

HOUSE BILL REPORT

HB 2579

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to prefire mitigation.

Brief Description: Concerning prefire mitigation.

Sponsors: Representatives Griffey, Goodman, Orwall, Dent, Wilson, Van De Wege and McBride.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/26/16, 2/4/16 [DPS].

Brief Summary of Substitute Bill

- Directs the State Fire Marshal to develop a statewide prefire mitigation plan by adopting in rule the principles and tenets of a nationally recognized preparedness plan.
- Creates the Wildfire Prevention Account as a nonappropriated account in the State Treasury.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Blake, Chair; Walkinshaw, Vice Chair; Hurst, Lytton, Pettigrew, Stanford and Van De Wege.

Minority Report: Do not pass. Signed by 5 members: Representatives Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Orcutt and Schmick.

Minority Report: Without recommendation. Signed by 1 member: Representative Kretz.

Staff: Rebecca Lewis (786-7339).

Background:

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.

State Fire Marshal.

The State Fire Marshal's office is part of the Washington State Patrol, and is responsible for a number of fire preparedness and prevention tasks including but not limited to: fire inspections; construction plan review; training of Washington State's Fire Service; and the certification of fire service members. The State Fire Marshal's office also coordinates fire service resources during large fires and disasters in accordance with the State Fire Resource Mobilization Plan (Mobilization Plan). The Mobilization Plan is an "all risk" plan, meaning it is used to provide fire services during a fire, or other disaster or emergency where fire services are needed for the protection of life or property. The most recent revision was in April of 2014.

International Wildland Urban Interface Code.

The International Wildland Urban Interface Code (IWUIC) is a model code developed and published by the International Code Council, Inc. (ICC). The ICC is a nonprofit organization that develops and publishes model codes for building, construction, and design standards, and develops and publishes updates to codes on a three-year cycle. The IWUIC establishes minimum regulations for land use and construction in designated wildland-urban interface areas in order to mitigate wildfire hazards.

As defined in the IWUIC, wildland-urban interface areas are the geographical areas where structures and other human development exists near or intermingles with an unoccupied or undeveloped area susceptible to forest, brush, or other wildland fires. Wildland-urban interface areas can exist in areas commonly understood as rural, urban, and suburban.

State Building Code Council.

The State Building Code Council (Council) provides analysis and advice to the Legislature and the Office of the Governor on state building code issues and adopts rules that implement and incorporate the state's performance standards. Updates to the state building code and performance standards are made on a three-year cycle, and are codified in the Washington Administrative Code. In 2012 the Council adopted the *2012 International Wildland Urban Interface Code* as an optional code that local jurisdictions may adopt and enforce.

Ready, Set, Go Program.

The Ready, Set, Go program (Ready, Set, Go) is administered by the International Associations of Fire Chiefs. Ready, Set, Go emphasizes preparedness and situational awareness before and during a wildfire, and is designed to help local fire departments teach individuals who live in high-risk wildfire areas how to best prepare for wildfire threats. The goals of Ready, Set, Go are to encourage communities, especially those located in or near a wildland-urban interface area, to plan ahead and take steps to reduce potential damage before and during a wildfire incident.

Firewise Communities.

The Firewise Communities Program (Firewise) is a public education program focused on wildfire preparedness. Firewise is a project of the National Fire Protection Association, co-sponsored by the United States Forest Service, Department of the Interior, and National Association of State Foresters. Firewise emphasizes collaboration between individuals, neighborhoods, and local governments to reduce the risk of wildfire in areas susceptible to such disasters.

In order to be recognized as a Firewise community, a city, town, or neighborhood in an area susceptible to brush, grass, or forest fire must:

- obtain a wildfire risk assessment in writing from the state forest agency or a fire department;
- form a board or committee and create an action plan based on the risk assessment
- conduct a Firewise Day event;
- invest at least \$2 per capita per year in Firewise actions which include volunteer hours, loaned equipment, or hired contractors for clean-up work as well as cash spent; and
- complete an application and submit it to the state Firewise liason.

Communities must renew their status each year.

Summary of Substitute Bill:

The State Fire Marshal must develop a statewide prefire mitigation plan (statewide plan) by adopting in rule principles and tenets of a nationally recognized plan, such as Ready, Set, Go. The rules must require the development of individualized, community-wide protection plans in coordination with local fire departments and the Department of Natural Resources (DNR). Community-wide protection plans must include public education, such as the Firewise Communities Program (Firewise), partnership building, and personal wildfire action plans.

