
HOUSE BILL 2362

State of Washington

68th Legislature

2024 Regular Session

By Representatives Orcutt and Pollet; by request of Joint Legislative Audit & Review Committee

1 AN ACT Relating to modifying joint legislative audit and review
2 committee studies by extending the sunset act, allowing the extension
3 of timelines for conducting studies, and removing barriers to
4 continuing the sustainable harvest study; and amending RCW
5 43.131.900, 76.04.516, and 44.28.083.

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

7 **Sec. 1.** RCW 43.131.900 and 2013 c 44 s 2 are each amended to
8 read as follows:

9 RCW 43.131.010 through 43.131.150 expire June 30, ((2025)) 2035,
10 unless extended by law for an additional fixed period of time.

11 **Sec. 2.** RCW 76.04.516 and 2022 c 297 s 967 are each amended to
12 read as follows:

13 (1) By December 1st of each even-numbered year, and in compliance
14 with RCW 43.01.036, the department must report to the governor and
15 legislature on the following:

16 (a) The type and amount of the expenditures made, by fiscal year,
17 and for what purpose, from the wildfire response, forest restoration,
18 and community resilience account created in RCW 76.04.511 and from
19 expenditures made from the general fund for implementation of chapter
20 297, Laws of 2022;

1 (b) The amount of unexpended and unobligated funds in the
2 wildfire response, forest restoration, and community resilience
3 account and recommendations for the disbursement to local districts;

4 (c) Progress on implementation of the wildland fire protection
5 10-year strategic plan including, but not limited to, how investments
6 are reducing human-caused wildfire starts, lowering the size and
7 scale and geography of catastrophic wildfires, reducing the
8 communities, landscapes, and population at risk, and creating
9 resilient landscapes and communities;

10 (d) Progress on implementation of the 20-year forest health
11 strategic plan as established through the forest health assessment
12 and treatment framework pursuant to RCW 76.06.200 including, but not
13 limited to: Assessment of fire prone lands and communities that are
14 in need of forest health treatments; forest health treatments
15 prioritized and conducted by landowner type, geography, and risk
16 level; estimated value of any merchantable materials from forest
17 health treatments; and number of acres treated by treatment type,
18 including the use of prescribed fire;

19 (e) Progress on developing markets for forest residuals and
20 biomass generated from forest health treatments.

21 (2) The department must include recommendations on any
22 adjustments that may be necessary or advisable to the mechanism of
23 funding dispensation as created under chapter 298, Laws of 2021.

24 (3) The report required in this section should support existing
25 department assessments pursuant to RCW 79.10.530 and 76.06.200.

26 (4) (a) (i) Prior to the determination of the 2025-2034 sustainable
27 harvest calculation as required by RCW 79.10.320, the department must
28 hire an independent third-party contractor to assist it in updating
29 its forest inventory by increasing the intensity of forest sample
30 plots on all forestlands over the next two biennium. The department's
31 sustainable harvest calculation technical advisory committee must be
32 involved in the design, development, and implementation of this
33 forest inventory update.

34 (ii) For purposes of this subsection, "forest inventory" means
35 the collection of sample data to estimate a range of forest
36 attributes including, but not limited to, standing volume, stored
37 carbon, habitat attributes, age classes, tree species, and other
38 inventory attributes, including information needed to estimate rates
39 of tree growth and associated carbon sequestration on department
40 lands.

1 (iii) The department's sustainable harvest calculation technical
2 advisory committee must bring forward recommendations for regular
3 maintenance and updates to the forest inventory on a ten-year basis.

4 (b) Prior to the determination of the 2025-2034 sustainable
5 harvest calculation as required by RCW 79.10.320, the department must
6 hire a third-party contractor to review, analyze, and advise the
7 department's forest growth and yield modeling, specific to all types
8 of forested acres managed by the department. The department's
9 sustainable harvest calculation technical advisory committee must be
10 involved in the design, review, and analysis of the department's
11 forest growth and yield modeling.

12 (c) Prior to the determination of the 2025-2034 sustainable
13 harvest calculation as required by RCW 79.10.320 (~~and in the absence~~
14 ~~of any litigation, pending or in progress, against the department's~~
15 ~~sustainable harvest calculation~~), the joint legislative audit and
16 review committee established in chapter 44.28 RCW must oversee and
17 conduct an independent review of the methodologies and data being
18 utilized by the department in the development of the sustainable
19 harvest calculation, including the associated forest inventory,
20 forest growth, harvest and yield data, and modeling techniques that
21 impact harvest levels. In carrying out the review, the joint
22 legislative audit and review committee shall:

23 (i) Retain one or more contractors with expertise in forest
24 inventories, forest growth and yield modeling, and operational
25 research modeling in forest harvest scheduling to conduct the
26 technical review;

27 (ii) Be a member of department's sustainable harvest calculation
28 technical advisory committee, along with one of its contractors
29 selected in (c)(i) of this subsection; and

30 (iii) Prior to the department's determination of the sustainable
31 harvest calculation under RCW 79.10.320, ensure that a completed
32 independent review and report with findings and recommendations is
33 submitted to the board of natural resources and the legislature.

34 (d) Upon receiving the report from the joint legislative audit
35 and review committee required under (c)(iii) of this subsection, the
36 board of natural resources shall determine whether modifications are
37 necessary to the sustainable harvest calculation prior to approving
38 harvest level under RCW 79.10.320.

1 **Sec. 3.** RCW 44.28.083 and 2010 c 26 s 3 are each amended to read
2 as follows:

3 (1) At the conclusion of the regular legislative session of each
4 odd-numbered year, the joint legislative audit and review committee
5 shall develop and approve a performance audit work plan for the
6 ensuing biennium. The biennial work plan may be modified, as
7 necessary, at the conclusion of other legislative sessions to reflect
8 actions taken by the legislature and the joint committee. The work
9 plan shall include a description of each performance audit, and the
10 cost of completing the audits on the work plan shall be limited to
11 the funds appropriated to the joint committee. Approved performance
12 audit work plans shall be transmitted to the entire legislature by
13 July 1st following the conclusion of each regular session of an odd-
14 numbered year and as soon as practical following other legislative
15 sessions.

16 (2) Among the factors to be considered in preparing the work
17 plans are:

18 (a) Whether a program newly created or significantly altered by
19 the legislature warrants continued oversight because (i) the fiscal
20 impact of the program is significant, or (ii) the program represents
21 a relatively high degree of risk in terms of reaching the stated
22 goals and objectives for that program;

23 (b) Whether implementation of an existing program has failed to
24 meet its goals and objectives by any significant degree;

25 (c) Whether a follow-up audit would help ensure that previously
26 identified recommendations for improvements were being implemented;
27 (~~and~~)

28 (d) Whether an assignment for the joint committee to conduct a
29 performance audit has been mandated in legislation; and

30 (e) Whether a planned review that is part of a mandated,
31 recurring study would provide the legislature with new or additional
32 information.

33 (3) The legislative auditor may consult with the chairs and staff
34 of appropriate legislative committees, the state auditor, and the
35 director of financial management in developing the performance audit
36 work plan.

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