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**SUBSTITUTE SENATE BILL 6502**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senators Hargrove and Frockt)

AN ACT Relating to forest fire prevention and suppression; amending RCW 76.04.167 and 76.04.610; adding a new section to chapter 76.04 RCW; adding a new section to chapter 28B.35 RCW; creating a new section; making appropriations; and providing an effective date.

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

**Sec.**  RCW 76.04.167 and 2001 c 279 s 1 are each amended to read as follows:

(1) The legislature hereby finds and declares that:

(a) Forest wildfires are a threat to public health and safety and can cause catastrophic damage to public and private resources, including clean air, clean water, fish and wildlife habitat, timber resources, forest soils, scenic beauty, recreational opportunities, economic and employment opportunities, structures, and other improvements;

(b) Forest landowners and the public have a shared interest in protecting forests and forest resources by preventing and suppressing forest wildfires;

(c) A recent independent analysis of the state fire program considered it imperative to restore a more equitable split between the general fund and forest protection assessments;

(d) Without a substantial increase in forest protection funds, the state's citizens will be paying much more money for emergency fire suppression; and

(e) It is therefore the intent of the legislature that the costs of fire protection be equitably shared between the forest protection assessment account and state contributions to ensure that there will be sufficient firefighters who are equipped and trained to respond quickly to fires in order to keep fires small and manage those large fires that do occur. In recognition of increases in landowner assessments, the legislature declares its intent that increases in the state's share for forest protection should be provided to stabilize the funding for the forest protection program, and that sufficient state funds should be committed to the forest protection program so that the recommendations contained in the 1997 tridata report can be implemented on an equitable basis.

(2) The legislature hereby finds and declares that:

(a) It is in the public interest to establish and maintain a complete, cooperative, and coordinated forest fire protection and suppression program for the state; ((~~that,~~))

(b) Second only to saving lives, the ((~~primary~~)) mission of the department is protecting forest resources and ((~~suppressing forest wild fires~~)) preventing the spread of wildfires into communities and homes; ((~~that~~))

(c) A primary mission of rural fire districts and municipal fire departments is protecting improved property and suppressing structural fires; and ((~~that the most effective way to protect structures is for the department to focus its efforts and resources on aggressively suppressing forest wild fires~~))

(d) Specific firefighting priorities are coordinated among firefighting entities and those priorities are heavily influenced by the protection of human life, communities, and property.

(3) The legislature also acknowledges the natural role of fire in forest ecosystems, and finds and declares it in the public interest to use fire under controlled conditions to prevent wildfires by maintaining healthy forests and eliminating sources of fuel.

**Sec.**  RCW 76.04.610 and 2012 2nd sp.s. c 7 s 922 are each amended to read as follows:

(1)(a) If any owner of forest land within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection and shall annually impose the following assessments on each parcel of such land: (i) A flat fee assessment of seventeen dollars and fifty cents; and (ii) twenty-seven cents on each acre exceeding fifty acres.

(b) Assessors may, at their option, collect the assessment on tax exempt lands. If the assessor elects not to collect the assessment, the department may bill the landowner directly.

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

(a) If all the parcels together contain less than fifty acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars and (ii) the total of the amounts retained by the county from such assessments under subsection ((~~(5)~~)) (6) of this section.

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

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

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

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| --- | --- |
| Year | Number of Parcels |
| 2002 | 10 or more parcels |
| 2003 | 8 or more parcels |
| 2004 and thereafter | 6 or more parcels |

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

(3) For every taxable parcel of land within the state of Washington that is not subject to the assessment imposed under subsection (1) of this section, the department shall impose an annual per parcel assessment of four dollars and ninety-five cents.

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

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

((~~(5)~~)) (6) The amounts assessed shall 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 land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of assessments the county treasurer shall place fifty cents of the total assessments paid on a parcel for fire protection 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. Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

((~~(6)~~)) (7) Beginning in fiscal year 2017, the department shall transfer ten percent of the revenue collected from the parcel assessments specified in subsections (1) and (3) of this section into the military department active state service account, created in RCW 38.40.220.

