

CERTIFICATION OF ENROLLMENT

SENATE BILL 5935

Chapter 405, Laws of 2003

58th Legislature
2003 Regular Session

FIRE SERVICE MOBILIZATION

EFFECTIVE DATE: 7/27/03

Passed by the Senate April 23, 2003
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 14, 2003
YEAS 93 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 20, 2003.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5935** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 20, 2003 - 3:57 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5935

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington **58th Legislature** **2003 Regular Session**

By Senators Brandland, Oke, Swecker, Hale, Rasmussen, Schmidt and Winsley; by request of Washington State Patrol

Read first time 02/21/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to consolidation of state declared fire
2 mobilization responsibilities within the Washington state patrol;
3 amending RCW 38.54.010, 38.54.020, 38.54.030, and 38.54.050; adding new
4 sections to chapter 43.43 RCW; creating a new section; and recodifying
5 RCW 38.54.010, 38.54.020, 38.54.030, 38.54.040, 38.54.050, and
6 38.54.900.

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

8 **Sec. 1.** RCW 38.54.010 and 1997 c 49 s 8 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this subchapter.

12 (1) (~~"Department" means the military department.~~

13 ~~(2) "The adjutant general" means the adjutant general of the~~
14 ~~military department~~) "Chief" means the chief of the Washington state
15 patrol.

16 ~~((3))~~ (2) "State fire marshal" means the director of fire
17 protection in the Washington state patrol.

18 ~~((4))~~ (3) "Fire chief" includes the chief officer of a
19 statutorily authorized fire agency, or the fire chief's authorized

1 representative. Also included are the department of natural resources
2 fire control chief, and the department of natural resources regional
3 managers.

4 ~~((+5))~~ (4) "Jurisdiction" means state, county, city, fire
5 district, or port district fire fighting units, or other units covered
6 by this chapter.

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

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

24 This chapter shall not reduce or suspend the authority or
25 responsibility of the department of natural resources under chapter
26 76.04 RCW.

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

30 **Sec. 2.** RCW 38.54.020 and 1997 c 49 s 9 are each amended to read
31 as follows:

32 Because of the possibility of the occurrence of disastrous fires or
33 other disasters of unprecedented size and destructiveness, the need to
34 insure that the state is adequately prepared to respond to such a fire
35 or disaster, the need to establish a mechanism and a procedure to
36 provide for reimbursement to state agencies and local fire fighting
37 agencies that respond to help others in time of need or to a host fire

1 district that experiences expenses beyond the resources of the fire
2 district, and generally to protect the public peace, health, safety,
3 lives, and property of the people of Washington, it is hereby declared
4 necessary to:

5 (1) Provide the policy and organizational structure for large scale
6 mobilization of fire fighting resources in the state through creation
7 of the Washington state fire services mobilization plan;

8 (2) Confer upon the (~~adjutant general~~) chief the powers provided
9 herein;

10 (3) Provide a means for reimbursement to state agencies and local
11 fire jurisdictions that incur expenses when mobilized by the (~~adjutant~~
12 ~~general~~) chief under the Washington state fire services mobilization
13 plan; and

14 (4) Provide for reimbursement of the host fire department or fire
15 protection district when it has: (a) Exhausted all of its resources;
16 and (b) invoked its local mutual aid network and exhausted those
17 resources. Upon implementation of state fire mobilization, the host
18 district resources shall become state fire mobilization resources
19 consistent with the fire mobilization plan.

20 It is the intent of the legislature that mutual aid and other
21 interlocal agreements providing for enhanced emergency response be
22 encouraged as essential to the public peace, safety, health, and
23 welfare, and for the protection of the lives and property of the people
24 of the state of Washington. If possible, mutual aid agreements should
25 be without stated limitations as to resources available, time, or area.
26 Nothing in this chapter shall be construed or interpreted to limit the
27 eligibility of any nonhost fire protection authority for reimbursement
28 of expenses incurred in providing fire fighting resources for
29 mobilization.

30 **Sec. 3.** RCW 38.54.030 and 1997 c 49 s 10 are each amended to read
31 as follows:

32 The state fire protection policy board shall review and make
33 recommendations to the (~~adjutant general~~) chief on the refinement and
34 maintenance of the Washington state fire services mobilization plan,
35 which shall include the procedures to be used during fire and other
36 emergencies for coordinating local, regional, and state fire
37 jurisdiction resources. In carrying out this duty, the fire protection

1 policy board shall consult with and solicit recommendations from
2 representatives of state and local fire and emergency management
3 organizations, regional fire defense boards, and the department of
4 natural resources. The Washington state fire services mobilization
5 plan shall be consistent with, and made part of, the Washington state
6 comprehensive emergency management plan. The (~~adjutant-general~~)
7 chief shall review the fire services mobilization plan as submitted by
8 the fire protection policy board, recommend changes that may be
9 necessary, and approve the fire services mobilization plan for
10 inclusion within the state comprehensive emergency management plan.

11 It is the responsibility of the (~~adjutant-general~~) chief to
12 mobilize jurisdictions under the Washington state fire services
13 mobilization plan. The state fire marshal shall serve as the state
14 fire resources coordinator when the Washington state fire services
15 mobilization plan is mobilized.

