

HOUSE BILL REPORT

HB 2596

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to reducing the occurrences of small wildland fires escalating into catastrophic fires through the creation of a mechanism to better equip local wildland fire suppression entities in their immediate, local suppression activities.

Brief Description: Reducing the occurrences of small wildland fires escalating into catastrophic fires through the creation of a mechanism to better equip local wildland fire suppression entities in their immediate, local suppression activities.

Sponsors: Representatives Dye, Blake, Kretz, Tharinger, Short, Schmick, McCabe, Haler, Rossetti, Muri, Condotta and Springer.

Brief History:

Committee Activity:

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

Brief Summary of Substitute Bill

- Creates a new account to be used to fund immediate, local fire suppression responses by local suppression entities.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hurst, Kretz, Lytton, Orcutt, Pettigrew and Schmick.

Minority Report: Do not pass. Signed by 3 members: Representatives Chandler, Stanford and Van De Wege.

Staff: Jason Callahan (786-7117).

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.

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 DNR appoints trained personnel in order to carry out the DNR's duties and is obligated to employ sufficient numbers of personnel to extinguish or prevent the spreading of any fire that may be in danger of damaging or destroying any timber or other property of the DNR.

Also, when in the state's best interest and for the purposes of forest firefighting and patrol, the DNR may cooperate with any agency of another state, the United States or a federal agency, and any county, town, corporation, person, or Native American tribe. Further, the DNR may contract and enter agreements with private corporations for the protection and development of the forest lands within the state.

The DNR is authorized to approve all needed and proper expenditures for forest protection. The State Treasurer is required to transfer funds from either the General Fund, or another fund the Treasurer finds appropriate, to a specially designated account that matches all unbudgeted forest firefighting expenses incurred by the DNR. All amounts borrowed under this authority, plus interest, must be repaid to the donating fund.

Summary of Substitute Bill:

A new account is created called the Local Wildland Fire Severity Account (Account) to be managed by the DNR. All monies in the Account must be used to fund immediate, local fire suppression responses. The Account must be funded through an appropriation by the Legislature. To aid that process, the DNR must include a budget request for the Account based on historic demand for the Account and anticipated fire conditions. Any appropriations made to the Account are in addition to the DNR's base wildland fire budget.

A local suppression entity, which can be any non-state and non-federal public agency responsible for suppressing fires, may submit a request for an expenditure from the Account if a wildfire starts within its jurisdiction. Along with the report of the fire, the local suppression entity must provide information regarding its proposed suppression actions and anticipated costs. If a request is made, the DNR is required to take certain actions without independently confirming the state of the reported fire.

When a request for funds in the Account is made, the DNR has 30 minutes to either release the amount of money requested that allows the local suppression entity to initiate an immediate response, provide a guaranteed level of reimbursement to the local suppression entity to cover costs associated with an immediate response, or release assets under the control of the DNR to facilitate an immediate response.

In order for a local suppression entity to be eligible for assets funded by the Account, it must satisfy the prerequisite of entering into an agreement with the DNR and, if applicable, other local suppression entities and private contractors prior to making the request. The purpose of these agreements is to ensure that the assets are well planned prior to their release.

Any local suppression entity that receives funding or assets from the Account is required to satisfy a 10 percent cost match for the amount of money provided from the Account. However, that cost match requirement is not applicable if the local suppression entity is able to contain the fire within the first six hours. The cost match requirement can be satisfied through a monetary payment back into the Account or through the provision of in-kind services. All cost match payments must be provided within a year of receiving funds from the Account. The Local Wildland Fire Liaison may serve as a mediator in any disputes between the DNR and a local suppression entity regarding cost match payments.

The DNR may continue to offer local funding from the Account even after the appropriation to the Account has been exhausted and seek subsequent appropriations from the Legislature to reimburse the expenditures. The DNR may assure reimbursement to a local suppression entity for up to two years following a release of funds.

The DNR must provide a report to the Legislature by October 31, 2018, that summarizes the demand placed on the Account and an estimate of an appropriate funding level for the Account.

Substitute Bill Compared to Original Bill:

The substitute bill renames the account created in the bill into the Local Wildland Fire Severity Account (Account) from the Suppression Account; specifies that any appropriations in the Account are in addition to the DNR's base wildfire budget; removes the provision that allowed the DNR to retain 5 percent of the Account for administrative overhead; creates as a prerequisite for funding from the Account a requirement for local suppression entities to enter into preseason agreements with the DNR, other local suppression entities, and private contractors; allows the DNR to exceed the balance in the Account and request reimbursement in supplemental budgets; and specifies that nothing in the bill affects the DNR's ability to pre-position fire suppression assets.

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) The volatile conditions witnessed this past summer resulted in catastrophic fires that could have been avoided if there were adequate local resources to allow an immediate, initial attack. Most of the areas where small fires are left to grow are in rural areas staffed by small fire districts or in so-called "no man's land," which is land not supported by local fire property assessments. These smaller fire districts need additional tools to allow them to contain small fires while they are still small. This approach works well in neighboring states.

Most of the state costs for fighting wildfires occur because a fire is allowed to grow large enough to qualify for a state mobilization response. Investing money upfront allows the state to save substantial money by not having to pay for a mobilization response. Firefighters, both professional and volunteer, want to know that they have the resources they need to fight a fire that threatens their community. The citizens want them to have those resources, and most don't know, or care, what money is generated from what source.

(Opposed) None.

(Other) There is a real challenge in addressing fires in no man's land that all stakeholders should work to solve. The DNR currently deploys aviation resources to the areas of the state where it is the most useful, but that means that they are sometimes not available because of a high demand in other parts of the state. The prioritization of resources have to work within the context of the overall fire mobilization. The expectations of what can be realistically achieved have to be understood by everyone.

State fire policy should ensure that as few fires as possible grow large, but this approach creates a new level of bureaucracy without enough oversight to ensure that every dollar is spent as carefully as possible.

Persons Testifying: (In support) Representative Dye, prime sponsor; Noel Hardin, Asotin County Fire District #1; Lori Larsen; and Tom Davis, Washington Farm Bureau.

(Opposed) None.

(Other) Mary Verner, Department of Natural Resources; Steve North, Washington Fire Chiefs and McLane Fire Department; and Seamus Petrie, Washington Public Employees Association.

Persons Signed In To Testify But Not Testifying: None.