

HOUSE BILL REPORT

HB 1389

As Passed Legislature

Title: An act relating to the scope of state fire service mobilization and ensuring compliance with existing state and federal disaster response policies.

Brief Description: Addressing the scope of state fire service mobilization and ensuring compliance with existing state and federal disaster response policies.

Sponsors: Representatives Goodman, Griffey, Klippert, Van De Wege, Tarleton, Chandler, Morris, Lytton, Hayes and Moscoso.

Brief History:

Committee Activity:

Public Safety: 1/21/15 [DP];

Appropriations: 2/4/15, 2/19/15 [DP].

Floor Activity:

Passed House: 3/10/15, 98-0.

Senate Amended.

Passed Senate: 4/15/15, 49-0.

House Concurred.

Passed House: 4/23/15, 97-1.

Passed Legislature.

Brief Summary of Bill

- Redefines and expands the term "mobilization" to authorize mobilization of risk resources in response to natural and man-made incidents, including but not limited to wildland fires, landslides, earthquakes, floods, and contagious diseases.
- Prohibits fire resources from being mobilized to assist with police activities during a civil protest or demonstration.
- Requires the Washington State Patrol to annually report on the uses and costs of the mobilization plan for non-fire suppression emergencies and disasters.

HOUSE COMMITTEE ON PUBLIC SAFETY

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.

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 33 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Cody, Condotta, Dent, Dunshee, Fagan, Haler, Hansen, Hudgins, G. Hunt, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Sawyer, Schmick, Senn, Springer, Stokesbary, Sullivan, Taylor, Tharinger, Van Werven and Walkinshaw.

Staff: Derek Rutter (786-7157).

Background:

Mobilizations are generally called when an emergency occurs in a local jurisdiction. When a local jurisdiction needs assistance beyond the capabilities of local resources and mutual agreements, a request is made for state mobilization.

Under the Washington State Patrol's (WSP) statute, a "mobilization" is defined to mean that 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.

The Chief of the WSP has the authority to mobilize jurisdictions under the Washington State Fire Services Mobilization Plan. The State Fire Marshal in the WSP serves as the state fire resources coordinator when a state mobilization plan is mobilized.

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 a fire or disaster;
- to provide for redistribution of personnel, equipment, and other logistical resources from around the state when a wildland 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.

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, all firefighting resources including those of the host fire protection authorities, are deemed mobilized. All non-host fire protection authorities providing firefighting resources in response to a mobilization declaration are eligible for expense reimbursement from the time of the mobilization declaration. Once a state mobilization is declared, all 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 Bill:

The Legislature recognizes the role that fire service personnel play in responding to fires as well as other various types of disasters. It is the intent of the Legislature that state fire service mobilization be allowed in all incidents to which fire service personnel typically respond, so long as the mobilization meets the requirements identified in the Washington State Fire Service Mobilization Plan. It is the intent of the Legislature to review the use of fire mobilizations for emergencies and disasters other than fire suppression to determine if this policy should continue or be modified.

The term "mobilization" is redefined to mean 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. 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. Fire department resources may not be mobilized to assist law enforcement with police activities during a civil protest or demonstration, however, fire departments, fire districts, and regional fire protection service authorities are not restricted from providing medical care or aid and firefighting when mobilized for any purpose.

"All risk resources" means 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, wildland fires, landslides, earthquakes, floods, and contagious diseases.

The WSP must annually report on the uses and costs of the mobilization plan for non-fire suppression emergencies and disasters, including an assessment of actions that can be taken to prevent future use of the mobilization plan.

The act expires July 1, 2019.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Public Safety):

(In support) When mobilizations were started back in the early 1990s the original intent was for fire districts to respond to fires. However, fire departments are known to regularly respond to incidents involving hazardous materials, rescues, shutting off water, and various other types of emergencies.

Several years ago, there was an informal assistant attorney general's (AG) opinion that stated that fire departments can only be mobilized for firefighting purposes. That AG narrowly interpreted mobilization plans and how they are used. This became a problem during the Oso mudslide that occurred last year. During the Oso incident, a state mobilization request was made to the WSP and it was denied due to the current definition of mobilization in statute. The Oso situation was clearly a Type 2 incident which would have required state mobilized resources.

There have been incidents in the past where the WSP has approved non-fire mobilizations. In fact, the original Washington mobilization plan was intended to be all risk resources for all types of firefighting resources and hazards. Fire districts have always operated as if it was an all-risk plan. This bill clearly returns service mobilizations in the state back to its original intent.

There has been a question about money and who would pay for a mobilization during a major state of emergency. The idea that this bill will cost money is a misinterpretation. If the enactment of this bill actually does eventually cost the state money, then the investment would have been worth it.

(Opposed) None.

(Information only) The WSP received the Oso request for mobilization and they reviewed the AG's opinion. The WSP denied the request because they would have had to pay for that mobilization out of their own operating funds.

Staff Summary of Public Testimony (Appropriations):

(In support) The SR-530 Landslide Commission concluded that state mobilization is a significant tool to use in emergencies, such as the SR-530 landslide. Unforeseen disasters do and will occur. Disasters do not know city limits, county boundaries, or even state lines and our public safety personnel train for events and do their part. Our local public agencies make solid partnerships with mutual aid agreements and, when appropriate, help from a statewide level. The mobilization plan is well tested, clearly written and reviewed every year by professionals with boots-on-the-ground experience.

This bill is a technical correction and returns the mobilization plan to the original intended purpose: to be available for all major risks within the state. The plan is implemented to provide personnel, equipment, and resources from around the state for wildland fires or other disasters. The type of emergencies that may require mobilization include wildland fires, earthquakes, disease, landslides, major floods, and other events. The state operated for many years under "all-risk," until an Assistant Attorney General opinion stated the plan should only be implemented for fires.

With the Oso disaster, no lives would have been saved using the mobilization plan. However, mobilization was requested. The regional representative did a complexity analysis, showing the event qualified for a Type I Interagency Incident Management Team (IIMT) (national team) or Type II IIMT (statewide team). Responders to the landslide were a Type III IIMT (local team), who responded well within the available resources and volunteer capacity. However, without mobilization and statewide resources, local communities overuse resources such as rescuers.

The mobilization plan includes cost-control mechanisms. Communities such as Darrington cannot go more than a couple of hours without help before depleting resources. Small communities can become bankrupt without mobilization. If we have an earthquake on the fault line, all communities will run out of resources. Through the mobilization process, there are additional boots on the ground within hours, versus a few days. Incident Management Teams arrive quickly and help with resource prioritization and coordination. All costs of response and incident mitigation prior to the authorization is the responsibility of the local agencies. With over 180 mobilizations to date, no fire agency has misused the plan.

There is a petition with more than 200 responders urging the passage of this bill.

(Opposed) None.

Persons Testifying (Public Safety): (In support) Representative Goodman, prime sponsor; Dylan Doty, Washington Fire Chiefs; Brad Reading, Snohomish County Fire District 1; and Dave Lafave, Cowlitz County District 2 Fire and Rescue.

(Information only) Chuck Duffy, Washington State Patrol.

Persons Testifying (Appropriations): Jill Boudreau, City of Mount Vernon; Al Church, South King County Fire and Rescue and Washington Fire Chiefs; Brad Reading, Snohomish

Fire District 1 and Northwest Washington Incident Management Team; Bud Backer, Eastside Fire and Rescue and Washington Fire Chiefs; and Dan Smith, North Kitsap Fire and Rescue.

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

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