
HOUSE BILL 2104

State of Washington

57th Legislature

2001 Regular Session

By Representatives Rockefeller, Sump, Pearson and Doumit

Read first time 02/14/2001. Referred to Committee on Natural Resources.

1 AN ACT Relating to funding for forest fire protection; amending RCW
2 76.04.167 and 76.04.610; and adding a new section to chapter 76.04 RCW.

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 fighting; and

7 (e) It is therefore the policy of the state that the costs of fire
8 protection be equitably shared between the forest protection assessment
9 account and an equivalent state match 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. The legislature declares that immediate increases
13 in the state's equitable share for forest protection are necessary to
14 stabilize the funding for the forest protection program, and that
15 sufficient state funds must be committed to the forest protection
16 program so that the recommendations contained in the 1997 tridata
17 report can be implemented on an equitable basis by the end of the 2005-
18 2007 biennium.

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 cents on each acre exceeding fifty acres. Beginning in
3 2001, the amount of the assessment will increase from twenty-two cents
4 per acre to twenty-five cents per acre for each acre in excess of fifty
5 acres, so long as the amount of the state's equitable share of forest
6 protection funding is increased and maintained at the level established
7 in section 3 of this act. If the legislature fails to fund the state's
8 equitable share for forest protection in accordance with section 3 of
9 this act, the three cents per acre increase authorized in this
10 subsection for each acre in excess of fifty acres is null and void
11 during the time period that the state does not fund such share.
12 Assessors may, at their option, collect the assessment on tax exempt
13 lands. If the assessor elects not to collect the assessment, the
14 department may bill the landowner directly.

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

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

23 (b) If all the parcels together contain fifty or more acres, then
24 the refund is equal to the flat fee assessments paid, reduced by the
25 total of (i) fourteen dollars, (ii) twenty-two cents for each acre
26 exceeding fifty acres, and (iii) the total of the amounts retained by
27 the county from such assessments under subsection (5) of this section.
28 If the amount of the assessment under subsection (1) of this section is
29 twenty-five cents per acre for every acre over fifty acres, then the
30 amount of the refund reduction provided under (b)(ii) of this
31 subsection is twenty-five cents rather than twenty-two cents for every
32 acre exceeding fifty acres.

33 Applications for refunds shall be submitted to the department on a
34 form prescribed by the department and in the same year in which the
35 assessments were paid. The department may not provide refunds to
36 applicants who do not provide verification that all assessments and
37 property taxes on the property have been paid. Applications may be
38 made by mail.

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

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

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

1 administrative costs incurred by the department in the enforcement of
2 these provisions. The department may also expend sums collected from
3 owners of forest lands or received from any other source for necessary
4 administrative costs in connection with the enforcement of RCW
5 76.04.660.

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

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

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

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

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 76.04 RCW
37 to read as follows:

1 (1) The legislature finds that it is critical to begin implementing
2 the recommendations contained within the 1997 tridata report regarding
3 forest fire protection. It is the purpose of this section to establish
4 a mechanism that provides full funding for implementation of these
5 recommendations by the end of the 2005-2007 biennium. It is the
6 further intent of the legislature that the costs of implementing these
7 recommendations should be shared in approximately equal amounts between
8 forest landowner assessments and the state through an equivalent match.

9 (2)(a) The legislature finds that the appropriate amount of funding
10 that should be provided by the state as its share for forest fire
11 protection for the 2001-2003 biennium is fourteen million seven hundred
12 seventy-seven thousand dollars. This level of funding constitutes the
13 base year amount for purposes of this section. The base year amount is
14 established at a level that restores the funding for the fire program
15 back to its current level while providing some needed enhancements.

16 (b) The legislature finds that the appropriate amount of funding
17 that should be provided by the state as its share for forest fire
18 protection for the 2003-2005 biennium is an amount equal to the base
19 year amount, plus an additional one million five hundred thousand
20 dollars.

21 (c) The legislature finds that the appropriate amount of funding
22 that should be provided by the state as its share for forest fire
23 protection for the 2005-2007 biennium and for future biennia is an
24 amount equal to the base year amount, plus an additional three million
25 dollars.

26 (d) Nothing in this section requires the state to provide more
27 funds for forest fire protection than the amount provided by forest
28 landowner assessments pursuant to RCW 76.04.610.

29 (e) This subsection is not intended to operate as an appropriation.

30 (3) After the 2005-2007 biennium, the forest fire advisory board
31 established under RCW 76.04.145 is responsible for reviewing the
32 adequacy of the department's forest fire protection program and
33 recommending to the legislature the amount of funding necessary to
34 maintain the program at the level established for the 2005-2007
35 biennium. The board may include a proposed increase in forest
36 landowners' assessments under RCW 76.04.610 as part of its
37 recommendations.

38 (4) If the state does not provide funds for forest fire protection
39 in the amounts established by this section, no additional liability is

1 created against the state and no additional duty is imposed upon the
2 state for forest fire protection.

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