16 **Sec. 4.** RCW 38.54.050 and 1997 c 49 s 12 are each amended to read
17 as follows:

18 The (~~department~~) Washington state patrol in consultation with the
19 office of financial management and the Washington military department
20 shall develop procedures to facilitate reimbursement to state agencies
21 and jurisdictions from appropriate federal and state funds when state
22 agencies and jurisdictions are mobilized by the (~~adjutant-general~~)
23 chief under the Washington state fire services mobilization plan. The
24 (~~department~~) Washington state patrol shall ensure that these
25 procedures provide reimbursement to the host district in as timely a
26 manner as possible.

27 NEW SECTION. **Sec. 5.** (1) Because of the possibility of a disaster
28 of unprecedented size and destruction, including acts of domestic
29 terrorism and civil unrest, that requires law enforcement response for
30 the protection of persons or property and preservation of the peace,
31 the need exists to ensure that the state is adequately prepared to
32 respond to such an incident. There is a need to (a) establish a
33 mechanism and a procedure to provide for reimbursement to law
34 enforcement agencies that respond to help others in time of need, and
35 to host law enforcement agencies that experience expenses beyond the

1 resources of the agencies; and (b) generally to protect the public
2 safety, peace, health, lives, and property of the people of Washington.

3 (2) It is hereby declared necessary to:

4 (a) Provide the policy and organizational structure for large-scale
5 mobilization of law enforcement resources in the state, using the
6 incident command system, through creation of the Washington state law
7 enforcement mobilization plan;

8 (b) Confer upon the chief of the Washington state patrol the powers
9 provided in this chapter;

10 (c) Provide a means for reimbursement to law enforcement
11 jurisdictions that incur expenses when mobilized by the chief under the
12 Washington state law enforcement mobilization plan; and

13 (d) Provide for reimbursement of the host law enforcement agency
14 when it has:

15 (i) Exhausted all of its resources; and

16 (ii) Invoked its local mutual aid network and exhausted those
17 resources.

18 NEW SECTION. **Sec. 6.** Unless the context clearly requires
19 otherwise, the definitions in this section apply throughout this
20 chapter.

21 (1) "Agency" means any general purpose law enforcement agency as
22 defined in RCW 10.93.020.

23 (2) "Board" means the state law enforcement mobilization policy
24 board.

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

26 (4) "Chief law enforcement officer" means the chief of police or
27 sheriff responsible for law enforcement services in the jurisdiction in
28 which the emergency is occurring.

29 (5) "General authority Washington peace officer" means a general
30 authority Washington peace officer as defined in RCW 10.93.020.

31 (6) "Host agency" means the law enforcement agency that requests
32 statewide mobilization under sections 6 through 11 of this act.

33 (7) "Mobilization" means a redistribution of regional and statewide
34 law enforcement resources in response to an emergency or disaster
35 situation.

36 (8) "Mutual aid" means emergency interagency assistance provided
37 without compensation pursuant to an agreement under chapter 39.34 RCW.

1 (9) "Resource coordination" means the effort to locate and arrange
2 for the delivery of resources needed by chief law enforcement officers.

3 (10) "State law enforcement resource coordinator" means a
4 designated individual or agency selected by the chief to perform the
5 responsibilities of that position.

6 NEW SECTION. **Sec. 7.** (1) The state law enforcement mobilization
7 policy board shall be established by the chief and shall have
8 representatives from each of the regions established in section 10 of
9 this act. In carrying out its duty, the board shall consult with and
10 solicit recommendations from representatives of the state and local law
11 enforcement and emergency management organizations, and regional law
12 enforcement mobilization committees.

13 (2) The board shall establish and make recommendations to the chief
14 on the refinement and maintenance of the Washington state law
15 enforcement mobilization plan, including the procedures to be used
16 during an emergency or disaster response requiring coordination of
17 local, regional, and state law enforcement resources.

18 (3) The chief shall review the Washington state law enforcement
19 mobilization plan, as submitted by the board, recommend changes as
20 necessary, and may approve the plan. The plan shall be consistent with
21 the Washington state comprehensive emergency management plan. The
22 chief may recommend the plan for inclusion within the state
23 comprehensive emergency management plan established under chapter 38.52
24 RCW.

25 NEW SECTION. **Sec. 8.** (1) Local law enforcement may request
26 mobilization only in response to an emergency or disaster exceeding the
27 capabilities of available local resources and those available through
28 existing mutual aid agreements. Upon finding that the local
29 jurisdiction has exhausted all available resources, it is the
30 responsibility of the chief to determine whether mobilization is the
31 appropriate response to the emergency or disaster and, if so, to
32 mobilize jurisdictions under the Washington state law enforcement
33 mobilization plan.

34 (2) Upon mobilization, the chief shall appoint a state law
35 enforcement resource coordinator, and an alternate, who shall serve

1 jointly with the chief law enforcement officer from the host agency to
2 command the mobilization effort consistent with incident command system
3 procedures.

