

HB 1389 - S COMM AMD

By Committee on Government Operations & Security

NOT CONSIDERED 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 has always
7 been intended to be utilized not just in wild land fire incidents,
8 but in all emergencies and disasters to which fire departments, fire
9 districts, and regional fire protection service authorities typically
10 respond. Accordingly, it is the intent of the legislature to clarify
11 that state fire service mobilization be allowed in all incidents to
12 which fire departments, fire districts, and regional fire protection
13 service authorities typically respond, so long as the mobilization
14 meets the requirements identified in the Washington state fire
15 service mobilization plan.

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

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this subchapter.

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

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

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

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

31 (5) "Mobilization" means that (~~(firefighting)~~) all risk resources
32 regularly provided by fire departments, fire districts, and regional

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

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

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

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

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

- 35 (a) Wild land fires;
- 36 (b) Landslides;
- 37 (c) Earthquakes;
- 38 (d) Floods; and
- 39 (e) Contagious diseases.

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

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

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

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

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

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

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

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1 On page 1, line 3 of the title, after "policies;" strike the
2 remainder of the title and insert "amending RCW 43.43.960 and
3 43.43.961; and creating a new section."

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.

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