestation; or to restore forest health.

21        (4) The expiration date provisions of RCW 82.32.805 do not apply  
22    to this section.

23        NEW SECTION.    **Sec. 5.**    (1) This section is the tax preference  
24    performance statement for the fire prevention tax credit provided in  
25    section 4, chapter . . . , Laws of 2018 (section 4 of this act). The  
26    performance statement is only intended to be used for subsequent  
27    evaluation of the tax preference. It is not intended to create a  
28    private right of action by any party or be used to determine  
29    eligibility for preferential tax treatment

30        (2) The legislature categorizes this tax preference as one  
31    intended to induce certain designated behavior by taxpayers as  
32    indicated in RCW 82.32.808(2)(a).

33        (3) It is the legislature's specific public policy objective to  
34    provide a credit against business and occupation taxes to increase  
35    proactive thinning and clearing of lands in the state for the purpose  
36    of preventing and mitigating wildfires.

37        (4) To measure the effectiveness of the credit provided in  
38    section 4, chapter . . . , Laws of 2018 (section 4 of this act) in  
39    achieving the specific public policy objective described in

1 subsection (3) of this section, the joint legislative audit and  
2 review committee must evaluate the change in acres thinned or cleared  
3 for purposes of fire prevention or mitigation.

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