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HOUSE BILL 1389

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AS AMENDED BY THE SENATE

Passed Legislature - 2015 Regular Session

State of Washington

64th Legislature

2015 Regular Session

By Representatives Goodman, Griffey, Klippert, Van De Wege, Tarleton, Chandler, Morris, Lytton, Hayes, and Moscoso

Read first time 01/19/15. Referred to Committee on Public Safety.

1 AN ACT Relating to the scope of state fire service mobilization  
2 and ensuring compliance with existing state and federal disaster  
3 response policies; amending RCW 43.43.960 and 43.43.961; adding a new  
4 section to chapter 43.43 RCW; creating a new section; and providing  
5 an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes the vital role  
8 that our state's fire service personnel play in responding not just  
9 to fires but to disasters of varying types and kinds. The legislature  
10 further recognizes that the fire service mobilization plan may be a  
11 more effective tool for use in all emergencies and disasters to which  
12 fire departments, fire districts, and regional fire protection  
13 service authorities typically respond. It is the intent of the  
14 legislature that state fire service mobilization be allowed in all  
15 incidents to which fire departments, fire districts, and regional  
16 fire protection service authorities typically respond, so long as the  
17 mobilization meets the requirements identified in the Washington  
18 state fire service mobilization plan. It is the intent of the  
19 legislature to review the use of the fire mobilization plan for  
20 emergencies and disasters other than fire suppression to determine if  
21 this policy should continue or be modified.

1       **Sec. 2.** RCW 43.43.960 and 2003 c 405 s 1 are each amended to  
2 read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this subchapter.

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

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

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

13       (4) "Jurisdiction" means state, county, city, fire district,  
14 regional fire protection service authority, or port district  
15 (~~((firefighting))~~) units, or other units covered by this chapter.

16       (5) "Mobilization" means that (~~((firefighting))~~) all risk resources  
17 regularly provided by fire departments, fire districts, and regional  
18 fire 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 (~~((firefighting))~~) risk resources to either direct emergency  
24 incident assignments or to assignment in communities where  
25 (~~((firefighting))~~) resources are needed. Fire department resources may  
26 not be mobilized to assist law enforcement with police activities  
27 during a civil protest or demonstration, however, fire departments,  
28 fire districts, and regional fire protection service authorities are  
29 not restricted from providing medical care or aid and firefighting  
30 when mobilized for any purpose.

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

1 as provided by this chapter from the time of the mobilization  
2 declaration.

3 This chapter shall not reduce or suspend the authority or  
4 responsibility of the department of natural resources under chapter  
5 76.04 RCW.

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

9 (7) "All risk resources" means those resources regularly provided  
10 by fire departments, fire districts, and regional fire protection  
11 service authorities required to respond to natural or man-made  
12 incidents, including but not limited to:

- 13 (a) Wild land fires;
- 14 (b) Landslides;
- 15 (c) Earthquakes;
- 16 (d) Floods; and
- 17 (e) Contagious diseases.

18 **Sec. 3.** RCW 43.43.961 and 2003 c 405 s 2 are each amended to  
19 read as follows:

20 Because of the possibility of the occurrence of disastrous fires  
21 or other disasters of unprecedented size and destructiveness, the  
22 need to insure that the state is adequately prepared to respond to  
23 such a fire or disaster, the need to establish a mechanism and a  
24 procedure to provide for reimbursement to state agencies and local  
25 (~~firefighting~~) agencies that respond to help others in time of need  
26 or to a host fire district that experiences expenses beyond the  
27 resources of the fire district, and generally to protect the public  
28 peace, health, safety, lives, and property of the people of  
29 Washington, it is hereby declared necessary to:

30 (1) Provide the policy and organizational structure for large  
31 scale mobilization of (~~firefighting~~) all risk resources in the  
32 state through creation of the Washington state fire services  
33 mobilization plan;

34 (2) Confer upon the chief the powers provided herein;

35 (3) Provide a means for reimbursement to state agencies and local  
36 fire jurisdictions that incur expenses when mobilized by the chief  
37 under the Washington state fire services mobilization plan; and

38 (4) Provide for reimbursement of the host fire department or fire  
39 protection district when it has: (a) Exhausted all of its resources;

1 and (b) invoked its local mutual aid network and exhausted those  
2 resources. Upon implementation of state fire mobilization, the host  
3 district resources shall become state fire mobilization resources  
4 consistent with the fire mobilization plan.

5 It is the intent of the legislature that mutual aid and other  
6 interlocal agreements providing for enhanced emergency response be  
7 encouraged as essential to the public peace, safety, health, and  
8 welfare, and for the protection of the lives and property of the  
9 people of the state of Washington. If possible, mutual aid agreements  
10 should be without stated limitations as to resources available, time,  
11 or area. Nothing in this chapter shall be construed or interpreted to  
12 limit the eligibility of any nonhost fire protection authority for  
13 reimbursement of expenses incurred in providing ((firefighting)) all  
14 risk resources for mobilization provided that the mobilization must  
15 meet the requirements identified in the Washington state fire service  
16 mobilization plan.

17 NEW SECTION. Sec. 4. A new section is added to chapter 43.43  
18 RCW to read as follows:

19 The chief of the Washington state patrol must report on an annual  
20 basis the following information for each emergency or disaster in  
21 which the Washington state fire service mobilization plan was used  
22 for purposes other than fire suppression, and reimbursement was made  
23 under RCW 43.43.961:

24 (1) The type and nature of the disaster or emergency;

25 (2) The reasons why the host jurisdiction and mutual aid  
26 resources were exhausted;

27 (3) The additional risk resources provided under the mobilization  
28 plan;

29 (4) The cost incurred by the state patrol;

30 (5) The amount of reimbursement made under RCW 43.43.961 to the  
31 host jurisdiction and to each nonhost jurisdiction providing all risk  
32 resources; and

33 (6) An assessment and any recommendations of actions that can be  
34 taken by the host jurisdiction and its mutual aid network to prevent  
35 future use of the fire mobilization plan for similar disasters or  
36 emergencies.

1        NEW SECTION.    **Sec. 5.**    This act expires July 1, 2019.

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