
HOUSE BILL 1074

State of Washington 65th Legislature 2017 Regular Session

By Representatives Lytton, Tarleton, Ormsby, Farrell, and Gregerson

Read first time 01/10/17. Referred to Committee on Appropriations.

1 AN ACT Relating to creating the community wildfire protection
2 assessment; reenacting and amending RCW 76.04.005; adding a new
3 section to chapter 76.04 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that wildfire
6 seasons have increased in frequency and intensity and have caused
7 more damage over a wider geographic area than in the past, most
8 recently during the historic 2014 and 2015 wildfire seasons. Recent
9 wildfire seasons have proven that, while the climate of eastern
10 Washington is more fire prone, communities in western Washington are
11 not immune to wildfire hazards such as the Upper Skagit Complex of
12 2015. The legislature further finds that more people have moved into
13 wildland-urban interface areas of the state. All of these factors
14 indicate a greater need for fire protection services and prevention
15 efforts to protect life and property in areas most at risk across the
16 state and for public education efforts on how to reduce or prevent
17 property damage caused by wildfire. The legislature intends to
18 provide for this increased need through assessments on housing units
19 in areas most likely to be at risk of a wildfire threat.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04
2 RCW to read as follows:

3 (1) The department shall annually impose an assessment of twenty
4 dollars on each housing unit in unincorporated areas of counties west
5 of the crest of the Cascade mountains, and thirty dollars on each
6 housing unit in unincorporated areas of counties east of the crest of
7 the Cascade mountains, that is located on:

8 (a) Department protected lands; or

9 (b) Lands protected by a fire protection district.

10 (2) The amounts assessed must be collected at the time, in the
11 same manner, by the same procedure, and with the same penalties
12 attached that general state and county taxes on the same property are
13 collected, except that errors in assessments may be corrected at any
14 time by the department certifying them to the treasurer of the county
15 in which the housing unit involved is situated. Upon the collection
16 of assessments the county treasurer shall place fifty cents of the
17 total assessments paid on a housing unit into the county current
18 expense fund to defray the costs of listing, billing, and collecting
19 these assessments. The treasurer shall then transmit the balance to
20 the department.

21 (3) When a housing unit against which a community wildfire
22 protection assessment is outstanding is acquired for delinquent taxes
23 and sold at public auction, the state has a prior lien on the
24 proceeds of sale over and above the amount necessary to satisfy the
25 county's delinquent tax judgment. The county treasurer, in case the
26 proceeds of sale exceed the amount of the delinquent tax judgment,
27 shall immediately remit to the department the amount of the
28 outstanding community wildfire protection assessment.

29 (4) The department may adopt rules to implement this section
30 including, but not limited to, rules on levying and collecting the
31 community wildfire protection assessment and allowable uses of the
32 community wildfire protection assessment.

33 (5) The community wildfire protection account is created in the
34 custody of the state treasurer. Except as provided in subsection (2)
35 of this section, all receipts from the community wildfire protection
36 assessment under this section must be deposited into the account.
37 Only the commissioner of public lands or the commissioner's designee
38 may authorize expenditures from the account. The account is subject
39 to allotment procedures under chapter 43.88 RCW, but an appropriation
40 is not required for expenditures.

1 (a) Expenditures from the account may be used only for:
2 (i) Preparedness and deployment of wildfire suppression
3 personnel, equipment, aircraft, and supplies;
4 (ii) Planning efforts to identify and prioritize community
5 wildfire protection, prevention, and hazard mitigation needs;
6 (iii) Wildfire prevention and hazard mitigation projects;
7 (iv) Public education to reduce wildfire occurrences, risks, and
8 hazards; and
9 (v) Purposes specified by the department pursuant to subsection
10 (4) of this section.

11 (b) The commissioner of public lands or the commissioner's
12 designee may authorize expenditures prior to the completion of rule
13 making.

14 (6) Consistent with RCW 43.01.036, the department must report by
15 November 1, 2017, and by November 1st of each subsequent year, to the
16 appropriate committees of the legislature on administration, revenue,
17 and expenditures related to the community wildfire protection account
18 and assessment.

19 **Sec. 3.** RCW 76.04.005 and 2015 c 182 s 7 are each reenacted and
20 amended to read as follows:

21 (~~As used in this chapter, the following terms have the meanings~~
22 ~~indicated~~) The definitions in this section apply throughout this
23 chapter unless the context clearly requires otherwise.

24 (1) "Additional fire hazard" means a condition existing on any
25 land in the state:

26 (a) Covered wholly or in part by forest debris which is likely to
27 further the spread of fire and thereby endanger life or property; or

28 (b) When, due to the effects of disturbance agents, broken, down,
29 dead, or dying trees exist on forestland in sufficient quantity to be
30 likely to further the spread of fire within areas covered by a forest
31 health hazard warning or order issued by the commissioner of public
32 lands under RCW 76.06.180. The term "additional fire hazard" does not
33 include green trees or snags left standing in upland or riparian
34 areas under the provisions of RCW 76.04.465 or chapter 76.09 RCW.

