

SENATE BILL REPORT

SHB 1506

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, March 24, 2011

Title: An act relating to fire suppression efforts and capabilities on unprotected land outside a fire protection jurisdiction.

Brief Description: Addressing fire suppression efforts and capabilities on unprotected land outside a fire protection jurisdiction.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Chandler, Takko and Johnson).

Brief History: Passed House: 2/28/11, 96-0.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/21/11, 3/24/11 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

Staff: Karen Epps (786-7424)

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. Forest land is 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.

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. Fire Protection Zones do not include forest lands within rural fire districts or municipal fire districts which are not appropriate for protection from DNR.

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.

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 obligated 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.

Fire Protection Districts. Fire protection districts are created to provide fire prevention, fire suppression, and emergency services within a district's boundaries. A fire protection district may be established through voter approval and financed by imposing regular property taxes, excess voter-approved property tax levies, and benefit charges. Currently, firefighters are not required to engage in fire suppression efforts if the fire occurs outside the boundaries of their fire protection district.

Indemnity. The state provides indemnity to persons appointed and regularly enrolled as emergency workers for damage to property or injury or death to persons caused by acts done or attempted by the emergency worker within the scope of their assigned duties. This immunity does not extend to areas outside of an emergency worker's jurisdiction unless an interlocal agreement has been established.

Seller Disclosure Statement. A seller of residential land must provide a buyer with a disclosure statement about the land unless the buyer waives the right to receive it. The disclosure requirement applies to sales of unimproved residential land and improved residential land.

The disclosure forms are specified in statute. The disclosure for unimproved residential land concerns title, water, sewer/septic systems, electrical/gas, flooding, soil stability, environmental, and homeowners' association/common interests. The disclosure for improved residential land concerns title, water, sewer/on-site sewage system, structural, systems and fixtures, homeowners' association/common interests, environmental, and manufactured and mobile homes.

Summary of Bill: Fire Protection. Property owners of unprotected lands are encouraged to form or annex into a fire protection jurisdiction or enter into an agreement with a fire protection service agency or agencies for firefighting services. Any agreement entered into between owners of unprotected land and fire protection service agencies must be in writing. A fire protection service agency includes any local, state, or federal governmental entity responsible for firefighting services, including fire protection districts, regional fire protection service authorities, cities, towns, port districts, DNR, and federal reservations.

Property owners of unprotected land that do not form or annex into a fire protection jurisdiction or enter into an agreement with a fire protection service agency or agencies for firefighting services do so willingly and with full knowledge that a fire protection service agency is not obligated to provide firefighting services to unprotected land. A fire protection service agency may initiate firefighting services on unprotected land in certain circumstances including when:

- service was specifically requested by the landowner or other fire protection service agency;
- service is needed to prevent the spread of fire onto lands protected by the agency; and

- service is needed to substantially mitigate the risk of harm to life or property by preventing the spread of a fire onto unprotected lands.

The property owner must reimburse an agency initiating firefighting services on unprotected land outside its fire protection jurisdiction for reasonable costs, but not more than actual costs, that are incurred as a result of the response.

Indemnity. Any fire protection service agency, whether paid or volunteer, is not liable for civil damages under the following circumstances: (1) when engaging in firefighting efforts outside their jurisdiction; and (2) when providing emergency care, rescue, assistance, or recovery services at the scene of an emergency. This immunity does not include acts or omissions constituting gross negligence or willful or wanton misconduct.

Unimproved Residential Real Property Disclosure Statement. A question is added to the disclosure statement under the other facts section. The seller must disclose if the property is located within a city, county, or district or within a DNR fire protection zone that provides fire protection services.

Improved Residential Real Property Disclosure Statement. A question is added to the disclosure statement under the other facts section. The seller must disclose if the property is located within a city, county, or district or within a DNR fire protection zone that provides fire protection services.

Appropriation: None.

Fiscal Note: Available on the original bill.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill comes from discussions for several years to improve coordination with different agencies and fire districts for responding to wildfires. This bill provides options for fire districts to respond to fires. Fire fighters want to put out fires when they see smoke. This bill recognizes that if we put out a fire when it is smaller and before it is a threat to people and property, this reduces risk and saves money. This bill establishes a Good Samaritan provision. This bill also gives property owners options about how they are going to prepare for fire response. This bill is designed to allow fire fighters to fight fires on otherwise unprotected lands.

Persons Testifying: PRO: Representative Chandler, prime sponsor; Dylan Doty, Washington Fire Chiefs Association; Joseph Shramek, Washington Department of Natural Resources.