

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1320

53rd Legislature
1993 Regular Session

Passed by the House March 13, 1993
Yeas 83 Nays 14

**Speaker of the
House of Representatives**

Passed by the Senate April 12, 1993
Yeas 38 Nays 7

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1320** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1320

Passed Legislature - 1993 Regular Session

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Pruitt and R. Johnson)

Read first time 02/26/93.

1 AN ACT Relating to forest fire protection; amending RCW 76.04.610
2 and 76.04.630; and declaring an emergency.

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 owner of forest land within a forest protection zone(~~(7~~
7 ~~or any 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
10 as required by RCW 76.04.600, the department shall provide such
11 protection(~~(7, notwithstanding the provisions of RCW 76.04.630, at a~~
12 ~~cost to the owner of not to exceed twenty-two cents an acre per year~~
13 ~~for assessments levied after December 31, 1989: PROVIDED, That there~~
14 ~~shall be no assessment on any parcel of privately owned lands of less~~
15 ~~than two acres)) and shall annually impose the following assessments on
16 each parcel of such land: (a) A flat fee assessment of fourteen
17 dollars and fifty cents; and (b) twenty-two cents on each acre
18 exceeding fifty acres. Assessors may, at their option, collect the
19 assessment on (~~any~~) tax exempt lands (~~less than ten acres~~). If the~~

1 assessor elects not to collect the assessment, the department may bill
2 the landowner directly. (~~The minimum assessment for any ownership
3 parcel subject to the assessment shall be ten dollars for assessments
4 levied in collection year 1990 and fourteen dollars for each year
5 thereafter.~~)

6 (2) ~~An owner (of two or more parcels per county, each containing
7 less than fifty acres, may obtain a refund of the assessments paid on
8 all such parcels over one by applying therefor within the year the
9 assessment was due to the department, in such form as the department
10 may require. Verification that all assessments and property taxes on
11 the property have been paid shall be provided to the department by the
12 owner. If the total acreage of the parcels exceeds fifty acres, the
13 per-acre rate shall apply and the refund shall be computed accordingly.
14 Application for the refund may be made by mail))~~ who has paid
15 assessments on two or more parcels, each containing fewer than fifty
16 acres and each within the same county, may obtain the following refund:

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

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

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

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.

38 (4) For the purpose of this chapter, the department may divide the
39 forest lands of the state, or any part thereof, into districts, for

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

20 (5) The amounts assessed shall be collected at the time, in the
21 same manner, by the same procedure, and with the same penalties
22 attached that general state and county taxes on the same property are
23 collected, except that errors in assessments may be corrected at any
24 time by the department certifying them to the treasurer of the county
25 in which the land involved is situated. Assessments shall be known and
26 designated as assessments of the year in which the amounts became
27 reimbursable. Upon the collection of ((such)) assessments the county
28 treasurer shall ((transmit them)) place fifty cents of the total
29 assessments paid on a parcel for fire protection into the county
30 current expense fund to defray the costs of listing, billing, and
31 collecting these assessments. The treasurer shall then transmit the
32 balance to the department. Collections shall be applied against
33 expenses incurred in carrying out the provisions of this section,
34 including necessary and reasonable administrative costs incurred by the
35 department in the enforcement of these provisions. The department may
36 also expend ((any)) sums collected from owners of forest lands or
37 received from any other source for necessary administrative costs in
38 connection with the enforcement of RCW 76.04.660.

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

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

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

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

31 **Sec. 2.** RCW 76.04.630 and 1991 sp.s. c 13 s 31 are each amended to
32 read as follows:

33 There is created a landowner contingency forest fire suppression
34 account in the state treasury. Moneys in the account may be spent only
35 as provided in this section. Disbursements from the account shall be
36 on authorization of the commissioner of public lands or the
37 commissioner's designee. The account is subject to the allotment

1 procedure provided under chapter 43.88 RCW, but no appropriation is
2 required for disbursements.

3 The department may expend from this account (~~(such)~~) the amounts as
4 may be available and as it considers appropriate for the payment of
5 emergency fire costs resulting from a participating landowner fire.
6 The department may, when moneys are available from the landowner
7 contingency forest fire suppression account, expend moneys for
8 summarily abating, isolating, or reducing an extreme fire hazard under
9 RCW 76.04.660. All moneys recovered as a result of the department's
10 actions, from the owner or person responsible, under RCW 76.04.660
11 shall be deposited in the landowner contingency forest fire suppression
12 account.

13 When a determination is made that the fire was started by other
14 than a landowner operation, moneys expended from this account in the
15 suppression of such fire shall be recovered from (~~(such)~~) the general
16 fund appropriations as may be available for emergency fire suppression
17 costs. The department shall deposit in the landowner contingency
18 forest fire suppression account (~~(any)~~) moneys paid out of the account
19 which are later recovered, less reasonable costs of recovery.

20 This account shall be established and renewed (~~(by a special forest~~
21 ~~fire suppression account assessment paid by participating landowners at~~
22 ~~a rate to be established by the department, but not to exceed fifteen~~
23 ~~cents per acre per year for such period of years as may be necessary to~~
24 ~~establish and thereafter reestablish a balance in the account of three~~
25 ~~million dollars. The department may establish a minimum assessment for~~
26 ~~ownership parcels identified in RCW 76.04.610 as paying the minimum~~
27 ~~assessment. The maximum assessment for these parcels shall not exceed~~
28 ~~the fees levied on a thirty-acre parcel. There shall be no assessment~~
29 ~~on each parcel of privately owned lands of less than two acres)) by an
30 annual special forest fire suppression account assessment paid by
31 participating landowners at a rate to be established by the department.
32 In establishing assessments, the department shall seek to establish and
33 thereafter reestablish a balance in the account of three million
34 dollars. The department may establish a flat fee assessment of no more
35 than seven dollars and fifty cents for participating landowners owning
36 parcels of fifty acres or less. For participating landowners owning
37 parcels larger than fifty acres, the department may charge the flat fee
38 assessment plus a per acre assessment for every acre over fifty acres.
39 The per acre assessment established by the department may not exceed~~

1 fifteen cents per acre per year. The assessments may differ to
2 equitably distribute the assessment based on emergency fire suppression
3 cost experience necessitated by landowner operations. Amounts assessed
4 for this account shall be a lien upon the forest lands with respect to
5 which the assessment is made and may be collected as directed by the
6 department in the same manner as forest protection assessments.
7 Payment of emergency costs from this account shall in no way restrict
8 the right of the department to recover costs pursuant to RCW 76.04.495
9 or other laws.

10 When the department determines that a forest fire was started in
11 the course of or as a result of a landowner operation, it shall notify
12 the forest fire advisory board of the determination. The determination
13 shall be final, unless, within ninety days of the notification, the
14 forest fire advisory board or ((~~any~~)) an interested party serves a
15 request for a hearing before the department. The hearing shall
16 constitute an adjudicative proceeding under chapter 34.05 RCW, the
17 administrative procedure act, and ((~~any~~)) an appeal shall be in
18 accordance with RCW 34.05.510 through 34.05.598.

19 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and shall take
22 effect immediately.

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