The Wildfire Prevention Account (Account) is created as a nonappropriated account in the State Treasury, and consists of funds from a variety of sources including: bequests, gifts, fees, emoluments, or donations given or paid into the account; 5 percent of state tax revenue from fire insurance premiums; and interest on the investments of the Account.

The Office of the State Fire Marshal must identify priority interface zones and develop a grant program to assist local jurisdictions to voluntarily adopt the International Wildland Urban Interface Code (IWUIC). Only the State Fire Marshal, or their designee, may authorize expenditures from the Account. Expenditures from the Account may only be used for prefire mitigation efforts in accordance with the statewide plan. The State Fire Marshal may not award Account funds to fire districts which have levied less than 60 percent of their levy capacity.

If a city or county is awarded grant funds and uses the funds for mapping wildland-urban interface areas within the city or county, but does not adopt the IWUIC within five years of the award, the award amount must be returned in full to the Account. If a special purpose district, such as a fire district, is awarded funds and uses the funds for mapping wildland-urban interface areas and the county in which the special purpose district resides does not adopt the IWUIC within five years of the award, the award amount must be returned in full to the Account. Grant funds used to implement Ready, Set, Go, or Firewise principles are not required to be returned to the Account, regardless of whether or not the city or county adopts the IWUIC.

Substitute Bill Compared to Original Bill:

The substitute bill requires the State Fire Marshal to coordinate fire prevention and outreach efforts with the Department of Natural Resources (DNR) as well as local fire districts, and specifies that fire prevention and outreach efforts do not duplicate or replace efforts already performed by the DNR. The substitute bill also specifies that silvicultural burning is a prefire mitigation effort, eligible for funds from the Account.

Grant funds used for mapping wildland-urban interface areas must be returned in full to the Account from:

- cities and counties if the city or county does not adopt the International Wildland Urban Interface Code (IWUIC) within five years of being awarded the grant; or
- special purpose districts, if the county in which the special purpose district resides does not adopt the IWUIC within five years of the grant award.

Grant funds used to implement Ready, Set, Go, or conduct Firewise Communities Program activities are not required to be returned to the Wildfire Prevention Account, even if the city or county does not adopt the IWUIC.

The State Fire Marshal may not award Account funds to fire districts that have levied less than 60 percent of their levy capacity.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) Some communities get together to take part in wildfire preparedness tasks in accordance with Firewise Communities Program (Firewise) principles, such as preparing defensible space. These activities could help prevent significant damage and personal loss caused by wildfires. This bill takes a small sliver of unallocated funds to expand Firewise and Ready, Set, Go, efforts on a local level, and creates and funds a grant program to encourage local adoption of the International Wildland Urban Interface Code (IWUIC). Five percent of unallocated General Fund revenue from the fire insurance premium tax would fund the grant program created in the bill.

There is another bill in a different committee that would require adoption of the IWUIC statewide. Jurisdictions have concerns with adopting the code statewide for a number of reasons, but some have adopted the IWUIC and it has worked well. Disincentives for jurisdictions to voluntarily adopt the IWUIC should be reduced.

The 2015 wildfire season cost the state millions of dollars. Closed roadways, freight delays, and air quality issues contributed to the costliest fire season on record. Spending a fraction

of what the state allocates for fire mobilization and post-fire costs on prefire mitigation activities would save the state millions in future allocations.

(Opposed) None.

(Other) It is encouraging to see a bill to help communities be better prepared for wildfire season, and the goals of the bill are to be applauded. The Department of Natural Resources (DNR) has mapping technology available, and coordinates with the State Fire Marshal. The DNR already has Firewise programs, and supports counties, cities, and local organizations in wildfire protection planning.

A person's position on the bill may depend on where they live in the state. Some from eastern Washington may have a different perspective on firefighting than those from western Washington who are in support. Some of the planning activities in the bill may delay what another bill regarding fire response is trying to accomplish. There are elements of this bill worth considering that could be rolled into the broader wildfire conversation this session. Some people in the farming community are opposed to or concerned with adoption of the IWUIC.

Persons Testifying: (In support) Representative Griffey, prime sponsor; Dylan Doty, Washington Fire Chiefs; and Steve North, Washington Fire Chiefs and McLane Fire Department.

(Opposed) None.

(Other) Mary Verner, Department of Natural Resources; and Tom Davis, Washington Farm Bureau.

Persons Signed In To Testify But Not Testifying: None.