4 (3) Upon mobilization, all law enforcement resources including
5 those of the host agency and those that responded earlier under an
6 existing mutual aid or other agreement shall be mobilized.
7 Mobilization may include the redistribution of regional or statewide
8 law enforcement resources to either direct emergency incident
9 assignments or to assignments in communities where law enforcement
10 resources are needed.

11 (4) For the duration of the mobilization:

12 (a) Host agency resources shall become state law enforcement
13 mobilization resources, under the command of the state law enforcement
14 resource coordinator and the chief law enforcement officer from the
15 host agency, consistent with the state law enforcement mobilization
16 plan and incident command system procedures; and

17 (b) All law enforcement authorities providing resources in response
18 to a mobilization declaration shall be eligible for expense
19 reimbursement as provided by this chapter.

20 (5) The chief, in consultation with the regional law enforcement
21 resource coordinator, shall determine when mobilization is no longer
22 required and shall then declare the end to the mobilization.

23 NEW SECTION. **Sec. 9.** (1) The state law enforcement resource
24 coordinator, or alternate, shall serve in that capacity for the
25 duration of the mobilization.

26 (2) The duties of the coordinator are to:

27 (a) Coordinate the mobilization of law enforcement and other
28 support resources within a region;

29 (b) Be primarily responsible for the coordination of resources in
30 conjunction with the regional law enforcement mobilization committees,
31 in the case of incidents involving more than one region or when
32 resources from more than one region must be mobilized; and

33 (c) Advise and consult with the chief regarding what resources are
34 required in response to the emergency or disaster and in regard to when
35 the mobilization should end.

1 NEW SECTION. **Sec. 10.** (1) Regions within the state are initially
2 established as follows and may be adjusted as necessary by the state
3 law enforcement policy board, but should remain consistent with the
4 Washington state fire defense regions:

5 (a) Central region - Grays Harbor, Thurston, Pacific, and Lewis
6 counties;

7 (b) Lower Columbia region - Kittitas, Yakima, and Klickitat
8 counties;

9 (c) Mid-Columbia region - Chelan, Douglas, and Grant counties;

10 (d) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille,
11 Spokane, Adams, and Lincoln counties;

12 (e) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and
13 Island counties;

14 (f) Olympic region - Clallam and Jefferson counties;

15 (g) South Puget Sound region - Kitsap, Mason, King, and Pierce
16 counties;

17 (h) Southeast region - Benton, Franklin, Walla Walla, Columbia,
18 Whitman, Garfield, and Asotin counties;

19 (i) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania
20 counties.

21 (2) Within each of the regions there is created a regional law
22 enforcement mobilization committee. The committees shall consist of
23 the sheriff of each county in the region, the district commander of the
24 Washington state patrol from the region, a number of police chiefs
25 within the region equivalent to the number of counties within the
26 region plus one, and the director of the counties' emergency management
27 office. The police chief members of each regional committee must
28 include the chiefs of police of each city of ninety-five thousand or
29 more population, and the number of members of the committee shall be
30 increased if necessary to accommodate such chiefs. Members of each
31 regional mobilization committee shall select a chair, who shall have
32 authority to implement the regional plan, and a secretary as officers.
33 Members serving on the regional mobilization committees shall not be
34 eligible for reimbursement for meeting-related expenses from the state.

35 (3) The regional mobilization committees shall work with the
36 relevant local government entities to facilitate development of
37 intergovernmental agreements if any such agreements are required to
38 implement a regional law enforcement mobilization plan.

1 (4) Regional mobilization committees shall develop regional law
2 enforcement mobilization plans that include provisions for organized
3 law enforcement agencies to respond across municipal, county, or
4 regional boundaries. Each regional mobilization plan shall be
5 consistent with the incident command system, the Washington state law
6 enforcement mobilization plan, and regional response plans adopted
7 prior to the effective date of this act.

8 (5) Each regional plan, adopted under subsection (4) of this
9 section shall be approved by the state law enforcement mobilization
10 policy board before implementation.

11 NEW SECTION. **Sec. 11.** The state patrol in consultation with the
12 Washington association of sheriffs and police chiefs and the office of
13 financial management shall develop procedures to facilitate
14 reimbursement to jurisdictions from funds appropriated specifically for
15 this purpose when jurisdictions are mobilized under the Washington
16 state law enforcement mobilization plan.

17 Nothing in this chapter shall be construed or interpreted to limit
18 the eligibility of any nonhost law enforcement authority for
19 reimbursement of expenses incurred in providing law enforcement
20 resources for mobilization.

21 NEW SECTION. **Sec. 12.** Sections 6 through 11 of this act are each
22 added to chapter 43.43 RCW.

23 NEW SECTION. **Sec. 13.** The following sections shall be recodified
24 as new sections within chapter 43.43 RCW under the subchapter heading
25 "State Fire Service Mobilization":

- 26 (1) RCW 38.54.010 (as amended by this act);
- 27 (2) RCW 38.54.020 (as amended by this act);
- 28 (3) RCW 38.54.030 (as amended by this act);
- 29 (4) RCW 38.54.040;
- 30 (5) RCW 38.54.050 (as amended by this act); and
- 31 (6) RCW 38.54.900.

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