

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1389

64th Legislature
2015 Regular Session

Passed by the House April 23, 2015
Yeas 97 Nays 1

Speaker of the House of Representatives

Passed by the Senate April 15, 2015
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1389** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1389

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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