Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Agriculture & Natural Resources Committee

HB 1563

Brief Description: Establishing a prescribed fire claims fund pilot program.

Sponsors: Representatives Bernbaum, Dent, Timmons, Orcutt, Nance, Reeves, Hackney, Tharinger, Ybarra, Springer, Reed, Fitzgibbon, Cortes, Hill, Obras, Lekanoff, Paul, McClintock, Couture, Griffey, Berry, Leavitt, Zahn and Scott.

Brief Summary of Bill

- Creates a prescribed fire claims fund pilot program.

Hearing Date: 2/12/25

Staff: Lily Smith (786-7175).

Background:

Controlled Burning and Related Duties of the Department of Natural Resources.

Prescribed burning is the controlled application of fire to wildland fuels under specific environmental conditions. This allows a fire to be confined to a predetermined area and produce the fireline intensity and rate of spread required to attain planned management objectives, such as ecosystem restoration and wildfire risk reduction.

There are multiple certifications available for persons conducting prescribed burns. The certified burner program at the Department of Natural Resources (DNR) provides training, certification, and increased liability protection. The National Wildfire Coordinating Group, composed of federal member agencies, requires more extensive experience and training for additional levels of certification for prescribed burn managers, often referred to as "burn bosses."

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

As the forest fire service of the state, the DNR has responsibility for fire suppression on lands under the DNR's fire protection authority, enforcement of forest fire-related laws, and the investigation of the cause of forest fires. The DNR regulates prescribed burning on DNR-protected land through the issuance of permits, which may include conditions for the protection of life, property, or air quality, and may be suspended or revoked. Certified burners under the DNR program may be issued burn permits with modified requirements.

Cultural burning is a longstanding indigenous practice of managing land with low intensity fires for the cultivation of habitat, resources, and ecosystems.

The Office of Risk Management.

The Office of Risk Management (ORM), within the Department of Enterprise Services, manages programs related to state and local liability, including claims against the state, loss prevention, self-insurance, and risk financing.

Summary of Bill:

Subject to appropriation, the ORM must establish and administer a pilot program for certain damage claims and suppression costs arising from a prescribed fire or cultural burn conducted by a certified burn manager or cultural fire practitioner in accordance with applicable permit and planning requirements. Each claim reimbursement is subject to the availability of funding and may not exceed $2 million.

The ORM must adopt guidelines establishing the procedures for claim submission, methodology for claim prioritization, and any additional criteria for eligibility.

Upon submission of a claim, the DNR must determine that the claimed damage was caused by the prescribed fire or cultural burn, and that the fire met the applicable criteria and was not caused by a criminal or negligent act.

The Prescribed Fire Claims Account is created in the state treasury for the purposes of claim reimbursement. Money in the account may be spent only after appropriation. Through June 30, 2033, the purposes of the Risk Management Administration Account are expanded to include administration of the pilot program.

The pilot program expires June 30, 2033.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.