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**SUBSTITUTE HOUSE BILL 2104**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Rockefeller, Sump, Pearson and Doumit)

Read first time . Referred to Committee on .

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

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 economic and employment opportunities, structures, and other  
12 improvements; ((and that it is in the public interest to protect  
13 forests and forest resources by preventing and suppressing forest wild  
14 fires.))

15 (b) Forest landowners and the public have a shared interest in  
16 protecting forests and forest resources by preventing and suppressing  
17 forest wild fires;

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

4       (d) Without a substantial increase in forest protection funds, the  
5 state's citizens will be paying much more money for emergency fire  
6 suppression; and

7       (e) It is therefore the intent of the legislature that the costs of  
8 fire protection be equitably shared between the forest protection  
9 assessment account and state contributions to ensure that there will be  
10 sufficient fire fighters who are equipped and trained to respond  
11 quickly to fires in order to keep fires small and manage those large  
12 fires that do occur. In recognition of increases in landowner  
13 assessments, the legislature declares its intent that increases in the  
14 state's share for forest protection should be provided to stabilize the  
15 funding for the forest protection program, and that sufficient state  
16 funds should be committed to the forest protection program so that the  
17 recommendations contained in the 1997 tridata report can be implemented  
18 on an equitable basis.

19       (2) The legislature hereby finds and declares that it is in the  
20 public interest to establish and maintain a complete, cooperative, and  
21 coordinated forest fire protection and suppression program for the  
22 state; that, second only to saving lives, the primary mission of the  
23 department is protecting forest resources and suppressing forest wild  
24 fires; that a primary mission of rural fire districts and municipal  
25 fire departments is protecting improved property and suppressing  
26 structural fires; and that the most effective way to protect structures  
27 is for the department to focus its efforts and resources on  
28 aggressively suppressing forest wild fires.

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

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

35       (1) If any owner of forest land within a forest protection zone  
36 neglects or fails to provide adequate fire protection as required by  
37 RCW 76.04.600, the department shall provide such protection and shall  
38 annually impose the following assessments on each parcel of such land:

1 (a) A flat fee assessment of fourteen dollars and fifty cents; and (b)  
2 (~~twenty-two~~) twenty-five cents on each acre exceeding fifty acres.  
3 Assessors may, at their option, collect the assessment on tax exempt  
4 lands. If the assessor elects not to collect the assessment, the  
5 department may bill the landowner directly.

6 (2) An owner who has paid assessments on two or more parcels, each  
7 containing fewer than fifty acres and each within the same county, may  
8 obtain the following refund:

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

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

20 Applications for refunds shall be submitted to the department on a  
21 form prescribed by the department and in the same year in which the  
22 assessments were paid. The department may not provide refunds to  
23 applicants who do not provide verification that all assessments and  
24 property taxes on the property have been paid. Applications may be  
25 made by mail.

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

31 (4) For the purpose of this chapter, the department may divide the  
32 forest lands of the state, or any part thereof, into districts, for  
33 fire protection and assessment purposes, may classify lands according  
34 to the character of timber prevailing, and the fire hazard existing,  
35 and place unprotected lands under the administration of the proper  
36 district. Amounts paid or contracted to be paid by the department for  
37 protection of forest lands from funds at its disposal shall be a lien  
38 upon the property protected, unless reimbursed by the owner within ten  
39 days after October 1st of the year in which they were incurred. The

1 department shall be prepared to make statement thereof, upon request,  
2 to a forest owner whose own protection has not been previously approved  
3 as to its adequacy, the department shall report the same to the  
4 assessor of the county in which the property is situated. The assessor  
5 shall extend the amounts upon the tax rolls covering the property, and  
6 upon authorization from the department shall levy the forest protection  
7 assessment against the amounts of unimproved land as shown in each  
8 ownership on the county assessor's records. The assessor may then  
9 segregate on the records to provide that the improved land and  
10 improvements thereon carry the millage levy designed to support the  
11 rural fire protection districts as provided for in RCW 52.16.170.

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

31 (6) When land against which forest protection assessments are  
32 outstanding is acquired for delinquent taxes and sold at public  
33 auction, the state shall have a prior lien on the proceeds of sale over  
34 and above the amount necessary to satisfy the county's delinquent tax  
35 judgment. The county treasurer, in case the proceeds of sale exceed  
36 the amount of the delinquent tax judgment, shall immediately remit to  
37 the department the amount of the outstanding forest protection  
38 assessments.

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

13 (8) A public body, having failed to previously pay the forest  
14 protection assessments required of it by this section, which fails to  
15 suppress a fire on or originating from forest lands owned or  
16 administered by it, (~~shall be~~) is liable for the costs of suppression  
17 incurred by the department or its agent and (~~shall~~) is not (~~be~~)  
18 entitled to reimbursement of costs incurred by the public body in the  
19 suppression activities.

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

23 NEW SECTION. Sec. 3. If specific funding for the purposes of this  
24 act, referencing this act by bill or chapter number, is not provided by  
25 June 30, 2001, in the omnibus appropriations act, this act is null and  
26 void.

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