

2SHB 1784 - H AMD 125

By Representative Kretz

WITHDRAWN 03/13/2019

1 On page 6, after line 10, insert the following:

2 "NEW SECTION. **Sec. 4.** A new section is added to chapter 76.04
3 RCW to read as follows:

4 (1) Within one hour of receiving notification or otherwise
5 learning of an active wildfire, the department must determine whether
6 department resources are readily available to be deployed for initial
7 suppression. If, during the first forty-eight hours of response to
8 the wildfire, the department determines that nondepartment resources,
9 including private firefighting resources, are able to respond more
10 quickly to the wildfire than department resources, the department
11 shall, except in instances of significant cost disparity, retain and
12 deploy nondepartment resources, including private firefighting
13 resources pursuant to RCW 76.04.181, for the first forty-eight hours
14 of wildfire response.

15 (2) No civil liability may be imposed by any court on the state,
16 the department, or the officers and employees of the state or
17 department for any direct or proximate adverse impacts resulting from
18 the actions taken under this section during initial suppression, or
19 the actions and activities of the private firefighting resources
20 utilized by the department under subsection (1) of this section,
21 except upon proof of gross negligence or willful or wanton misconduct
22 by the department, its employees, or the private firefighting
23 resources utilized by the department under subsection (1) of this
24 section.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 52.12
26 RCW to read as follows:

27 (1) Within one hour of receiving notification or otherwise
28 learning of an active wildfire on unimproved property or unprotected
29 property, a nonfederal fire protection service agency must determine
30 whether resources other than those belonging to the nonfederal fire
31 protection service agency, including private firefighting resources,

1 are readily available to be deployed for initial suppression. If,
2 during the first forty-eight hours of response to the wildfire, a
3 nonfederal fire protection service agency department determines that
4 resources other than those belonging to the nonfederal fire
5 protection service agency, including private firefighting resources,
6 are able to respond more quickly to the wildfire than resources
7 belonging to the nonfederal fire protection service agency, the
8 nonfederal fire protection service agency shall, except in instances
9 of significant cost disparity, retain and deploy resources other than
10 those belonging to the nonfederal fire protection service agency,
11 including private firefighting resources pursuant to RCW 76.04.181,
12 for the first forty-eight hours of wildfire response.

13 (2) No civil liability may be imposed by any court on the
14 nonfederal fire protection service agency or the officers and
15 employees of the nonfederal fire protection service agency for any
16 direct or proximate adverse impacts resulting from the actions taken
17 under this section during initial suppression, or the actions and
18 activities of private firefighting resources utilized by the
19 nonfederal fire protection service agency under subsection (1) of
20 this section, except upon proof of gross negligence or willful or
21 wanton misconduct by the department, its employees, or the private
22 firefighting resources utilized by the nonfederal fire protection
23 service agency under subsection (1) of this section.

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

27 (1) The state fire marshal shall establish and manage a
28 premobilization assistance program designed to provide financial
29 assistance to a local fire protection service agency for the cost of
30 contracting for wildland fire response equipment including, but not
31 limited to, bulldozers, water trucks, and aircraft, during the first
32 forty-eight hours of response to a wildland fire, for the purpose of
33 preventing wildland fires from escalating to a level where state fire
34 mobilization becomes necessary.

35 (2) The state fire marshal shall provide reimbursement to a local
36 fire protection service agency of up to ten thousand dollars per
37 wildland fire incident for the cost of contracting for wildland fire
38 response equipment during the first forty-eight hours of response to
39 a wildland fire. If the cost to a local fire protection service

1 agency exceeds ten thousand dollars, the state fire marshal may
2 approve additional funding of up to ten thousand dollars. Total
3 reimbursement from the premobilization assistance program to a local
4 fire protection service agency may not exceed twenty thousand dollars
5 per wildland fire 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.

9 (4) A local fire protection service agency may request
10 reimbursement from the state fire marshal under the premobilization
11 assistance program for costs incurred in connection with contracting
12 for wildland fire response equipment including, but not limited to,
13 bulldozers, water trucks, and aircraft, during the first forty-eight
14 hours of response to a wildland fire. If the wildland fire incident
15 for which reimbursement is sought involved assistance by the
16 department of natural resources or state fire service mobilization,
17 reimbursement is available only for costs incurred in connection with
18 contracting for wildland fire response equipment prior to the
19 involvement of the department of natural resources or state fire
20 service mobilization. Any request for reimbursement from the
21 premobilization assistance program must be supported by copies of
22 receipts for costs incurred in order to be eligible for
23 reimbursement.

24 **Sec. 7.** RCW 43.43.960 and 2003 c 405 s 1 are each amended to
25 read as follows:

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

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

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

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

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

1 (5) "Local fire protection service agency" means any local
2 governmental entity responsible for the provision of firefighting
3 services, including fire protection districts, regional fire
4 protection service authorities, cities, towns, and port districts.

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

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

22 (c) This chapter shall not reduce or suspend the authority or
23 responsibility of the department of natural resources under chapter
24 76.04 RCW.

25 ~~((+6))~~ (7) "Mutual aid" means emergency interagency assistance
26 provided without compensation under an agreement between
27 jurisdictions under chapter 39.34 RCW.

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

31 The state fire marshal shall, consistent with RCW 43.01.036,
32 provide a report to the appropriate committees of the legislature on
33 the use of the premobilization assistance program established in
34 section 6 of this act. The report is due by December 1, 2025, and
35 must include the following elements:

36 (1) The number of local fire protection service agencies
37 suppression entities that requested resources from the program;

1 (2) The names and geographic jurisdictions of the local fire
2 protection service agencies that requested resources from the
3 program; and

4 (3) A description and, if available, the name of each incident
5 for which premobilization assistance program resources were requested
6 including: Ignition date and location; total number of acres burned;
7 types of resources deployed; and a timeline of key events.

8 NEW SECTION. **Sec. 9.** Sections 4 through 6 of this act are
9 necessary for the immediate preservation of the public peace, health,
10 or safety, or support of the state government and its existing public
11 institutions, and take effect immediately."

12 Correct the title.

EFFECT: Requires the department of natural resources (DNR) to retain and deploy nonDNR firefighting resources during the first 48 hours of wildfire response, if such resources are able to respond more quickly than DNR resources, subject to certain qualifications.

Requires nonfederal fire protection service agencies to retain and deploy nonagency firefighting resources during the first 48 hours of wildfire response, if such resources are able to respond more quickly than agency resources, subject to certain qualifications.

Directs the state fire marshal to establish a premobilization assistance program to provide financial assistance to local fire protection service agencies that contract for wildland fire response equipment during the first 48 hours of response to a wildland fire.

Requires the state fire marshal to provide a report to the legislature on the use of the premobilization assistance program.

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