

HB 1389 - S COMM AMD
By Committee on Ways & Means

ADOPTED 4/15/2015

1 Strike everything after the enacting clause and insert the
2 following:

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

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

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this subchapter.

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

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

25 (3) "Fire chief" includes the chief officer of a statutorily
26 authorized fire agency, or the fire chief's authorized
27 representative. Also included are the department of natural resources
28 fire control chief, and the department of natural resources regional
29 managers.

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

1 (5) "Mobilization" means that (~~firefighting~~) all risk resources
2 regularly provided by fire departments, fire districts, and regional
3 fire protection service authorities beyond those available through
4 existing agreements will be requested and, when available, sent in
5 response to an emergency or disaster situation that has exceeded the
6 capabilities of available local resources. During a large scale
7 emergency, mobilization includes the redistribution of regional or
8 statewide (~~firefighting~~) risk resources to either direct emergency
9 incident assignments or to assignment in communities where
10 (~~firefighting~~) resources are needed. Fire department resources may
11 not be mobilized to assist law enforcement with police activities
12 during a civil protest or demonstration, however, fire departments,
13 fire districts, and regional fire protection service authorities are
14 not restricted from providing medical care or aid and firefighting
15 when mobilized for any purpose.

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

27 This chapter shall not reduce or suspend the authority or
28 responsibility of the department of natural resources under chapter
29 76.04 RCW.

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

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

37 (a) Wild land fires;

38 (b) Landslides;

39 (c) Earthquakes;

40 (d) Floods; and

1 (e) Contagious diseases.

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

4 Because of the possibility of the occurrence of disastrous fires
5 or other disasters of unprecedented size and destructiveness, the
6 need to insure that the state is adequately prepared to respond to
7 such a fire or disaster, the need to establish a mechanism and a
8 procedure to provide for reimbursement to state agencies and local
9 (~~firefighting~~) agencies that respond to help others in time of need
10 or to a host fire district that experiences expenses beyond the
11 resources of the fire district, and generally to protect the public
12 peace, health, safety, lives, and property of the people of
13 Washington, it is hereby declared necessary to:

14 (1) Provide the policy and organizational structure for large
15 scale mobilization of (~~firefighting~~) all risk resources in the
16 state through creation of the Washington state fire services
17 mobilization plan;

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

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

22 (4) Provide for reimbursement of the host fire department or fire
23 protection district when it has: (a) Exhausted all of its resources;
24 and (b) invoked its local mutual aid network and exhausted those
25 resources. Upon implementation of state fire mobilization, the host
26 district resources shall become state fire mobilization resources
27 consistent with the fire mobilization plan.

28 It is the intent of the legislature that mutual aid and other
29 interlocal agreements providing for enhanced emergency response be
30 encouraged as essential to the public peace, safety, health, and
31 welfare, and for the protection of the lives and property of the
32 people of the state of Washington. If possible, mutual aid agreements
33 should be without stated limitations as to resources available, time,
34 or area. Nothing in this chapter shall be construed or interpreted to
35 limit the eligibility of any nonhost fire protection authority for
36 reimbursement of expenses incurred in providing (~~firefighting~~) all
37 risk resources for mobilization provided that the mobilization must
38 meet the requirements identified in the Washington state fire service
39 mobilization plan.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43
2 RCW to read as follows:

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

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

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

11 (3) The additional risk resources provided under the mobilization
12 plan;

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

14 (5) The amount of reimbursement made under RCW 43.43.961 to the
15 host jurisdiction and to each nonhost jurisdiction providing all risk
16 resources; and

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

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

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22 On page 1, line 3 of the title, after "policies;" strike the
23 remainder of the title and insert "amending RCW 43.43.960 and
24 43.43.961; adding a new section to chapter 43.43 RCW; creating a new
25 section; and providing an expiration date."

EFFECT: (1) Specifies that fire department resources may not be mobilized to assist law enforcement with police activities during a civil protest or demonstration, but fire agencies are not restricted from providing medical care or aid and firefighting when mobilized for any purpose.

(2) Specifies that both natural and man-made incidents are eligible for fire mobilization.

(3) Requires state patrol to annually report on the uses and costs of the state fire mobilization plan for nonfire suppression emergencies and disasters.

(4) Adds an expiration date of July 1, 2019.

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