H-1989.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE HOUSE BILL 1736**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2017 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Dye, Goodman, Dent, Koster, Griffey, Blake, Springer, Orwall, Kretz, Tharinger, and Tarleton)

AN ACT Relating to the establishment of a premobilization assistance program to assist local fire suppression entities on the initial attack of a wildland fire; amending RCW 43.43.960; reenacting and amending RCW 43.43.960; adding new sections to chapter 43.43 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

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

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 assistance program designed to provide financial assistance to local fire suppression entities for the cost of flying or contracting for aircraft, prior to involvement of the department of natural resources or mobilization, 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 initially provide up to ten thousand dollars per wildfire incident to the requesting local fire suppression entity or entities for the cost of deploying aircraft during the initial attack. If the cost exceeds ten thousand dollars, the state fire marshal may approve additional funding up to ten thousand dollars. However, total awards from the premobilization assistance program may not exceed twenty thousand dollars per wildfire incident.

(3) The state fire marshal is not required to provide funding to the premobilization 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 assistance program is close to depletion.

(4) A local fire suppression entity may request reimbursement from the state fire marshal under the premobilization 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. If the incident for which reimbursement is sought involved assistance by the department of natural resources or mobilization, reimbursement may be only for aircraft deployed prior to involvement of the department of natural resources or mobilization.

(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 assistance program to the requesting local fire suppression entity within thirty days of receipt of a request and accompanying documentation of incurred expenses.

**Sec.**  RCW 43.43.960 and 2015 c 181 s 2 are each reenacted and 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) "All risk resources" means those resources regularly provided by fire departments, fire districts, and regional fire protection service authorities required to respond to natural or man-made incidents, including but not limited to:

(a) Wild land fires;

(b) Landslides;

(c) Earthquakes;

(d) Floods; and

(e) Contagious diseases.

(2) "Chief" means the chief of 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, regional fire protection service authority, or port district 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) "Mobilization" means that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities 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 risk resources to either direct emergency incident assignments or to assignment in communities where resources are needed. Fire department resources may not be mobilized to assist law enforcement with police activities during a civil protest or demonstration, however, fire departments, fire districts, and regional fire protection service authorities are not restricted from providing medical care or aid and firefighting when mobilized for any purpose.

When mobilization is declared and authorized as provided in this chapter, all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities 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 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.

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.

((~~(7)~~)) (8) "State fire marshal" means the director of fire protection in the Washington state patrol.

**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) "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.

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.

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 assistance program established in section 1 of this act. The report is due by December 1, 2023, 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 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.

NEW SECTION. **Sec.**  Section 2 of this act expires July 1, 2019.

NEW SECTION. **Sec.**  Section 3 of this act takes effect July 1, 2019.

NEW SECTION. **Sec.**  Sections 1, 2, and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**--- END ---**