

# HOUSE BILL REPORT

## HB 1736

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**As Reported by House Committee On:**  
Public Safety

**Title:** 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.

**Brief Description:** Concerning the establishment of a premobilization assistance program to assist local fire suppression entities on the initial attack of a wildland fire.

**Sponsors:** Representatives Dye, Goodman, Dent, Koster, Griffey, Blake, Springer, Orwall, Kretz, Tharinger and Tarleton.

**Brief History:**

**Committee Activity:**

Public Safety: 2/13/17, 2/16/17 [DPS].

**Brief Summary of Substitute Bill**

- Directs the State Fire Marshal to establish a premobilization assistance program designed to assist local fire suppression entities with obtaining aircraft services to prevent escalation of wildland fires.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

**Staff:** Omeara Harrington (786-7136).

**Background:**

The Chief of the Washington State Patrol (WSP) has the authority to mobilize jurisdictions under the Washington State Fire Services Mobilization Plan. The State Fire Marshal is the Director of Fire Protection for the WSP and serves as the state fire resources coordinator when the Washington State Fire Services Mobilization Plan is mobilized.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A state fire resources mobilization is warranted when a local disaster necessitates resources beyond those available through existing agreements. During a large-scale emergency, mobilization includes the redistribution of regional or statewide firefighting resources to either direct emergency incident assignments or to assignments in communities where firefighting resources are needed. From the time a state mobilization is declared, all fire protection authorities providing resources in response to the mobilization declaration are eligible for expense reimbursement. State and local agencies that participate in a mobilization generally receive reimbursement through the state's Disaster Response Account.

As the Director of Fire Protection, the State Fire Marshal advises the Chief of the WSP regarding refinement and maintenance of the Washington State Fire Services Mobilization Plan, including the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. The State Fire Marshal is also responsible for approving regional fire service plans developed by regional defense boards, to provide for organized fire agency response across municipal, county, or regional boundaries.

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### **Summary of Substitute Bill:**

The State Fire Marshal must 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 services. Aircraft services may be for the initial attack of wildland fires or for preventing a wildland fire from escalating to a point in which mobilization is needed. A "local fire suppression entity" is defined as 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 that has been issued a fire department identification number by the WSP Fire Marshal's Office.

A local fire suppression entity may request reimbursement from the premobilization assistance program after deployment of aircraft for an initial attack during a wildfire incident within the response area of the entity. If the incident for which reimbursement is sought involved assistance by the Department of Natural Resources (DNR) or state fire services mobilization, reimbursement may be only for aircraft deployed prior to involvement of the DNR or mobilization. The requesting entity must include invoices documenting incurred expenses with the request.

Initially, the State Fire Marshal may provide up to \$10,000 per wildfire incident. If the cost exceeds \$10,000, the State Fire Marshal may approve up to an additional \$10,000 of funding. Total awards from the premobilization assistance program may not exceed \$20,000 per wildfire incident. The funds must be distributed to the requesting entity within 30 days of the request.

The State Fire Marshal is not required to provide funding for premobilization assistance beyond the amount specifically appropriated for the program, and must notify local fire suppression entities when funding for the program is close to depletion.

A report detailing the use of the premobilization assistance program must be submitted to the appropriate committees of the Legislature by December 1, 2023. The report must include:

- the number of districts that requested program resources;
- which districts requested resources from the program and for which incidents; and
- a description of each incident for which premobilization assistance program resources were requested, including: ignition date and location; acreage burned; types of resources deployed; and a timeline of key events.

**Substitute Bill Compared to Original Bill:**

Language is added stating that, if reimbursement is sought for an incident for which the DNR provided assistance or a state fire services mobilization was declared, reimbursement may be only for aircraft deployed prior to involvement of the DNR or mobilization.

An emergency clause is added.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available on original bill. New fiscal note was requested on February 16, 2017.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately, except section 3, which, due to a prior delayed effective date, takes effect July 1, 2019.

**Staff Summary of Public Testimony:**

(In support) Early air support is effective in protecting life and property. This bill will put money in the budget to reimburse locals who have deployed needed aerial assistance. A few buckets of water or retardant on a wildland fire may prevent against needing mobilization. Only those departments with a mobilization identification may seek funds. During the recent fire season, fire districts in the southeast part of the state used helicopters and kept all but one fire from the point of needing mobilization. With this measure, fewer lives will be at risk and taxpayer resources will be preserved.

Spending a little money upfront could prevent catastrophic wildfires and save money in the long run. Given the cost of combating wildfires in recent years, this could save millions of dollars and life and property. Focusing on the initial attack keeps small fires small. This is one piece in a larger initial attack puzzle. The small cap on the funding in the bill makes this more like a pilot project, which is a good safety feature that allows for reassessment going forward.

(Opposed) None.

(Other) Improving capacity for initial attacks is a good idea, but there are concerns with the use of private aircraft on fire ground that may not meet national standards or training requirements. The bill does not limit aircraft to the DNR fleet, which comes with rigorous safety evaluations and trained pilots. It is important to ensure that the aircraft used are safe, to preserve the safety of firefighters and the public. There are potential liability issues, for example, if a jurisdiction hires a contractor who soaks and damages property. This allows a local jurisdiction to call in air resources outside of state mobilization, and the state has to pay. The use of aircraft can prevent escalation of fires, and mobilizations take time, but basic training and safety regulations need to be in place. There should be additional training for the people working on the ground as well.

**Persons Testifying:** (In support) Representative Dye, prime sponsor; Heather Hansen, Washington Farm Forestry Association; and Jason Callahan, Washington Forest Protection Association.

(Other) Loren Torgerson, Department of Natural Resources; Michael Heston, Pullman Fire Department; and Michael White, Washington State Council of Fire Fighters.

**Persons Signed In To Testify But Not Testifying:** None.