
SENATE BILL 5308

State of Washington

53rd Legislature

1993 Regular Session

By Senator Owen

Read first time 01/22/93. Referred to Committee on Natural Resources.

1 AN ACT Relating to forest fire protection; and amending RCW
2 76.04.610 and 76.04.630.

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

4 **Sec. 1.** RCW 76.04.610 and 1989 c 362 s 1 are each amended to read
5 as follows:

6 (1) If ~~((any))~~ an owner of forest land within a forest protection
7 zone, or ~~((any))~~ an owner of forest land located where fire protection
8 responsibility has not been mutually agreed upon as provided in RCW
9 76.04.165(2), neglects or fails to provide adequate fire protection as
10 required by RCW 76.04.600, the department shall provide ~~((such))~~
11 protection, notwithstanding the provisions of RCW 76.04.630, at a
12 ~~((cost))~~ flat fee assessment to the owner of ~~((not to exceed))~~ fourteen
13 dollars with an additional assessment of twenty-two cents an acre ~~((per~~
14 ~~year for assessments levied after December 31, 1989:—~~ PROVIDED, That
15 ~~there shall be no assessment on any parcel of privately owned lands of~~
16 ~~less than two acres))~~ for each acre exceeding fifty acres for each
17 parcel owned by a landlord in a forest protection zone. Assessors may,
18 at their option, collect the assessment on ~~((any))~~ tax exempt lands
19 ~~((less than ten acres)).~~ If the assessor elects not to collect the

1 assessment, the department may bill the tax exempt landowner directly.
2 (~~The minimum assessment for any ownership parcel subject to the~~
3 ~~assessment shall be ten dollars for assessments levied in collection~~
4 ~~year 1990 and fourteen dollars for each year thereafter.~~)

5 (2) An owner of two or more parcels per county, each containing
6 less than fifty acres, may obtain a refund of the flat fee assessments
7 paid on all ((such)) parcels over one by applying ((therefor)) within
8 the year the assessment was due to the department, in such form as the
9 department may require. Verification that all assessments and property
10 taxes on the property have been paid shall be provided to the
11 department by the owner. If the total acreage of the parcels exceeds
12 fifty acres, the flat fee assessment plus the per-acre rate shall apply
13 and the refund shall be computed accordingly. Application for the
14 refund may be made by mail.

15 (3) Beginning January 1, 1991, under the administration and at the
16 discretion of the department up to two hundred thousand dollars per
17 year of this assessment shall be used in support of those rural fire
18 districts assisting the department in fire protection services on
19 forest lands.

20 (4) For the purpose of this chapter, the department may divide the
21 forest lands of the state, or any part thereof, into districts, for
22 fire protection and assessment purposes, may classify lands according
23 to the character of timber prevailing, and the fire hazard existing,
24 and place unprotected lands under the administration of the proper
25 district. ((Any)) Amounts paid or contracted to be paid by the
26 department for protection of forest lands from ((any)) funds at its
27 disposal shall be a lien upon the property protected, unless reimbursed
28 by the owner within ten days after October 1st of the year in which
29 they were incurred. The department shall be prepared to make statement
30 thereof, upon request, to ((any)) a forest owner whose own protection
31 has not been previously approved as to its adequacy, the department
32 shall report the same to the assessor of the county in which the
33 property is situated. The assessor shall extend the amounts upon the
34 tax rolls covering the property, and upon authorization from the
35 department shall levy the forest protection assessment against the
36 amounts of unimproved land as shown in each ownership on the county
37 assessor's records. The assessor may then segregate on the records to
38 provide that the improved land and improvements thereon carry the

1 millage levy designed to support the rural fire protection districts as
2 provided for in RCW 52.16.170.

3 (5) The amounts assessed shall be collected at the time, in the
4 same manner, by the same procedure, and with the same penalties
5 attached that general state and county taxes on the same property are
6 collected, except that errors in assessments may be corrected at any
7 time by the department certifying them to the treasurer of the county
8 in which the land involved is situated. Assessments shall be known and
9 designated as assessments of the year in which the amounts became
10 reimbursable. Upon the collection of (~~such~~) assessments the county
11 treasurer shall transmit them to the department. Collections shall be
12 applied against expenses incurred in carrying out the provisions of
13 this section, including necessary and reasonable administrative costs
14 incurred by the department in the enforcement of these provisions. The
15 department may also expend (~~any~~) sums collected from owners of forest
16 lands or received from any other source for necessary administrative
17 costs in connection with the enforcement of RCW 76.04.660.

