

# HOUSE BILL REPORT

## HB 1563

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to a prescribed fire claims fund pilot program.

**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 History:**

**Committee Activity:**

Agriculture & Natural Resources: 2/12/25, 2/18/25 [DPS].

**Brief Summary of Substitute Bill**

- Creates a prescribed fire claims fund pilot program.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum, McClintock, Nance, Richards and Springer.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Orcutt and Schmick.

**Staff:** Lily Smith (786-7175).

**Background:**

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*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.*

## 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 fire line 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."

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.

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### **Summary of Substitute 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.

**Substitute Bill Compared to Original Bill:**

The substitute bill broadens intent language references to forestlands managed by fire to include other landscapes. One of the purposes of the pilot program is changed from supporting coverage for losses from burning by nonpublic entities to burning by nonstate and nonfederal entities. Fire suppression costs of the DNR are removed as an eligible claim. The definition of "cultural fire practitioner" is modified to mean a person approved by an Indian tribe as having relevant burning experience, rather than associated with an Indian tribe with that experience.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) Fire has been used across a variety of landscapes for diverse purposes as a cultural practice. Fire is critical to the resilience of forests and mitigation of fuel build ups, and Washington forests are adapted to fire. Healthier forests are better able to survive the impacts of climate change and continue to provide benefits like clean air and water. Escapes from prescribed burns are rare, but liability concerns make prescribed fire underutilized. This bill doesn't absolve anyone of the risk, but practitioners should spend more time and resources on fires rather than navigating liability. There is significant value in building confidence in practitioners and the public, and this bill can increase the use of fire as an important tool for preventing catastrophic fires. It is becoming more difficult to get insurance. Other states have made progress in this area, supported hundreds of projects without any claims being made, and seen insurers reenter the market. The Department of Natural Resources will need resources to implement this bill, and it would help to further clarify its role. This bill provides strong oversight, and landowners want this work to happen. Practitioners are more likely to call for additional support quickly as soon as they see a problem if this fund is in place, rather than debating how they should respond.

(Other) The language in section one should be expanded to include other lands, like grasslands, in addition to forests. The definition of "cultural fire practitioner" should be amended to mean someone approved by a tribe, not just associated with one. We should ensure that tribal governments can file claims.

**Persons Testifying:** (In support) Emily Hohman, The Nature Conservancy; Dylan Kruse, Sustainable NW; Sara Clark, Shute, Mihaly and Weinberger; Ray Entz, Kalispel Tribe of Indians; Jay McLaughlin, Mt. Adams Resource Stewards; Darcy Nonemacher, WA Conservation Action; Chris Martin, WA Prescribed Fire Council; and Pat Sullivan, Department of Natural Resources.

(Other) Vice Chairwoman Loni Greninger, Jamestown S'Klallam Tribe.

**Persons Signed In To Testify But Not Testifying:** None.