

HOUSE BILL REPORT

HB 1126

As Reported by House Committee On:
Public Safety

Title: An act relating to state fire service mobilization.

Brief Description: Concerning state fire service mobilization.

Sponsors: Representatives Goodman, Klippert, Hurst, Van De Wege, Warnick, Ryu and Smith.

Brief History:

Committee Activity:

Public Safety: 1/24/13, 1/30/13 [DPS], 1/24/14 [DP2S].

Brief Summary of Second Substitute Bill

- Redefines and expands the definition and role of fire mobilizations to include mobilizing for fire as well as certain non-fire incidents and rescues.
- Provides that non-host fire protection authorities are eligible for reimbursement of expenses incurred in providing all risk resources for mobilization.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Staff: Yvonne Walker (786-7841).

Background:

The Chief of the Washington State Patrol (WSP) has the authority to declare a fire mobilization. The State Fire Marshal in the WSP serves as the state fire resources coordinator when a Washington fire services mobilization plan is mobilized.

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.

State fire mobilization plans are generally needed:

- because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness;
- to insure that the state is adequately prepared to respond to such a fire or disaster;
- to provide for redistribution of personnel, equipment, and other logistical resources from around the state when a wild land fire or other emergency exceeds the firefighting capacity of local jurisdictions;
- to establish a mechanism and a procedure to provide for reimbursement to state agencies and local agencies that respond to help others in time of need or to a host fire district that experiences expenses beyond their allocated available resources in that district; and
- to protect the public peace, health, safety, lives, and property of the people of Washington.

A fire mobilization is generally limited to fire incidents. Under the WSP statute, by definition when a "mobilization" is declared it means that firefighting resources 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. During a large scale emergency, mobilization includes the redistribution of regional or statewide firefighting resources to either direct emergency incident assignments or to an assignment in communities where firefighting resources are needed.

Under statute (RCW 43.43.964), the WSP in consultation with the Office of Financial Management and the Washington Military Department is responsible for developing procedures to facilitate reimbursement to state agencies and local jurisdictions from appropriate federal and state funds when state agencies and jurisdictions are mobilized by the WSP Chief under the Washington Fire Services Mobilization plan.

When a mobilization is declared by the Chief of the WSP, firefighting resources become mobilized beyond those currently available (under RCW 43.43.960(5)) and reimbursement may only be provided to state agencies and local jurisdictions that incur expenses when mobilized for firefighting purposes under the Washington Fire Services Mobilization plan (under RCW 43.43.961(3)). Generally, when local jurisdictions send and receive aid through mutual aid agreements the payments and reimbursements are made at the local level. State and local agencies that participate in a fire service mobilization generally receive reimbursement through the state's Disaster Response Account (Account).

Disaster Response Account. The state's Account is a dedicated account in the State Treasury. Money may be placed in the Account from legislative appropriations and transfers, federal appropriations, and other lawful sources. Expenditures from the Account are used to support state agency and local government disaster response and recovery efforts. There have been 156 mobilization events since the inception of the Washington Fire Services Mobilization plan back in 1994: 154 of the events were fire-related and two of the events were non-fire events (the 1999 World Trade Organization riots and the 2008 Rosalia Motorcycle Rally).

Summary of Second Substitute Bill:

The definition for "mobilization" is expanded to include mobilizing for fire as well as certain non-fire incidents. Mobilization means all "risk resources" regularly provided by fire departments, fire districts, and regional fire protection 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. During a large scale emergency, mobilization includes the redistribution of regional or statewide firefighting resources to either direct emergency incident assignments or to assignments in communities where firefighting resources are needed.

"All risk resources" means those resources regularly provided by fire departments, fire districts, and regional fire protection authorities required to respond incidents, including but not limited to: wild land fires, earthquakes, floods, and contagious diseases.

The legislative intent for state fire service mobilization is expanded. It declares that it is necessary to provide the policy and organization structure for large-scale mobilization of all risk resources in the state and nothing can be construed or interpreted to limit the eligibility of any non-host fire protection authority for reimbursement of expenses incurred in providing all risk resources for mobilization provided that the mobilization meets the requirements identified in the Washington Fire Service Mobilization plan.

Second Substitute Bill Compared to Original Bill:

The definition of "all risk resources" is changed to eliminate the reference to technical rescues. The original bill defined all risk resources as those resources provided by firefighting entities that are needed to respond to fires and other incidents including: wild land fires, earthquakes, floods, contagious diseases, and technical rescues (e.g., rope rescue, swiftwater rescue, confined space rescue, ski rescue, cave rescue, trench or excavation rescue, and building collapse rescue).

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was brought forward last year and it is in response to an Attorney General (AG) opinion. The AG interpreted the law to state that fire departments could only respond to fire disasters and not any other types of emergencies as they had before. This means that mobilizations should be limited to only events directly involving a fire and would eliminate coordination among various local fire departments for other types of emergencies. This bill clarifies any confusion as to the duties of fire districts.

The proposed substitute bill is meant to clarify the confusion over the bill introduced last year by removing the reference to technical rescues. A technical rescue is difficult to define. This bill returns fire mobilizations back to its truly intended purpose which is to be available for all major risks in the state. Under current statute, fire mobilization is supposed to mobilize and provide equipment, personnel, and all other logistical resources from around the state when a wild land fire or other emergency exceeds the firefighting capacity of local jurisdictions. The type of emergencies that may require mobilization include wild land fires, earthquakes, floods, spread of contagious diseases, and other disasters that local communities are unable to handle on their own.

This bill ensures that all mobilization requests that are necessary fall within the parameter of the state fire mobilization plan as was originally intended.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; and Dylan Doty and Al Church, Washington Fire Chiefs.

Persons Signed In To Testify But Not Testifying: None.