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**SUBSTITUTE HOUSE BILL 1127**

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**State of Washington                      63rd Legislature                      2013 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Klippert, Goodman, Warnick, Kristiansen, Van De Wege, and Ryu)

READ FIRST TIME 02/01/13.

1            AN ACT Relating to prefire mitigation; amending RCW 43.43.934;  
2            reenacting and amending RCW 43.79A.040; and creating a new section.

3            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.        **Sec. 1.**        The legislature finds that wildfire  
5            occurrence, fire intensity, and values at risk have continued to  
6            increase across the state in recent years. Three of the primary causal  
7            factors behind these increases are population growth, changes in land  
8            use, and weather patterns and drought. The 2012 wildfire season was  
9            one of the worst in history and caused untold millions of dollars'  
10            worth of fire-related damages. Costs associated with ongoing fire  
11            resource deployment, state fire mobilization, as well as lingering air  
12            quality issues and freight delay due to road closures, have added up to  
13            one of the costliest fire seasons on record.

14            The legislature intends to help limit the scope of future wildfires  
15            by establishing a statewide prefire mitigation plan to be overseen by  
16            the office of the state fire marshal. This plan must provide for  
17            coordination with local fire departments to develop individualized  
18            community-wide protection plans that include public education such as

1 firewise, partnership building, and personal wildfire action plans in  
2 the event of a wildfire.

3 **Sec. 2.** RCW 43.43.934 and 2012 c 229 s 818 are each amended to  
4 read as follows:

5 (1) The director of fire protection shall:

6 ~~((1))~~(a)(i)(A) With the state board for community and technical  
7 colleges, provide academic, vocational, and field training programs for  
8 the fire service; and ~~((ii))~~ (B) with the state colleges and  
9 universities, provide instructional programs requiring advanced  
10 training, especially in command and management skills;

11 ~~((b))~~ (ii) Cooperate with the common schools, technical and  
12 community colleges, institutions of higher education, and any  
13 department or division of the state, or of any county or municipal  
14 corporation in establishing and maintaining instruction in fire service  
15 training and education in accordance with any act of congress and  
16 legislation enacted by the legislature in pursuance thereof and in  
17 establishing, building, and operating training and education  
18 facilities.

19 Industrial fire departments and private fire investigators may  
20 participate in training and education programs under this chapter for  
21 a reasonable fee established by rule;

22 ~~((c))~~ (iii) Develop and adopt a master plan for constructing,  
23 equipping, maintaining, and operating necessary fire service training  
24 and education facilities subject to the provisions of chapter ~~((43.19))~~  
25 39.26 RCW;

26 ~~((d))~~ (iv) Develop and adopt a master plan for the purchase,  
27 lease, or other acquisition of real estate necessary for fire service  
28 training and education facilities in a manner provided by law; and

29 ~~((e))~~ (v) Develop and adopt a plan with a goal of providing  
30 firefighter one and wildland training to all firefighters in the state.  
31 Wildland training reimbursement will be provided if a fire protection  
32 district or a city fire department has and is fulfilling their interior  
33 attack policy or if they do not have an interior attack policy. The  
34 plan will include a reimbursement for fire protection districts and  
35 city fire departments of not less than three dollars for every hour of  
36 firefighter one or wildland training. The Washington state patrol

1 shall not provide reimbursement for more than two hundred hours of  
2 firefighter one or wildland training for each firefighter trained(~~(-)~~);

3 ~~((2)(a))~~ (b)(i) Promote mutual aid and disaster planning for fire  
4 services in this state;

5 ~~((b))~~ (ii) Assure the dissemination of information concerning the  
6 amount of fire damage including that damage caused by arson, and its  
7 causes and prevention; and

8 ~~((e))~~ (iii) Implement any legislation enacted by the legislature  
9 to meet the requirements of any acts of congress that apply to this  
10 section(~~(-)~~);

11 ~~((3))~~ (c)(i) Develop a statewide plan for prefire mitigation by  
12 adopting by rule the principles and tenets of the Ready Set Go program  
13 developed by the international association of fire chiefs. The rules  
14 must require coordination with local fire departments to develop  
15 individualized community-wide protection plans that include public  
16 education such as firewise, partnership building, and personal wildfire  
17 action plans in the event of a wildfire.

18 (ii) The office of the state fire marshal shall work with the state  
19 building code council to identify potential barriers to, and encourage  
20 adoption of, the international wildland urban interface code.

21 (iii) The wildfire prevention account is hereby created in the  
22 custody of the state treasurer. The account shall consist of: (A) All  
23 bequests, fees, gifts, emoluments, or donations given or paid into the  
24 account; (B) five percent of all moneys received by the state from  
25 taxes on fire insurance premiums under RCW 48.14.020; and (C) interest  
26 on the investments of the account. Expenditures from the account may  
27 be used only for prefire mitigation efforts as described in this  
28 chapter and any rules adopted under this chapter. Only the director of  
29 state fire protection or the director's designee may authorize  
30 expenditures from the account. The account is subject to allotment  
31 procedures under chapter 43.88 RCW, but an appropriation is not  
32 required for expenditures.

33 (2) In carrying out its statutory duties, the office of the state  
34 fire marshal shall give particular consideration to the appropriate  
35 roles to be played by the state and by local jurisdictions with fire  
36 protection responsibilities. Any determinations on the division of  
37 responsibility shall be made in consultation with local fire officials  
38 and their representatives.