35 (2) "Closed season" means the period between April 15th and
36 October 15th, unless the department designates different dates
37 because of prevailing fire weather conditions.

38 (3) "Commissioner" means the commissioner of public lands.

1 (4) "Department" means the department of natural resources, or
2 its authorized representatives, as defined in chapter 43.30 RCW.

3 (5) "Department protected lands" means all lands subject to the
4 forest protection assessment under RCW 76.04.610 or covered under
5 contract or agreement pursuant to RCW 76.04.135 by the department.

6 (6) "Disturbance agent" means those forces that damage or kill
7 significant numbers of forest trees, such as insects, diseases,
8 windstorms, ice storms, and fires.

9 (7) "Emergency fire costs" means those costs incurred or approved
10 by the department for emergency forest fire suppression, including
11 the employment of personnel, rental of equipment, and purchase of
12 supplies over and above costs regularly budgeted and provided for
13 nonemergency fire expenses for the biennium in which the costs occur.

14 (8) "Exploding target" means a device that is designed or
15 marketed to ignite or explode when struck by firearm ammunition or
16 other projectiles.

17 (9) "Forest debris" includes forest slash, chips, and any other
18 vegetative residue resulting from activities on forestland.

19 (10) "Forest fire service" includes all wardens, rangers, and
20 other persons employed especially for preventing or fighting forest
21 fires.

22 (11) "Forestland" means any unimproved lands which have enough
23 trees, standing or down, or flammable material, to constitute in the
24 judgment of the department, a fire menace to life or property.
25 Sagebrush and grass areas east of the summit of the Cascade mountains
26 may be considered forestlands when such areas are adjacent to or
27 intermingled with areas supporting tree growth. Forestland, for
28 protection purposes, does not include structures.

29 (12) "Forest landowner," "owner of forestland," "landowner," or
30 "owner" means the owner or the person in possession of any public or
31 private forestland.

32 (13) "Forest material" means forest slash, chips, timber,
33 standing or down, or other vegetation.

34 (14) "Housing unit" means a house, an apartment, a mobile home or
35 trailer, a group of rooms, or a single room that is occupied, or, if
36 vacant, is intended for occupancy as separate living quarters.
37 Separate living quarters are those in which the occupants live
38 separately from any other persons in the building and that have
39 direct access from the outside of the building or through a common
40 hall.

1 (15) "Incendiary ammunition" means ammunition that is designed to
2 ignite or explode upon impact with or penetration of a target or
3 designed to trace its course in the air with a trail of smoke,
4 chemical incandescence, or fire.

5 ~~((15))~~ (16) "Landowner operation" means every activity, and
6 supporting activities, of a forest landowner and the landowner's
7 agents, employees, or independent contractors or permittees in the
8 management and use of forestland subject to the forest protection
9 assessment under RCW 76.04.610 for the primary benefit of the owner.
10 The term includes, but is not limited to, the growing and harvesting
11 of forest products, the development of transportation systems, the
12 utilization of minerals or other natural resources, and the clearing
13 of land. The term does not include recreational and/or residential
14 activities not associated with these enumerated activities.

15 ~~((16))~~ (17) "Local fire suppression assets" means firefighting
16 equipment that is located in close proximity to the wildland fire and
17 that meets department standards and requirements.

18 ~~((17))~~ (18) "Local wildland fire liaison" means the person
19 appointed by the commissioner to serve as the local wildland fire
20 liaison as provided in RCW 43.30.111.

21 ~~((18))~~ (19) "Participating landowner" means an owner of
22 forestland whose land is subject to the forest protection assessment
23 under RCW 76.04.610.

24 ~~((19))~~ (20) "Sky lantern" means an unmanned self-contained
25 luminary device that uses heated air produced by an open flame or
26 produced by another source to become or remain airborne.

27 ~~((20))~~ (21) "Slash" means organic forest debris such as tree
28 tops, limbs, brush, and other dead flammable material remaining on
29 forestland as a result of a landowner operation.

30 ~~((21))~~ (22) "Slash burning" means the planned and controlled
31 burning of forest debris on forestlands by broadcast burning,
32 underburning, pile burning, or other means, for the purposes of
33 silviculture, hazard abatement, or reduction and prevention or
34 elimination of a fire hazard.

35 ~~((22))~~ (23) "Suppression" means all activities involved in the
36 containment and control of forest fires, including the patrolling
37 thereof until such fires are extinguished or considered by the
38 department to pose no further threat to life or property.

39 ~~((23))~~ (24) "Unimproved lands" means those lands that will
40 support grass, brush and tree growth, or other flammable material

1 when such lands are not cleared or cultivated and, in the opinion of
2 the department, are a fire menace to life and property.

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