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**HOUSE BILL 1958**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Dye, Dent, Ybarra, Corry, McCaslin, Springer, and Graham

AN ACT Relating to the establishment of a premobilization aviation assistance program to assist local fire suppression entities on the initial attack of a wildland fire; amending RCW 43.43.960; adding new sections to chapter 43.43 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature makes the following findings:

(a) The state fire marshal mobilizes and pays for resources to help local fire agencies suppress large fires. Between the fiscal years 2010 and 2016, the state fire marshal spent sixty-five million dollars on fire suppression efforts in response to ninety-three mobilizations. Extinguishing a large fire, however, accounts for only a fraction of the total costs associated with a fire event. The true costs of a fire, some of which are unquantifiable, include property losses, postfire impacts such as flooding and erosion, air and water quality damages, health care costs, injuries and fatalities, lost revenues to residents evacuated by the fire and to local businesses, disruptions in infrastructure such as highways, airports, and railroads, and ecosystem costs, including destruction of aesthetic and scenic beauty and wildlife.

(b) Prior to mobilization, local fire agencies are responsible for the costs associated with fighting fires. These agencies frequently contract with qualified aircraft operators to deploy aircraft as part of initial attack. However, the budgets of local fire agencies are often insufficient to cover all fire suppression costs for an entire fire season. Therefore, local fire agencies are in need of additional support from the state for initial attack on a fire, prior to mobilization, to help cover the cost associated with the use of aircraft needed for fire suppression.

(c) Early investment of state resources in initial attack will assist local fire agencies in suppressing a fire and help to prevent the spread of the fire to a stage where costly mobilization becomes necessary. This strategy will also help to reduce the damage and devastation caused by large fires to life, property, and natural resources.

(2) It is the intent of the legislature to establish a premobilization aviation assistance program to help local fire agencies deploy aircraft on initial attack of a wildland fire.

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW under the subchapter heading "state fire service mobilization" to read as follows:

(1) The state fire marshal shall establish and manage a premobilization aviation assistance program designed to reimburse local fire suppression entities for the cost of flying or contracting for aircraft on the initial attack of wildland fires or with the goal of preventing wildland fires from escalating to a level where state fire mobilization is necessary or warranted.

(2) The state fire marshal must reimburse local fire suppression entities up to ten thousand dollars per wildfire incident for the cost of deploying aircraft during the initial attack. If the wildfire is not sufficiently contained after the initial attack, and the local fire suppression entity initiates a request for state mobilization, the state fire marshal must reimburse the local fire suppression entity for up to an additional ten thousand dollars for the cost of deploying aircraft until the state fire mobilization assumes command.

(3) The state fire marshal is not required to provide funding to the premobilization aviation assistance program beyond the amount specifically appropriated by the legislature for that purpose. The state fire marshal must notify the local fire suppression entities when funding for the premobilization aviation assistance program is close to depletion.

(4) A local fire suppression entity may request reimbursement from the state fire marshal under the premobilization aviation assistance program after deployment of aircraft during a wildfire incident within the response area of the local fire suppression entity where aircraft were used for initial attack.

(a) The local fire suppression entity must include with the request copies of invoices documenting incurred expenses for aircraft used in the initial attack.

(b) The state fire marshal must distribute funds from the premobilization aviation assistance program to the requesting local fire suppression entity within thirty days of receipt of a request and accompanying documentation of incurred expenses.

(c) In order for costs associated with deployment of aircraft during initial attack to be eligible for reimbursement, local fire suppression entities must:

(i) Utilize pilots who are certified under applicable federal aviation regulations to operate aircraft;

(ii) Utilize aircraft that are certified for use in fire suppression under applicable federal aviation regulations;

(iii) Utilize personnel within the local fire suppression entity who are trained and certified in air incident command; and

(iv) Submit to the state fire marshal prior to the beginning of fire season each year:

(A) Copies of any contracts entered into for the deployment of aircraft during initial attack; and

(B) The names of all pilots that will be utilized in initial attack and copies of their federal certifications.

(5) The state, its employees, and its agents are not liable for damages arising from actions taken by local fire suppression entities or their employees or agents pursuant to the premobilization aviation assistance program created by this section.

(6) For the purposes of this section, "initial attack" means the period during which the first resources arrive at a wildfire to protect lives and property and prevent further extension of the fire.

**Sec.**  RCW 43.43.960 and 2003 c 405 s 1 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise.

(1) "Chief" means the chief of the Washington state patrol.

(2) "State fire marshal" means the director of fire protection in the Washington state patrol.

(3) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(4) "Jurisdiction" means state, county, city, fire district, or port district firefighting units, or other units covered by this chapter.

(5) "Local fire suppression entity" means a city or county fire department or district that is responsible for suppression of wildland fires within its jurisdiction, that has access to state mobilization, and has been issued a fire department identification number by the state patrol's fire marshal's office.

(6)(a) "Mobilization" means that firefighting resources beyond those available through existing agreements will be requested and, when available, sent in response to an emergency or disaster situation that has exceeded the capabilities of available local resources. During a large scale emergency, mobilization includes the redistribution of regional or statewide firefighting resources to either direct emergency incident assignments or to assignment in communities where firefighting resources are needed.

(b) When mobilization is declared and authorized as provided in this chapter, all firefighting resources including those of the host fire protection authorities, i.e. incident jurisdiction, shall be deemed as mobilized under this chapter, including those that responded earlier under existing mutual aid or other agreement. All nonhost fire protection authorities providing firefighting resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter from the time of the mobilization declaration.

(c) This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

((~~(6)~~)) (7) "Mutual aid" means emergency interagency assistance provided without compensation under an agreement between jurisdictions under chapter 39.34 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW under the subchapter heading "state fire service mobilization" to read as follows:

Consistent with RCW 43.01.036, the state fire marshal must provide a report to the appropriate committees of the legislature on the use of the premobilization aviation assistance program established in section 2 of this act. The report is due by December 1, 2025, and must include the following elements:

(1) How many districts requested resources from the program;

(2) Which districts requested resources from the program and the name of each incident for which resources were requested; and

(3) A description of each incident for which premobilization aviation assistance program resources were requested including: Ignition date and location, total number of acres burned, types of resources deployed, and a timeline of key events.

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