

# SENATE BILL REPORT

## SB 6766

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As of February 16, 2010

**Title:** An act relating to forest fire prevention and suppression.

**Brief Description:** Concerning forest fire prevention and suppression.

**Sponsors:** Senators Hargrove, Swecker, Hatfield, Prentice and Brown.

**Brief History:**

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/01/10, 2/03/10 [DPS-WM, DNP].

Ways & Means: 2/17/10.

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** That Substitute Senate Bill No. 6766 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Hatfield and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Stevens.

**Staff:** Sherry McNamara (786-7402)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Maria Hovde (786-7710)

**Background:** The Department of Natural Resources (DNR) is responsible for forest fire prevention and response on both state-owned and private forest land in Washington.

The current law defines forest land as unimproved land with enough trees or flammable material to create a fire menace to life or property. Sagebrush and grass areas east of the Cascade mountains may be considered forest land if such lands are adjacent to, or intermingled with tree growth. For protection purposes, forest land does not include structures.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Fire Protection Zones. DNR is responsible for working with the state's other fire control agencies to define geographic areas of responsibility. Fire protection zones include all forest land which DNR is obligated to protect but does not include forestland within rural or municipal fire districts.

Forest Fire Protection Assessments. The costs of forest fire protection are to be equitably shared between forest landowners and the state. Owners of forest land are under an obligation to provide forest fire protection on their land at a level that provides adequate protection against the spread of fire from or across their land.

However, if a landowner's property is located on forest land not included within the boundaries of certain rural or municipal fire districts, and the landowner fails to provide adequate protection against the spread of forest fire, then the landowner must pay to DNR a forest fire protection assessment (assessment).

Landowners paying the assessment are billed both at a flat rate and an additional rate according to the size of their forest land. All landowners must pay a flat rate assessment fee of \$17.50 per parcel. Landowners who own more than 50 acres of forest land must pay the flat fee plus an additional 27 cents per acre exceeding the 50 acres.

Forest Fire Protection Assessment Refunds. Qualifying landowners who pay assessments on multiple parcels may claim a refund for assessments. To qualify for the refund, a landowner must have paid assessments on more than one parcel less than 50 acres in size. The parcels must be located in the same county.

If the cumulative size of all parcels owned by the landowner is less than 50 acres, then the landowner is entitled to be refunded the \$17.50 assessment paid on all but one of the properties, less 50 cents per parcel retained for county administration. The landowner is not refunded the additional 27 cents per acre assessment paid for the acreage exceeding 50 acres.

Forest Fire Protection Liability. When DNR is acting in its fire prevention and suppression capacity, a duty is owed to the public in general and not to any individual or class of persons separate from the general public.

**Summary of Bill (Recommended Substitute):** The definition for unimproved lands is changed to mean those lands occupied by shrub-steppe vegetation and forest lands devoted primarily to production of livestock or agricultural commodities for commercial purposes. Unimproved lands do not include improved lands which are defined to mean property on which a structure is located not including roads, bridges, forest lands, or unimproved lands.

Fire Protection Zones. DNR's area of protection does not necessarily include all parcels paying a per parcel assessment. DNR is obligated to protect all state and privately owned unimproved lands located outside of fire protection districts as of January 1, 2010.

Forest Fire Protection Assessments: DNR is required to impose an annual per parcel assessment of \$4.95 on each taxable parcel of land within the state. DNR is required to impose a fire protection assessment on those lands it protects. The assessment rate is 27

cents per acre for parcels west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat counties; and 29 cents per acre on all other parcels.

Landowners with multiple parcels located in one county may apply to DNR to pay for no more than ten parcel assessments. The per acreage assessment will be computed on all parcels but the per parcel assessment will be billed to a single parcel.

DNR is required to provide protection for forest land and nonforested, unimproved lands located outside of a fire protection district bound as of January 1, 2010. Land that is owned or administered by nonfederal public bodies or has tax-exempt status must pay the assessments.

Forest Fire Protection Assessment Refunds. As of January 1, 2011, landowners owning multiple small parcels within a single county will no longer be eligible for a refund of paid assessments.

Forest Fire Protection Liability. DNR's liability protection is expanded to include actions taken by the department within its discretionary authority that may prevent approaching wildfire from destroying or damaging personal property.

**EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Substitute):** The recommended substitute:

- changes annual per parcel assessment on each taxable parcel of land from \$4.66 to \$4.95;
- changes the annual per acre assessment to 27 cents in western counties and 29 cents in eastern counties;
- allows property owners with multiple parcels in one county to pay no more than ten parcel assessments; and
- requires lands owned by state agencies, nonfederal public bodies and nonprofits to pay the forest protection assessments.

**Appropriation:** None.

**Fiscal Note:** Requested on January 25, 2010.  
[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on January 1, 2011.

**Staff Summary of Public Testimony on Original Bill (Natural Resources, Ocean & Recreation):** PRO: This bill socializes the costs of fighting fires, as currently half of the money comes from the general fund. It extends fire protection coverage to unimproved lands, eliminates the costly and inefficient refund program, and allows DNR to protect structures. The assessment is higher on the eastside of the state due to the higher risk of fire.

OTHER: It removes state agencies and nonprofits from the obligation to pay the fire protection assessment, giving them a free ride on fire protection. The assessment split should be equitable.

**Persons Testifying (Natural Resources, Ocean & Recreation):** PRO: Senator Hargrove, prime sponsor; Jack Field, Washington Cattlemen's Association; Heath Packard, Joe Shramek, DNR; Paul Dahmer, Washington Department of Fish and Wildlife; Mike Brown, Washington Fire Chiefs.

OTHER: Ed McMillen, Lower Columbia Fish Enhancement Group; Tom Holt, Forest Capital Partners; John Ehrenreich, Washington Forest Protection Association.