

HOUSE BILL REPORT

SHB 1170

As Passed Legislature

Title: An act relating to modifying the expiration date of certain state fire service mobilization laws.

Brief Description: Concerning fire service mobilization.

Sponsors: House Committee on Housing, Community Development & Veterans (originally sponsored by Representatives Griffey and Goodman).

Brief History:

Committee Activity:

Housing, Community Development & Veterans: 1/29/19, 1/30/19 [DPS];
Appropriations: 2/18/19 [DPS(HOUS)].

Floor Activity:

Passed House: 3/1/19, 94-0.
Senate Amended.
Passed Senate: 4/17/19, 48-0.
House Refused to Concur.
Conference Committee.
Passed Senate: 4/27/19, 47-1.
Passed House: 4/27/19, 98-0.
Passed Legislature.

Brief Summary of Substitute Bill

- Repeals the expiration date for certain statutes relating to state fire mobilization including expansion of mobilization to include all risk resources as well as annual reporting on the uses and costs for non-fire suppression emergencies and disasters.

HOUSE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT & VETERANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Ryu, Chair; Morgan, Vice Chair; Gildon, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Corry, Entenman, Frame, Leavitt and Reeves.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Cassie Jones (786-7303).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Housing, Community Development & Veterans be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger, Volz and Ybarra.

Staff: Meghan Morris (786-7119).

Background:

During an emergency, when a local jurisdiction needs assistance beyond the capabilities of local resources and mutual aid agreements, a request may be made for a state mobilization. "Mobilization" means that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities beyond those available through existing agreements will be requested and, when available, sent in response to an emergency or disaster situation that has exceeded the capabilities of available local resources. Fire department resources may not be mobilized to assist law enforcement with police activities during a civil protest or demonstration; however, fire departments may provide medical care or other aid for any purpose. During a large scale emergency, mobilization includes the redistribution of regional or statewide risk resources to either direct emergency incident assignments or to assignment in communities where resources are needed.

The Chief of the Washington State Patrol (WSP) has the authority to mobilize jurisdictions under the Washington State Fire Services Mobilization Plan. The purpose of the mobilization plan is to provide a mechanism and process to quickly notify, assemble, and deploy fire service personnel and equipment to any local fire jurisdiction in Washington that has expended or will expend all available local and mutual aid resources in attempting to manage fires, disasters, or other events that jeopardize the ability of a jurisdiction to provide for the protection of life and property. The State Fire Marshal in the WSP serves as the state fire resources coordinator when a state mobilization plan is mobilized.

In 2015 House Bill 1389 (Chapter 181, Laws of 2015) was enacted. This legislation did the following:

- redefined "mobilization" to mean that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities, rather than only firefighting resources, beyond those available through existing agreements will be requested and, when available, sent in response to an emergency or disaster situation;
- prohibited fire department resources from being mobilized to assist law enforcement with police activities during a civil protest or demonstration; however, fire departments may provide medical care or aid and firefighting when mobilized for any purpose;

- defined "all risk resources" to mean those resources regularly provided by fire departments, fire districts, and regional fire protection service authorities required to respond to natural or man-made incidents, including but not limited to, wild land fires, landslides, earthquakes, floods, and contagious disease; and
- required the WSP to report annually the following information for each emergency or disaster in which the Washington state fire service mobilization plan was used for purposes other than fire suppression:
 - the type and nature of the disaster or emergency;
 - the reasons why the host jurisdiction and mutual aid resources were exhausted;
 - the additional risk resources provided under the mobilization plan;
 - the cost incurred by the WSP;
 - the amount of reimbursement made to the host jurisdiction and to each non-host jurisdiction that provided all risk resources; and
 - an assessment and any recommendations of actions that can be taken by the host jurisdiction and its mutual aid network to prevent future use of the fire mobilization plan for similar disasters or emergencies.

All provisions of House Bill 1389 (Chapter 181, Laws of 2015) are due to expire July 1, 2019.

Summary of Substitute Bill:

The expiration date for the provisions of House Bill 1389 (Chapter 181, Laws of 2015) relating to state fire service mobilization is repealed.

All risk resources may not be mobilized to assist law enforcement during the exercise of constitutionally protect First Amendment rights or other protected concerted activity.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2019.

Staff Summary of Public Testimony (Housing, Community Development & Veterans):

(In support) When the fire service mobilization process was created, it was believed that the fire service could mobilize to respond to all hazards. However, the process was interpreted to only apply to wildfires. The 2015 legislation expanded the process to allow fire service mobilization in response to all hazards. This bill would extend the expiration date of the current all-hazard fire mobilization process. There was concern in 2015 that the all-hazard plans would be overused but there have not yet been any mobilizations for hazards other than wildfires. However, this ability to mobilize for other hazards than wildfire, will be critical for other events that may occur in the future.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The state has a long-established and well-vetted mobilization process primarily used for responding to wildland fires. The original fire service mobilization process was created for jurisdictions to mobilize in response to all hazards. However, the process was narrowly interpreted to only apply to wildfire mobilizations. After the Oso landslide, 2015 legislation expanded the process to allow fire service mobilization in response to all hazards. The response to the Oso landslide was understaffed and resources needed to move quicker.

This bill would extend the expiration date of the current all-hazard fire mobilization process. A sunset on the 2015 provisions was put in place to address concerns that the the all-hazard mobilizations would be overused. Mobilizations for hazards other than wildfires have not happened and the process is used prudently. Thankfully, there are rarely events outside of wildland fires that require resources beyond local and regional resources. However, this ability to mobilize for hazards other than wildfires will be critical for other events that may occur in the future.

(Opposed) None.

Persons Testifying (Housing, Community Development & Veterans): Representative Griffey, prime sponsor; and Steve Brooks, Lacey Fire District 3.

Persons Testifying (Appropriations): Representative Griffey, prime sponsor; and Steve Brooks, Washington State Fire Chiefs.

Persons Signed In To Testify But Not Testifying (Housing, Community Development & Veterans): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.