

SENATE BILL REPORT

SSB 6199

As Amended by House, March 5, 2014

Title: An act relating to addressing wildfires caused by incendiary devices.

Brief Description: Addressing wildfires caused by incendiary devices.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senators Braun and Hargrove).

Brief History:

Committee Activity: Natural Resources & Parks: 1/28/14, 1/30/14 [DPS].

Passed Senate: 2/14/14, 47-0.

Passed House: 3/05/14, 98-0.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 6199 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Liias, Ranking Member; Dandel, Hargrove, Hewitt, Kline and Parlette.

Staff: Curt Gavigan (786-7437)

Background: Current law prohibits a person from throwing away any lit material or discharging tracer or incendiary ammunition in a forest, brush, range, or grain area during the closed season. The statute specifically includes cigarettes, matches, and fireworks as examples of lit materials. The term closed season means the period between April 15 and October 15, unless the Department of Natural Resources (DNR) establishes different dates because of fire conditions. A violation of this prohibition is punishable as a misdemeanor.

Also, it is a gross misdemeanor to knowingly cause a fire or explosion in a way that places forest lands in danger of damage.

Summary of Substitute Bill: In addition to the current prohibitions on actions in a forest, brush, or grain area during the closed season, it is unlawful to release a sky lantern or detonate an exploding target.

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.

Outside of the closed season, a person is prohibited from discharging incendiary ammunition, releasing a sky lantern, or detonating an exploding target in a forest, brush, or grain area unless the person either has possession or control of the land, or has written permission for the activity.

Violations of these prohibitions remain punishable as a misdemeanor.

Several terms are defined:

- exploding target means a device designed for use as a target consisting of one or more flammable substances and capable of exploding when struck by projectiles;
- incendiary ammunition means ammunition designed either to ignite or explode on impact, or trace its course with a trail of smoke, chemical incandescence, or fire; and
- sky lantern means an unmanned luminary device that uses heated air to remain airborne.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill addresses issues that can lead to large fire-related property damages. Drafters of the bill worked closely with all stakeholders to protect firearm rights and forests. This bill would help to prevent costs to both the state and landowners. Similar prohibitions against incendiary devices already apply to federal and state lands. This bill would see those same prohibitions applied to private land.

OTHER: DNR is supportive of the intent of the bill. Incendiary devices are increasingly popular. Multiple fires have been caused due to these incendiary devices, leading to significant fire suppression costs for DNR. However, the definition of incendiary devices may require further refinement.

Persons Testifying: PRO: Senator Braun, prime sponsor; Tim Boyd, Jerry Bailey, Port Blakely Tree Farms; Debora Munguia, WA Forest Protection Assn., Jack Field, WA Cattlemen's Assn.

OTHER: Mary Verner, DNR.

House Amendment(s): Modifies the definition of the term exploding target; allows the use of nonflammable exploding targets during the closed season by the landowner or with the permission of the landowner; and makes organizational and technical changes.