

SENATE BILL REPORT

SB 5019

As Reported By Senate Committee On:
Natural Resources, Parks & Shorelines, February 5, 2001

Title: An act relating to controlling wildfires through emergency restrictions on outdoor burning.

Brief Description: Allowing the governor to limit outdoor burning.

Sponsors: Senators Jacobsen and Patterson.

Brief History:

Committee Activity: Natural Resources, Parks & Shorelines: 1/22/01, 2/5/01 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Majority Report: That Substitute Senate Bill No. 5019 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Oke, Snyder and Stevens.

Staff: David Johnson (786-7754)

Background: During times of extreme fire danger, wildfires may ignite because of controlled outdoor burning. Last summer the Governor declared a state of emergency to forbid outdoor burning. Currently, there is no established procedure in law for consultation or declaration of a statewide ban on burning.

Summary of Substitute Bill: The State Fire Marshal, during times of extreme fire hazard, may recommend to the Governor that outdoor burning be forbidden in specific portions of the state. Prior to making such a recommendation, the Fire Marshal must first consult with the Commissioner of Public Lands, and the directors of the departments of Ecology, Agriculture, and Parks and Recreation.

If the Governor finds that state resources or the protection of life and property are threatened, then the Governor may issue an executive order declaring a ban on outdoor burning in portions of the state. The Governor may allow for exceptions to the ban on burning if the exceptions will not endanger state resources, life, or property. Exceptions may be made during the ban as well as prior to the ban. Law enforcement officers and fire officials may enforce the provisions of the burn ban.

Civil or criminal penalties are provided depending on the violator's intent. Injured parties may sue violators to recover their damages, attorney fees, investigative costs, and court costs. This burn ban authority is specifically to prevent wildfires. Health concerns and air pollution concerns are governed under other statutes.

Substitute Bill Compared to Original Bill: The substitute bill limits the scope of the ban to portions of the state rather than allowing the ban to cover the entire state. The substitute specifies that exceptions to the ban can be made at the time of declaration and also during the ban. The substitute adds language that specifies that this authority is to control wild fires while health and air pollution concerns are covered under other statutes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will help coordinate burning regulation throughout the state and will be a good tool against the start and spread of wildfires.

Testimony Against: None.

Testified: Mark Kahley, DNR (pro).