

HOUSE BILL REPORT

HB 1389

As Reported by House Committee On: Public Safety

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].

Brief Summary of Bill

- Redefines and expands the term "mobilization" from general firefighting to include other services, or all risk resources, regularly provided by fire departments, districts, and regional fire protection authorities.
- Provides that when a mobilization is declared and authorized, all risk resources regularly provided by fire departments, fire districts, and regional fire protection authorities including those of the host fire protection authorities, must be deemed as mobilized.

HOUSE COMMITTEE ON PUBLIC SAFETY

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).

Background:

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.

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 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.

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 legislative intent for state fire service mobilization is expanded. The Legislature finds that due to the possibility of a fire or other disaster, there is a need to establish a mechanism and procedure to provide for reimbursement to state and local agencies that respond to help others in a time of need or to a host fire district that experiences expenses beyond the resources of the fire district. Thereby it is declared necessary to provide the policy and organization structure for large scale mobilizations of all risk resources in the state through the creation of the Washington State Fire Services Mobilization Plan.

The term "mobilization" is expanded, from general firefighting, to include other services, or all risk resources, regularly provided by fire departments, districts, and regional fire protection authorities.

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

Appropriation: None.

Fiscal Note: Requested on January 16, 2015.

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

Staff Summary of Public Testimony:

(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.

(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.

(Opposed) None.

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