

NEW SECTION. Sec. 5. The department of natural resources and the department of ecology shall study methods of diminishing flood risks by encouraging sand and gravel businesses to remove excess accumulation of materials from the beds of rivers and streams in agricultural areas. By December 1, 1989, the department of natural resources and the department of ecology shall report the results of this study to the appropriate legislative committees. In preparing the study and report, the departments shall work with the Washington association of conservation districts, the conservation commission, representation from the private sand and gravel industry, the department of fisheries, and the department of wildlife to identify alternative aquatic land management policies to diminish the risks of flooding and identify methods of adjusting sand and gravel prices annually to reflect local market conditions.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 7, 1988.

Passed the House March 4, 1988.

Approved by the Governor March 24, 1988, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 24, 1988.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 6024 entitled:

"AN ACT Relating to rivers and streams in agricultural areas."

At this time, counties throughout the state are developing flood control management plans that will provide a comprehensive review of flood control issues. Section 4, however, includes a finding that the accumulation of sand and gravel in the state's river and stream beds substantially increases the risks of disastrous floods. Although sand and gravel removal are expected to be elements of these plans, other more environmentally sensitive methods should be encouraged and studied before the state begins implementing a response.

With the exception of section 4, Substitute Senate Bill No. 6024 is approved.

CHAPTER 273

[Senate Bill No. 6397]

FOREST FIRES

AN ACT Relating to forest fires; amending RCW 76.04.610 and 76.04.750; and adding new sections to chapter 76.04 RCW.

Be it enacted by the Legislature of the State of Washington:

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

Upon arriving at the scene of a forest fire, the first priority of the employees or agents of the department shall be to attempt to extinguish the fire, and attempts to conduct a survey of contiguous property to ascertain the necessity to remove individuals or property from the area of the fire shall be secondary to that responsibility. This section shall not be construed as preventing assistance to individuals in immediate danger from the fire.

*Sec. 1 was vetoed, see message at end of chapter.

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

(1) The legislature finds and declares that forest lands within the state are increasingly being used for residential purposes; that the risk to life and property is increasing from forest fires which may destroy developed property; that the department's primary mission is to protect forest land and suppress forest fires; that a primary mission of the rural fire districts and municipal fire departments is to protect improved property and suppress structural fires; that adjustment of the geographic areas of responsibility for the respective fire control agencies has not kept pace with the increasing use of forest lands for residential purposes; and that the department should work with the state's other fire control agencies to define geographic areas of responsibility that are more consistent with their respective primary missions.

(2) To accomplish the purposes of subsection (1) of this section, the department shall establish a procedure to clarify its geographic areas of responsibility. The areas of department protection shall be called forest protection zones. The forest protection zones shall include all forest land which the department is obligated to protect but shall not include forest land within rural fire districts or municipal fire districts which affected local fire control agencies agree, by mutual consent with the department, is not appropriate for department protection. Forest land not included within a forest protection zone established by mutual agreement of the department and a rural fire district or a municipal fire district shall not be assessed under RCW 76.04.610 or 76.04.630.

(3) After the department and any affected local fire protection agencies have agreed on the boundary of a forest protection zone, the department shall establish the boundary by rule under chapter 34.04 RCW.

(4) Except by agreement of the affected parties, the establishment of forest protection zones shall not alter any mutual aid agreement.

Sec. 3. Section 35, chapter 100, Laws of 1986 and RCW 76.04.610 are each amended to read as follows:

(1) If any owner of forest land within a forest protection zone, or any owner of forest land located where fire protection responsibility has not been mutually agreed upon as provided in section 2(2) of this 1988 act, neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection, notwithstanding the provisions

of RCW 76.04.630, at a cost to the owner of not to exceed twenty-one cents an acre per year on lands west of the summit of the Cascade mountains and seventeen cents an acre per year on lands east of the summit of the Cascade mountains: PROVIDED, That ~~((+))~~ (a) there shall be no assessment on ~~((each))~~ any parcel of privately owned lands of less than two acres or on ~~((each))~~ any parcel of tax-exempt lands of less than ten acres; ~~((2))~~ (b) for lands not exempt under ~~((+))~~ (a) of this proviso, the cost for any ownership parcel containing less than thirty acres shall not be less than five dollars and ten cents east of the Cascade mountains and six dollars and thirty cents west of the Cascade mountains; and ~~((3))~~ (c) an owner of two or more parcels per county, each containing less than thirty acres, may obtain a refund of the assessments paid on all such parcels over one by applying therefor within the year the assessment was due to the department ~~((of natural resources))~~, in such form as the department may require ~~((, upon showing to the satisfaction of the department))~~. Verification that all assessments and property taxes on the property have been paid ~~((, but))~~ shall be provided to the department by the owner. If the total acreage of the parcels exceeds thirty acres, the per-acre rate shall apply and the refund shall be computed accordingly. Application for the refund may be made by mail.

(2) For the purpose of this chapter, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Any amounts paid or contracted to be paid by the supervisor of the department of natural resources for protection of these lands from any funds at the supervisor's disposal shall be a lien upon the property protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of the department of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by the supervisor as adequate, shall be reported by the supervisor of the department of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor shall upon authorization from the supervisor of the department of natural resources levy the forest ~~((fire))~~ protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his or her records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

(3) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except

that errors in assessments may be corrected at any time by the ~~((supervisor of the))~~ department ~~((of natural resources))~~ certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of such assessments the county treasurer shall transmit them to the ~~((supervisor of the))~~ department ~~((of natural resources to))~~. Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend any sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

(4) When land against which forest ~~((fire))~~ protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment~~((, and))~~. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall forthwith remit to the ~~((supervisor of the))~~ department ~~((of natural resources))~~ the amount of the outstanding forest ~~((fire))~~ protection assessments.

