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HOUSE BILL 1061

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Rockefeller, Barlean, Doumit, Eickmeyer, Edwards, McDermott, Haigh, Kenney and Jackley

Read first time 01/15/2001. Referred to Committee on Natural Resources.

1 AN ACT Relating to funding for forest fire protection; and amending  
2 RCW 76.04.167 and 76.04.610.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 76.04.167 and 1995 c 151 s 1 are each amended to read  
5 as follows:

6 (1) The legislature hereby finds and declares that:

7 (a) Forest wild fires are a threat to public health and safety and  
8 can cause catastrophic damage to public and private resources,  
9 including clean air, clean water, fish and wildlife habitat, timber  
10 resources, forest soils, scenic beauty, recreational opportunities,  
11 structures, and other improvements; ((and that it is in the public  
12 interest to protect))

13 (b) There is a shared interest between forest landowners and the  
14 public in protecting forests and forest resources by preventing and  
15 suppressing forest wild fires;

16 (c) A recent independent analysis of the state fire program  
17 considered it imperative to restore a more equitable split between  
18 general fund and forest protection assessments; and

1        (d) It is therefore the policy of the state that the costs of fire  
2 protection be equitably shared between the forest fire protection  
3 assessment account and the state general fund so that both forest  
4 landowners and the public contribute to the protection in an equitable  
5 manner.

6        (2) The legislature hereby finds and declares that it is in the  
7 public interest to establish and maintain a complete, cooperative, and  
8 coordinated forest fire protection and suppression program for the  
9 state; that, second only to saving lives, the primary mission of the  
10 department is protecting forest resources and suppressing forest wild  
11 fires; that a primary mission of rural fire districts and municipal  
12 fire departments is protecting improved property and suppressing  
13 structural fires; and that the most effective way to protect structures  
14 is for the department to focus its efforts and resources on  
15 aggressively suppressing forest wild fires.

16        (3) The legislature also acknowledges the natural role of fire in  
17 forest ecosystems, and finds and declares it in the public interest to  
18 use fire under controlled conditions to prevent wild fires by  
19 maintaining healthy forests and eliminating sources of fuel.

20        **Sec. 2.** RCW 76.04.610 and 1993 c 36 s 1 are each amended to read  
21 as follows:

22        (1) If any owner of forest land within a forest protection zone  
23 neglects or fails to provide adequate fire protection as required by  
24 RCW 76.04.600, the department shall provide such protection and shall  
25 annually impose the following assessments on each parcel of such land:  
26 (a) A flat fee assessment of fourteen dollars and fifty cents; and (b)  
27 (~~twenty-two~~) twenty-five cents on each acre exceeding fifty acres.  
28 Assessors may, at their option, collect the assessment on tax exempt  
29 lands. If the assessor elects not to collect the assessment, the  
30 department may bill the landowner directly.

31        (2) An owner who has paid assessments on (~~two~~) four or more  
32 parcels, each containing fewer than fifty acres and each within the  
33 same county, may obtain the following refund:

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

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

7 Applications for refunds shall be submitted to the department on a  
8 form prescribed by the department and in the same year in which the  
9 assessments were paid. The department may not provide refunds to  
10 applicants who do not provide verification that all assessments and  
11 property taxes on the property have been paid. Applications may be  
12 made by mail.

13 (3) Beginning January 1, 1991, under the administration and at the  
14 discretion of the department up to two hundred thousand dollars per  
15 year of this assessment shall be used in support of those rural fire  
16 districts assisting the department in fire protection services on  
17 forest lands.

18 (4) For the purpose of this chapter, the department may divide the  
19 forest lands of the state, or any part thereof, into districts, for  
20 fire protection and assessment purposes, may classify lands according  
21 to the character of timber prevailing, and the fire hazard existing,  
22 and place unprotected lands under the administration of the proper  
23 district. Amounts paid or contracted to be paid by the department for  
24 protection of forest lands from funds at its disposal shall be a lien  
25 upon the property protected, unless reimbursed by the owner within ten  
26 days after October 1st of the year in which they were incurred. The  
27 department shall be prepared to make statement thereof, upon request,  
28 to a forest owner whose own protection has not been previously approved  
29 as to its adequacy, the department shall report the same to the  
30 assessor of the county in which the property is situated. The assessor  
31 shall extend the amounts upon the tax rolls covering the property, and  
32 upon authorization from the department shall levy the forest protection  
33 assessment against the amounts of unimproved land as shown in each  
34 ownership on the county assessor's records. The assessor may then  
35 segregate on the records to provide that the improved land and  
36 improvements thereon carry the millage levy designed to support the  
37 rural fire protection districts as provided for in RCW 52.16.170.

38 (5) The amounts assessed shall be collected at the time, in the  
39 same manner, by the same procedure, and with the same penalties

1 attached that general state and county taxes on the same property are  
2 collected, except that errors in assessments may be corrected at any  
3 time by the department certifying them to the treasurer of the county  
4 in which the land involved is situated. Assessments shall be known and  
5 designated as assessments of the year in which the amounts became  
6 reimbursable. Upon the collection of assessments the county treasurer  
7 shall place fifty cents of the total assessments paid on a parcel for  
8 fire protection into the county current expense fund to defray the  
9 costs of listing, billing, and collecting these assessments. The  
10 treasurer shall then transmit the balance to the department.  
11 Collections shall be applied against expenses incurred in carrying out  
12 the provisions of this section, including necessary and reasonable  
13 administrative costs incurred by the department in the enforcement of  
14 these provisions. The department may also expend sums collected from  
15 owners of forest lands or received from any other source for necessary  
16 administrative costs in connection with the enforcement of RCW  
17 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 immediately remit to  
24 the department the amount of the outstanding forest protection  
25 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 available  
32 funds within thirty days following receipt of the written notice from  
33 the department which is given after October 1st of the year in which  
34 the protection was provided. Unpaid assessments (~~shall~~) are not  
35 (~~be~~) a lien against the nonfederal publicly owned land but shall  
36 constitute a debt by the nonfederal public body to the department and  
37 (~~shall be~~) are 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~~) is liable for the costs of suppression  
3 incurred by the department or its agent and (~~shall~~) is not ((be))  
4 entitled to reimbursement of 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.

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