

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6581**

Chapter 216, Laws of 2004

58th Legislature  
2004 Regular Session

FOREST FIRE PROTECTION FUNDING

EFFECTIVE DATE: 6/10/04

Passed by the Senate February 17, 2004  
YEAS 48 NAYS 0

BRAD OWEN

**President of the Senate**

Passed by the House March 4, 2004  
YEAS 96 NAYS 2

FRANK CHOPP

**Speaker of the House of Representatives**

Approved March 29, 2004.

GARY F. LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SUBSTITUTE SENATE BILL 6581** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

MILTON H. DOUMIT JR.

**Secretary**

FILED

March 29, 2004 - 3:15 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6581**

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Passed Legislature - 2004 Regular Session

**State of Washington                      58th Legislature                      2004 Regular Session**

**By** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Hargrove)

READ FIRST TIME 02/06/04.

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

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

4            **Sec. 1.** RCW 76.04.610 and 2001 c 279 s 2 are each amended to read  
5            as follows:

6            (1) If any owner of forest land within a forest protection zone  
7            neglects or fails to provide adequate fire protection as required by  
8            RCW 76.04.600, the department shall provide such protection and shall  
9            annually impose the following assessments on each parcel of such land:  
10           (a) A flat fee assessment of fourteen dollars and fifty cents; and (b)  
11           twenty-five cents on each acre exceeding fifty acres. Assessors may,  
12           at their option, collect the assessment on tax exempt lands. If the  
13           assessor elects not to collect the assessment, the department may bill  
14           the landowner directly.

15           (2) An owner who has paid assessments on two or more parcels, each  
16           containing fewer than fifty acres and each within the same county, may  
17           obtain the following refund:

18           (a) If all the parcels together contain less than fifty acres, then  
19           the refund is equal to the flat fee assessments paid, reduced by the

1 total of (i) fourteen dollars and (ii) the total of the amounts  
2 retained by the county from such assessments under subsection (5) of  
3 this section.

4 (b) If all the parcels together contain fifty or more acres, then  
5 the refund is equal to the flat fee assessments paid, reduced by the  
6 total of (i) fourteen dollars, (ii) twenty-five cents for each acre  
7 exceeding fifty acres, and (iii) the total of the amounts retained by  
8 the county from such assessments under subsection (5) of this section.

9 Applications for refunds shall be submitted to the department on a  
10 form prescribed by the department and in the same year in which the  
11 assessments were paid. The department may not provide refunds to  
12 applicants who do not provide verification that all assessments and  
13 property taxes on the property have been paid. Applications may be  
14 made by mail.

15 In addition to the procedures under this subsection, property  
16 owners with multiple parcels in a single county who qualify for a  
17 refund under this section may apply to the department on an application  
18 listing all the parcels owned in order to have the assessment computed  
19 on all parcels but billed to a single parcel. Property owners with the  
20 following number of parcels may apply to the department in the year  
21 indicated:

22	Year	Number of Parcels
23	2002	10 or more parcels
24	2003	8 or more parcels
25	2004 <u>and thereafter</u>	6 or more parcels
26	<del>((2005</del>	<del>4 or more parcels</del>
27	<del>2006 and thereafter</del>	<del>2 or more parcels))</del>

28 The department must compute the correct assessment and allocate one  
29 parcel in the county to use to collect the assessment. The county must  
30 then bill the forest fire protection assessment on that one allocated  
31 identified parcel. The landowner is responsible for notifying the  
32 department of any changes in parcel ownership.

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

1           (4) For the purpose of this chapter, the department may divide the  
2 forest lands of the state, or any part thereof, into districts, for  
3 fire protection and assessment purposes, may classify lands according  
4 to the character of timber prevailing, and the fire hazard existing,  
5 and place unprotected lands under the administration of the proper  
6 district. Amounts paid or contracted to be paid by the department for  
7 protection of forest lands from funds at its disposal shall be a lien  
8 upon the property protected, unless reimbursed by the owner within ten  
9 days after October 1st of the year in which they were incurred. The  
10 department shall be prepared to make statement thereof, upon request,  
11 to a forest owner whose own protection has not been previously approved  
12 as to its adequacy, the department shall report the same to the  
13 assessor of the county in which the property is situated. The assessor  
14 shall extend the amounts upon the tax rolls covering the property, and  
15 upon authorization from the department shall levy the forest protection  
16 assessment against the amounts of unimproved land as shown in each  
17 ownership on the county assessor's records. The assessor may then  
18 segregate on the records to provide that the improved land and  
19 improvements thereon carry the millage levy designed to support the  
20 rural fire protection districts as provided for in RCW 52.16.170.

21           (5) The amounts assessed shall be collected at the time, in the  
22 same manner, by the same procedure, and with the same penalties  
23 attached that general state and county taxes on the same property are  
24 collected, except that errors in assessments may be corrected at any  
25 time by the department certifying them to the treasurer of the county  
26 in which the land involved is situated. Assessments shall be known and  
27 designated as assessments of the year in which the amounts became  
28 reimbursable. Upon the collection of assessments the county treasurer  
29 shall place fifty cents of the total assessments paid on a parcel for  
30 fire protection into the county current expense fund to defray the  
31 costs of listing, billing, and collecting these assessments. The  
32 treasurer shall then transmit the balance to the department.  
33 Collections shall be applied against expenses incurred in carrying out  
34 the provisions of this section, including necessary and reasonable  
35 administrative costs incurred by the department in the enforcement of  
36 these provisions. The department may also expend sums collected from  
37 owners of forest lands or received from any other source for necessary

1 administrative costs in connection with the enforcement of RCW  
2 76.04.660.

3 (6) When land against which forest protection assessments are  
4 outstanding is acquired for delinquent taxes and sold at public  
5 auction, the state shall have a prior lien on the proceeds of sale over  
6 and above the amount necessary to satisfy the county's delinquent tax  
7 judgment. The county treasurer, in case the proceeds of sale exceed  
8 the amount of the delinquent tax judgment, shall immediately remit to  
9 the department the amount of the outstanding forest protection  
10 assessments.

11 (7) All nonfederal public bodies owning or administering forest  
12 land included in a forest protection zone shall pay the forest  
13 protection assessments provided in this section and the special forest  
14 fire suppression account assessments under RCW 76.04.630. The forest  
15 protection assessments and special forest fire suppression account  
16 assessments shall be payable by nonfederal public bodies from available  
17 funds within thirty days following receipt of the written notice from  
18 the department which is given after October 1st of the year in which  
19 the protection was provided. Unpaid assessments are not a lien against  
20 the nonfederal publicly owned land but shall constitute a debt by the  
21 nonfederal public body to the department and are subject to interest  
22 charges at the legal rate.

23 (8) A public body, having failed to previously pay the forest  
24 protection assessments required of it by this section, which fails to  
25 suppress a fire on or originating from forest lands owned or  
26 administered by it, is liable for the costs of suppression incurred by  
27 the department or its agent and is not entitled to reimbursement of  
28 costs incurred by the public body in the suppression activities.

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

Passed by the Senate February 17, 2004.

Passed by the House March 4, 2004.

Approved by the Governor March 29, 2004.

Filed in Office of Secretary of State March 29, 2004.