(8) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have 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 forest protection assessments.

((~~(7)~~)) (9) All nonfederal public bodies owning or administering forest land included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments are not a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and are subject to interest charges at the legal rate. ((~~During the 2011-2013 fiscal biennium, the forest fire protection assessment account may be appropriated to The Evergreen State College for analysis and recommendations to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities.~~

~~(8)~~)) (10) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, is liable for the costs of suppression incurred by the department or its agent and is not entitled to reimbursement of costs incurred by the public body in the suppression activities.

((~~(9)~~)) (11) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.

NEW SECTION. **Sec.**  By December 31, 2016, the department of natural resources must recommend to the appropriate committees of the legislature options to incentivize adoption of the International Wildland Urban Interface Code, published by the International Code Council, Inc., particularly by counties at high risk during wildfire season.

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

(1) The department must create a prescribed burn manager certification program for those who practice prescribed burning in the state. The certification program must include training on all relevant aspects of prescribed fire in Washington including, but not limited to, the following: Legal requirements; safety; weather; fire behavior; smoke management; prescribed fire techniques; public relations; planning; and contingencies.

(2) The department may not require certification under the program created under subsection (1) of this section for burn permit approval under this chapter. Nothing in this section may be construed as creating a mandatory prescribed burn manager certification requirement to conduct prescribed burning in Washington.

(3) No civil or criminal liability may be imposed by any court on the state or its officers and employees, or a prescribed burn manager certified under the program created under subsection (1) of this section, for any direct or proximate adverse impacts resulting from a prescribed fire conducted under the provisions of this chapter except upon proof of gross negligence or willful or wanton misconduct.

(4) The department may adopt rules to create the prescribed burn manager certification program and to set periodic renewal criteria. The department may also adopt rules to establish a decertification process for certified prescribed burn managers who commit a violation under this chapter or rules adopted under this chapter. The department may, in its own discretion, develop an equivalency test for experienced prescribed burn managers.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.35 RCW to read as follows:

Central Washington University shall develop a bachelor of science degree program for wildfire behavior forecasting. Central Washington University shall also develop a specialized wildfire management certification course to train wildfire professionals.

NEW SECTION. **Sec.**  The sum of six hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2017, from the general fund to Central Washington University for the purposes of section 4 of this act.

NEW SECTION. **Sec.**  Section 2 of this act takes effect January 1, 2017.

NEW SECTION. **Sec.**  (1) The sum of twelve million two hundred twenty-six thousand dollars from the disaster response account and the sum of nine hundred twenty-eight thousand dollars from the general fund are appropriated for the fiscal biennium ending June 30, 2017, to the department of natural resources for the purposes specified in this section.

(2) The appropriations in this section are subject to the following conditions and limitations:

(a) $464,000 of the general fund—state appropriation for fiscal year 2016 and $464,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for fire control in order to fund a ninety-day exclusive use contract for a fixed-wing single engine air tanker, aerial coordination, and associated operational costs.

(b) $3,796,000 of the disaster response account appropriation is provided solely for joint wildland fire training of the department of natural resources, Washington national guard, local governments, and tribal firefighters.

(c) $1,372,000 of the disaster response account appropriation is provided solely to enhance the department of natural resource's capacity to respond to large wildfires using in-state resources and to enhance capacity for aerial attack for wildfires.

(d) $1,177,000 of the disaster response account appropriation is provided solely for implementation of firewise, wildfire prevention education, community outreach programs, technical assistance to landowners, and to ensure landowner compliance with grant and contract requirements, burn permit conditions, and industrial fire precaution levels.

(e) $1,200,000 of the disaster response account appropriation is provided solely for radio communications system maintenance and upgrades in coordination with the state interoperability executive committee.

(f) $4,681,000 of the disaster response account appropriation is provided solely for a grant program to local fire districts for wildland firefighting equipment and to provide a state match for federal equipment grants to fire districts. In providing these grants, priority must be given to districts with the highest risk of wildfire, greatest equipment deficiencies, and the greatest financial need.

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