
**Agriculture & Natural Resources
Committee**

HB 1508

Brief Description: Providing permissive authority for counties to assume authority over local forest fire management.

Sponsors: Representatives Kretz, Blake, Short, Reykdal and Condotta.

Brief Summary of Bill

- Allows counties to elect to assume primary command over any fire response in the county and have independent decision-making authority over all local aspects of forest fire prevention and response by creating a forest fire protection division that is responsible for preventing and suppressing forest fires in the county.
- Directs funds collected from certain forest fire assessments to a county that elects to take responsibility for fire response and suppression in the county, rather than to the Department of Natural Resources.

Hearing Date: 2/5/15

Staff: Peter Clodfelter (786-7127).

Background:

Forest Fire Suppression Responsibility—the Department of Natural Resources.

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. The forest fire-related 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. Further, the DNR may authorize expenditures for fire suppression, adopt rules related to forest fire control and suppression, and make inquiries as to the extent of fire damage on forest lands. The DNR also may enter into cooperative agreements with local governments, other state agencies, and the federal government to provide fire services on land managed by other agencies.

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 Protection Zone Assessment.

Every owner of forest land is obligated to provide adequate protection against the spread of fire. If a landowner in a forest protection zone neglects that duty, the DNR is required to provide fire suppression services. In that circumstance, the DNR, through the county, imposes an assessment on the landowner's unimproved land within the county in the forest protection zone. The assessments are collected like general state and county taxes on the land. The county retains a small portion to cover its administrative costs, and transmits the balance to the DNR, which uses the money to provide fire suppression services.

When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at auction, the state has priority to the proceeds of the sale over and above the amount necessary to satisfy the county's delinquent tax judgment. If the sale proceeds exceed the county's delinquent tax judgment, the county must transmit the amount of the outstanding forest protection assessments to the DNR.

Landowner Contingency Forest Fire Suppression Account Assessment.

Biennial General Fund appropriations to the DNR normally fund the DNR's forest fire suppression services. However, when a fire starts because of a landowner operation, the DNR's expenditures are recovered from the Landowner Contingency Forest Fire Account. The account is funded through an annual special forest fire suppression account assessment on participating landowners. The DNR is allowed to set a flat fee of no more than \$7.50 for participating landowners owning parcels of 50 acres or less; for participating landowners with over 50 acres, the DNR may set an additional per acre assessment for every acre over 50 acres. Unpaid assessments become a lien.

Summary of Bill:

Forest Fire Suppression Authority—Counties.

Counties may elect to create a forest fire protection division that is responsible for preventing and responding to forest fires in the county. Upon election, the local forest fire protection division assumes primary command over any fire response in the county and assumes independent decision-making authority over all local aspects of forest fire prevention and response. Two or more counties may organize into a single local forest fire protection division. If a county creates a forest fire protection division, the county must notify the Department of Natural Resources (DNR) within 30 days. The DNR is required to assist the county in any fire response necessary to protect public safety.

Forest Protection Zone Assessment.

If a county elects to create a forest fire protection division, the county may keep the entire amount of forest fire protection assessments rather than transmitting a portion of the assessments to the DNR.

Landowner Contingency Forest Fire Suppression Account Assessment.

Moreover, any county that elects to create a forest fire protection division is entitled to any Forest Fire Suppression Account assessments that the DNR would otherwise be entitled to. The money must be placed in an account designated by the county to be used exclusively for local forest fire prevention and response.

In a county that has elected to create a forest fire protection division, any land against which forest protection assessments are outstanding and that is acquired for delinquent taxes and sold at public auction is subject to a lien in favor of the county, rather than the state.

Appropriation: None.

Fiscal Note: Available.

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