18 (6) When land against which forest protection assessments are
19 outstanding is acquired for delinquent taxes and sold at public
20 auction, the state shall have a prior lien on the proceeds of sale over
21 and above the amount necessary to satisfy the county's delinquent tax
22 judgment. The county treasurer, in case the proceeds of sale exceed
23 the amount of the delinquent tax judgment, shall (~~forthwith~~)
24 immediately remit to the department the amount of the outstanding
25 forest protection assessments.

26 (7) All nonfederal public bodies owning or administering forest
27 land included in a forest protection zone shall pay the forest
28 protection assessments provided in this section and the special forest
29 fire suppression account assessments under RCW 76.04.630. The forest
30 protection assessments and special forest fire suppression account
31 assessments shall be payable by nonfederal public bodies from (~~any~~)
32 available funds within thirty days following receipt of the written
33 notice from the department which is given after October 1st of the year
34 in which the protection was provided. Unpaid assessments shall not be
35 a lien against the nonfederal publicly owned land but shall constitute
36 a debt by the nonfederal public body to the department and shall be
37 subject to interest charges at the legal rate.

38 (8) A public body, having failed to previously pay the forest
39 protection assessments required of it by this section, which fails to

1 suppress a fire on or originating from forest lands owned or
2 administered by it, shall be liable for the costs of suppression
3 incurred by the department or its agent and shall not be entitled to
4 reimbursement of ((any)) costs incurred by the public body in the
5 suppression activities.

6 (9) The department may adopt rules to implement this section,
7 including, but not limited to, rules on levying and collecting forest
8 protection assessments.

9 **Sec. 2.** RCW 76.04.630 and 1991 sp.s. c 13 s 31 are each amended to
10 read as follows:

11 There is created a landowner contingency forest fire suppression
12 account in the state treasury. Moneys in the account may be spent only
13 as provided in this section. Disbursements from the account shall be
14 on authorization of the commissioner of public lands or the
15 commissioner's designee. The account is subject to the allotment
16 procedure provided under chapter 43.88 RCW, but no appropriation is
17 required for disbursements.

18 The department may expend from this account ((such)) the amounts as
19 may be available and as it considers appropriate for the payment of
20 emergency fire costs resulting from a participating landowner fire.
21 The department may, when moneys are available from the landowner
22 contingency forest fire suppression account, expend moneys for
23 summarily abating, isolating, or reducing an extreme fire hazard under
24 RCW 76.04.660. All moneys recovered as a result of the department's
25 actions, from the owner or person responsible, under RCW 76.04.660
26 shall be deposited in the landowner contingency forest fire suppression
27 account.

28 When a determination is made that the fire was started by other
29 than a landowner operation, moneys expended from this account in the
30 suppression of such fire shall be recovered from ((such)) the general
31 fund appropriations as may be available for emergency fire suppression
32 costs. The department shall deposit in the landowner contingency
33 forest fire suppression account ((any)) moneys paid out of the account
34 which are later recovered, less reasonable costs of recovery.

35 This account shall be established and renewed by a special forest
36 fire suppression account assessment paid by participating landowners at
37 a rate to be established by the department, but not to exceed fifteen
38 cents per acre per year for such period of years as may be necessary to

1 establish and thereafter reestablish a balance in the account of three
2 million dollars. The department may establish a ~~((minimum))~~ flat fee
3 assessment for ownership parcels identified in RCW 76.04.610 ~~((as~~
4 ~~paying the minimum assessment))~~. The maximum assessment for these
5 parcels shall not exceed the fees levied on a ~~((thirty-acre))~~ fifty-
6 acre parcel. ~~((There shall be no assessment on each parcel of~~
7 ~~privately owned lands of less than two acres.))~~ The assessments may
8 differ to equitably distribute the assessment based on emergency fire
9 suppression cost experience necessitated by landowner operations.
10 Amounts assessed for this account shall be a lien upon the forest lands
11 with respect to which the assessment is made and may be collected as
12 directed by the department in the same manner as forest protection
13 assessments. Payment of emergency costs from this account shall in no
14 way restrict the right of the department to recover costs pursuant to
15 RCW 76.04.495 or other laws.

16 When the department determines that a forest fire was started in
17 the course of or as a result of a landowner operation, it shall notify
18 the forest fire advisory board of the determination. The determination
19 shall be final, unless, within ninety days of the notification, the
20 forest fire advisory board or ~~((any))~~ an interested party serves a
21 request for a hearing before the department. The hearing shall
22 constitute an adjudicative proceeding under chapter 34.05 RCW, the
23 administrative procedure act, and ~~((any))~~ an appeal shall be in
24 accordance with RCW 34.05.510 through 34.05.598.

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