(5) All nonfederal public bodies owning or administering forest land~~(s)~~ included in a forest protection zone shall pay the forest ~~((fire))~~ protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest ~~((fire))~~ protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from any available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and shall be subject to interest charges ~~((in the same amount as other unpaid forest fire protection assessments))~~ at the legal rate.

(6) A public body, having failed to previously pay the forest ~~((fire))~~ protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of any costs incurred by the public body in the suppression activities.

(7) The supervisor of the department of natural resources shall furnish the surety company bond under RCW 43.30.170(6), conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

(8) The ~~((supervisor of the))~~ department ~~((of natural resources))~~ may adopt rules to implement this section, including, but not limited to, rules on ~~((the))~~ levying and collecting ~~((of))~~ forest ~~((fire))~~ protection assessments.

Sec. 4. Section 45, chapter 100, Laws of 1986 and RCW 76.04.750 are each amended to read as follows:

Any fire on or threatening any forest land burning uncontrolled and without proper action being taken to prevent its spread, notwithstanding the origin of the fire, is a public nuisance by reason of its menace to life and property. Any person engaged in any activity on such lands, having knowledge of the fire, notwithstanding the origin or subsequent spread thereof on his or her own or other forest lands, and the landowner, shall make every reasonable effort to suppress the fire. If the person has not suppressed the fire and the fire is on or threatening forest land within a forest protection zone, the department shall summarily suppress the fire. If the owner, lessee, other possessor of such land, or an agent or contractor of the owner, lessee, or possessor, having knowledge of the fire, has not made a reasonable effort to suppress the fire, the cost thereof may be recovered from the owner, lessee, or other possessor of the land and the cost of the work shall also constitute a lien upon the real property or chattels under the person's ownership. The lien may be filed by the department in the office of the county auditor and foreclosed in the same manner provided by law for the foreclosure of mechanics' liens. The prosecuting attorney shall bring the action to recover the cost or foreclose the lien, upon the request of the department. In the absence of negligence, no costs, other than those provided in RCW 76.04.475, shall be recovered from any landowner for lands subject to the forest ~~((fire))~~ protection assessment with respect to the land on which the fire burns.

When a fire occurs in a land clearing, right of way clearing, or landowner operation it shall be fought to the full limit of the available employees and equipment, and the fire fighting shall be continued with the necessary crews and equipment in such numbers as are, in the opinion of the department, sufficient to suppress the fire. The fire shall not be left without a fire fighting crew or fire patrol until authority has been granted in writing by the department.

Passed the Senate March 7, 1988.

Passed the House March 4, 1988.

Approved by the Governor March 24, 1988, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 24, 1988.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 1, Senate Bill No. 6397 entitled:

"AN ACT Relating to forest fires."

Section 1 of this bill establishes a priority for the Department of Natural Resources to extinguish forest fires before determining if individuals or structures are at risk in neighboring properties. This is similar to language vetoed by me after the 1987 regular legislative session.

At that time, I stated that the direction this language gives to the department is confusing and inconsistent with the normal value we place on human life. I continue to believe this.

The remainder of this measure allows the department to clarify its duties with respect to fighting fires in conjunction with the services provided by rural fire districts. Section 2 states, in part, that "the department's primary mission is to protect forest land and to suppress forest fires." This policy statement offers the department greater flexibility when fighting a fire while providing a general direction for action.

With the exception of section 1, Senate Bill No. 6397 is approved."

CHAPTER 274

[Engrossed Substitute House Bill No. 1420]
TAXING DISTRICTS—LEVIES

AN ACT Relating to property taxes; amending RCW 39.67.010, 39.67.020, 84.55.092, 84.52.043, 84.52.100, and 84.52.010; adding a new section to chapter 84.52 RCW; adding a new section to chapter 52.04 RCW; creating new sections; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that, due to statutory and constitutional limitations, the interdependence of the regular property tax levies of the state, counties, county road districts, cities and towns, and junior taxing districts can cause significant reductions in the otherwise authorized levies of those taxing districts, resulting in serious disruptions to essential services provided by those taxing districts. The purpose of this act is to avoid unnecessary reductions in regular property tax revenue without exceeding existing statutory and constitutional tax limitations on cumulative regular property tax levy rates. The legislature declares that it is a purpose of the state, counties, county road districts, cities and towns, public hospital districts, library districts, fire protection districts, metropolitan park districts, and other taxing districts to participate in the methods provided by this act by which revenue levels supporting the services provided by all taxing districts might be maintained.

Sec. 2. Section 1, chapter 107, Laws of 1986 and RCW 39.67.010 are each amended to read as follows:

Any agreement or contract between two taxing districts other than the state which is otherwise authorized by law may be made contingent upon a particular property tax levy rate of an identified taxing district other than the state where such rate affects the regular property tax rate of one of the parties to the contract and therefore affects the party's resources with which to perform under the contract. The governing body of every taxing district that could have its tax levy adversely affected by such a contract shall be notified about the contract.