
HOUSE BILL 1958

State of Washington

66th Legislature

2019 Regular Session

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

Read first time 02/07/19. Referred to Committee on Rural Development, Agriculture, & Natural Resources.

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

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

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

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

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

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

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

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43
20 RCW under the subchapter heading "state fire service mobilization" to
21 read as follows:

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

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

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

1 when funding for the premobilization aviation assistance program is
2 close to depletion.

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

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

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

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

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

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

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

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

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

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

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

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

37 **Sec. 3.** RCW 43.43.960 and 2003 c 405 s 1 are each amended to
38 read as follows:

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

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

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

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

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

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

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

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

37 (c) This chapter shall not reduce or suspend the authority or
38 responsibility of the department of natural resources under chapter
39 76.04 RCW.

1 (~~(6)~~) (7) "Mutual aid" means emergency interagency assistance
2 provided without compensation under an agreement between
3 jurisdictions under chapter 39.34 RCW.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43
5 RCW under the subchapter heading "state fire service mobilization" to
6 read as follows:

7 Consistent with RCW 43.01.036, the state fire marshal must
8 provide a report to the appropriate committees of the legislature on
9 the use of the premobilization aviation assistance program
10 established in section 2 of this act. The report is due by December
11 1, 2025, and must include the following elements:

- 12 (1) How many districts requested resources from the program;
- 13 (2) Which districts requested resources from the program and the
14 name of each incident for which resources were requested; and
- 15 (3) A description of each incident for which premobilization
16 aviation assistance program resources were requested including:
17 Ignition date and location, total number of acres burned, types of
18 resources deployed, and a timeline of key events.

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