
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)

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

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.43
9 RCW under the subchapter heading "state fire service mobilization" to
10 read as follows:

11 (1) The state fire marshal shall establish and manage a
12 premobilization assistance program designed to provide financial
13 assistance to local fire suppression entities for the cost of flying
14 or contracting for aircraft, prior to involvement of the department
15 of natural resources or mobilization, on the initial attack of
16 wildland fires or with the goal of preventing wildland fires from
17 escalating to a level where state fire mobilization is necessary or
18 warranted.

19 (2) The state fire marshal must initially provide up to ten
20 thousand dollars per wildfire incident to the requesting local fire
21 suppression entity or entities for the cost of deploying aircraft

1 during the initial attack. If the cost exceeds ten thousand dollars,
2 the state fire marshal may approve additional funding up to ten
3 thousand dollars. However, total awards from the premobilization
4 assistance program may not exceed twenty thousand dollars per
5 wildfire incident.

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

11 (4) A local fire suppression entity may request reimbursement
12 from the state fire marshal under the premobilization assistance
13 program after deployment of aircraft during a wildfire incident
14 within the response area of the local fire suppression entity where
15 aircraft were used for initial attack. If the incident for which
16 reimbursement is sought involved assistance by the department of
17 natural resources or mobilization, reimbursement may be only for
18 aircraft deployed prior to involvement of the department of natural
19 resources or mobilization.

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

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

27 **Sec. 2.** RCW 43.43.960 and 2015 c 181 s 2 are each reenacted and
28 amended to read as follows:

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

32 (1) "All risk resources" means those resources regularly provided
33 by fire departments, fire districts, and regional fire protection
34 service authorities required to respond to natural or man-made
35 incidents, including but not limited to:

- 36 (a) Wild land fires;
- 37 (b) Landslides;
- 38 (c) Earthquakes;
- 39 (d) Floods; and

1 (e) Contagious diseases.

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

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

8 (4) "Jurisdiction" means state, county, city, fire district,
9 regional fire protection service authority, or port district units,
10 or other units covered by this chapter.

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

16 (6) "Mobilization" means that all risk resources regularly
17 provided by fire departments, fire districts, and regional fire
18 protection service authorities beyond those available through
19 existing agreements will be requested and, when available, sent in
20 response to an emergency or disaster situation that has exceeded the
21 capabilities of available local resources. During a large scale
22 emergency, mobilization includes the redistribution of regional or
23 statewide risk resources to either direct emergency incident
24 assignments or to assignment in communities where resources are
25 needed. Fire department resources may not be mobilized to assist law
26 enforcement with police activities during a civil protest or
27 demonstration, however, fire departments, fire districts, and
28 regional fire protection service authorities are not restricted from
29 providing medical care or aid and firefighting when mobilized for any
30 purpose.

31 When mobilization is declared and authorized as provided in this
32 chapter, all risk resources regularly provided by fire departments,
33 fire districts, and regional fire protection service authorities
34 including those of the host fire protection authorities, i.e.
35 incident jurisdiction, shall be deemed as mobilized under this
36 chapter, including those that responded earlier under existing mutual
37 aid or other agreement. All nonhost fire protection authorities
38 providing resources in response to a mobilization declaration shall
39 be eligible for expense reimbursement as provided by this chapter
40 from the time of the mobilization declaration.

1 This chapter shall not reduce or suspend the authority or
2 responsibility of the department of natural resources under chapter
3 76.04 RCW.

4 ~~((+6))~~ (7) "Mutual aid" means emergency interagency assistance
5 provided without compensation under an agreement between
6 jurisdictions under chapter 39.34 RCW.

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

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

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

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

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

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

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

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

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

38 When mobilization is declared and authorized as provided in this
39 chapter, all firefighting resources including those of the host fire

1 protection authorities, i.e. incident jurisdiction, shall be deemed
2 as mobilized under this chapter, including those that responded
3 earlier under existing mutual aid or other agreement. All nonhost
4 fire protection authorities providing firefighting resources in
5 response to a mobilization declaration shall be eligible for expense
6 reimbursement as provided by this chapter from the time of the
7 mobilization declaration.

8 This chapter shall not reduce or suspend the authority or
9 responsibility of the department of natural resources under chapter
10 76.04 RCW.

11 ~~((6))~~ (7) "Mutual aid" means emergency interagency assistance
12 provided without compensation under an agreement between
13 jurisdictions under chapter 39.34 RCW.

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

17 Consistent with RCW 43.01.036, the state fire marshal must
18 provide a report to the appropriate committees of the legislature on
19 the use of the premobilization assistance program established in
20 section 1 of this act. The report is due by December 1, 2023, and
21 must include the following elements:

- 22 (1) How many districts requested resources from the program;
- 23 (2) Which districts requested resources from the program and the
24 name of each incident for which resources were requested; and
- 25 (3) A description of each incident for which premobilization
26 assistance program resources were requested including: Ignition date
27 and location, total number of acres burned, types of resources
28 deployed, and a timeline of key events.

29 NEW SECTION. **Sec. 5.** Section 2 of this act expires July 1,
30 2019.

31 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect July 1,
32 2019.

33 NEW SECTION. **Sec. 7.** Sections 1, 2, and 4 of this act are
34 necessary for the immediate preservation of the public peace, health,

1 or safety, or support of the state government and its existing public
2 institutions, and take effect immediately.

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