

# HOUSE BILL REPORT

## HB 2440

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### As Reported by House Committee On: Agriculture & Natural Resources

**Title:** An act relating to authorizing the department of natural resources to provide wildfire protection services for public lands managed by state agencies.

**Brief Description:** Authorizing the department of natural resources to provide wildfire protection services for public lands managed by state agencies.

**Sponsors:** Representatives Wilcox, Blake, Chandler, Van De Wege, Warnick, McCune, Johnson, Stanford, Hurst, Hinkle and Moscoso; by request of Commissioner of Public Lands.

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Natural Resources: 1/17/12, 1/18/12 [DP].

#### **Brief Summary of Bill**

- Provides the Department of Natural Resources with the discretionary authority to provide various fire services on nonforested public lands owned by the state.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 12 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Hinkle, Kretz, Lytton, Orcutt, Pettigrew and Van De Wege.

**Staff:** Jason Callahan (786-7117).

#### **Background:**

The Department of Natural Resources (DNR) is the agency of the state with the direct charge and responsibility over all matters pertaining to forest fire services in the state. This responsibility is fulfilled through a combination of required duties and additional discretionary duties.

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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.*

The forest fire-related mandatory duties of the DNR include enforcing all forest fire related laws, investigating the cause of forest fires, and accepting the empowerment to direct all fire suppression efforts. The discretionary fire-related duties of the DNR include authorizing expenditures for fire suppression, adopting rules related to forest fire control and suppression, and making inquiries as to the extent of fire damage on forest lands.

The DNR has the authority to designate any of its employees as wardens. The wardens have set responsibilities related to fire suppression, including patrolling areas at risk, conducting outreach with the users of public lands regarding fire-safe behavior, and assisting with the actual fighting of forest fires. In addition, the DNR may employ individuals exclusively for fire suppression efforts.

The DNR has the authority to enter into cooperative agreements with local governments, other state agencies, and the federal government to provide fire services on land managed by other agencies. The agreement must provide either cash payments to the DNR or comparable in-kind services or other consideration from the party to the agreement.

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**Summary of Bill:**

The Department of Natural Resources (DNR) is provided with the discretionary authority to provide various fire services on nonforested public lands managed either by the DNR or other state agencies. These services can include fire detection, prevention, presuppression, or fire suppression.

The DNR may only provide fire services on nonforested public lands if doing so will not detract from other mandatory fire-related duties of the agency. If the fire services are being provided on land managed by an agency other than the DNR, then a cooperative agreement must be in place between the managing agency and the DNR that provides full reimbursement to the DNR for its services.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The bill is designed to protect public and private infrastructure by allowing the Department of Natural Resources (DNR) additional flexibility as to how they address fires on nonforested land. The DNR has addressed fire issues on nonforested land in the past, but it's not clear that the direction to do so, and an adequate reimbursement process, is in current

law. The fee-for-service arrangement in the bill ensures that state resources are being used in the most efficient manner and overall state fire suppression costs are reduced.

(Opposed) None.

**Persons Testifying:** Representative Wilcox, prime sponsor; and Randy Acker, Department of Natural Resources.

**Persons Signed In To Testify But Not Testifying:** None.