

---

HOUSE BILL 1320

---

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Pruitt and R. Johnson

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

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.

--- END ---