1 To the extent possible, the office of the state fire marshal shall  
2 encourage development of regional units along compatible geographic,  
3 population, economic, and fire risk dimensions. Such regional units  
4 may serve to: (a) Reinforce coordination among state and local  
5 activities in fire service training, reporting, inspections, and  
6 investigations; (b) identify areas of special need, particularly in  
7 smaller jurisdictions with inadequate resources; (c) assist the state  
8 in its oversight responsibilities; (d) identify funding needs and  
9 options at both the state and local levels; and (e) provide models for  
10 building local capacity in fire protection programs.

11 (3) "Firewise," for purpose of this chapter, means the firewise  
12 communities program developed by the national fire protection  
13 association, which encourages local solutions for wildfire safety by  
14 involving homeowners, community leaders, planners, developers,  
15 firefighters, and others in the effort to protect people and property  
16 from wildfire risks.

17 **Sec. 3.** RCW 43.79A.040 and 2012 c 198 s 8, 2012 c 196 s 6, 2012 c  
18 187 s 13, and 2012 c 114 s 3 are each reenacted and amended to read as  
19 follows:

20 (1) Money in the treasurer's trust fund may be deposited, invested,  
21 and reinvested by the state treasurer in accordance with RCW 43.84.080  
22 in the same manner and to the same extent as if the money were in the  
23 state treasury, and may be commingled with moneys in the state treasury  
24 for cash management and cash balance purposes.

25 (2) All income received from investment of the treasurer's trust  
26 fund must be set aside in an account in the treasury trust fund to be  
27 known as the investment income account.

28 (3) The investment income account may be utilized for the payment  
29 of purchased banking services on behalf of treasurer's trust funds  
30 including, but not limited to, depository, safekeeping, and  
31 disbursement functions for the state treasurer or affected state  
32 agencies. The investment income account is subject in all respects to  
33 chapter 43.88 RCW, but no appropriation is required for payments to  
34 financial institutions. Payments must occur prior to distribution of  
35 earnings set forth in subsection (4) of this section.

36 (4)(a) Monthly, the state treasurer must distribute the earnings

1 credited to the investment income account to the state general fund  
2 except under (b), (c), and (d) of this subsection.

3 (b) The following accounts and funds must receive their  
4 proportionate share of earnings based upon each account's or fund's  
5 average daily balance for the period: The Washington promise  
6 scholarship account, the Washington advanced college tuition payment  
7 program account, the accessible communities account, the community and  
8 technical college innovation account, the agricultural local fund, the  
9 American Indian scholarship endowment fund, the foster care scholarship  
10 endowment fund, the foster care endowed scholarship trust fund, the  
11 basic health plan self-insurance reserve account, the contract  
12 harvesting revolving account, the Washington state combined fund drive  
13 account, the commemorative works account, the county enhanced 911  
14 excise tax account, the toll collection account, the developmental  
15 disabilities endowment trust fund, the energy account, the fair fund,  
16 the family leave insurance account, the food animal veterinarianian  
17 conditional scholarship account, the fruit and vegetable inspection  
18 account, the future teachers conditional scholarship account, the game  
19 farm alternative account, the GET ready for math and science  
20 scholarship account, the Washington global health technologies and  
21 product development account, the grain inspection revolving fund, the  
22 industrial insurance rainy day fund, the juvenile accountability  
23 incentive account, the law enforcement officers' and firefighters' plan  
24 2 expense fund, the local tourism promotion account, the multiagency  
25 permitting team account, the pilotage account, the produce railcar pool  
26 account, the regional transportation investment district account, the  
27 rural rehabilitation account, the stadium and exhibition center  
28 account, the youth athletic facility account, the self-insurance  
29 revolving fund, the children's trust fund, the Washington horse racing  
30 commission Washington bred owners' bonus fund and breeder awards  
31 account, the Washington horse racing commission class C purse fund  
32 account, the individual development account program account, the  
33 Washington horse racing commission operating account (earnings from the  
34 Washington horse racing commission operating account must be credited  
35 to the Washington horse racing commission class C purse fund account),  
36 the life sciences discovery fund, the Washington state heritage center  
37 account, ((and)) the reduced cigarette ignition propensity account, the  
38 center for childhood deafness and hearing loss account, ((and)) the

1 school for the blind account, the Millersylvania park trust fund, the  
2 public employees' and retirees' insurance reserve fund, the wildlife  
3 prevention account, and the radiation perpetual maintenance fund.

4 (c) The following accounts and funds must receive eighty percent of  
5 their proportionate share of earnings based upon each account's or  
6 fund's average daily balance for the period: The advanced right-of-way  
7 revolving fund, the advanced environmental mitigation revolving  
8 account, the federal narcotics asset forfeitures account, the high  
9 occupancy vehicle account, the local rail service assistance account,  
10 and the miscellaneous transportation programs account.

11 (d) Any state agency that has independent authority over accounts  
12 or funds not statutorily required to be held in the custody of the  
13 state treasurer that deposits funds into a fund or account in the  
14 custody of the state treasurer pursuant to an agreement with the office  
15 of the state treasurer shall receive its proportionate share of  
16 earnings based upon each account's or fund's average daily balance for  
17 the period.

18 (5) In conformance with Article II, section 37 of the state  
19 Constitution, no trust accounts or funds shall be allocated earnings  
20 without the specific affirmative directive of this section.

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