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HOUSE BILL 1389

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Goodman, Griffey, Klippert, Van De Wege, Tarleton, Chandler, Morris, Lytton, Hayes, and Moscoso

Read first time 01/19/15. Referred to Committee on Public Safety.

1 AN ACT Relating to the scope of state fire service mobilization  
2 and ensuring compliance with existing state and federal disaster  
3 response policies; amending RCW 43.43.960 and 43.43.961; and creating  
4 a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature recognizes the vital role  
7 that our state's fire service personnel play in responding not just  
8 to fires but to disasters of varying types and kinds. The legislature  
9 further recognizes that the fire service mobilization plan has always  
10 been intended to be utilized not just in wild land fire incidents,  
11 but in all emergencies and disasters to which fire departments, fire  
12 districts, and regional fire protection authorities typically  
13 respond. Accordingly, it is the intent of the legislature to clarify  
14 that state fire service mobilization be allowed in all incidents to  
15 which fire departments, fire districts, and regional fire protection  
16 authorities typically respond, so long as the mobilization meets the  
17 requirements identified in the Washington state fire service  
18 mobilization plan.

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

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this subchapter.

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

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

6 (3) "Fire chief" includes the chief officer of a statutorily  
7 authorized fire agency, or the fire chief's authorized  
8 representative. Also included are the department of natural resources  
9 fire control chief, and the department of natural resources regional  
10 managers.

11 (4) "Jurisdiction" means state, county, city, fire district,  
12 regional fire protection authority, or port district (~~((firefighting))~~)  
13 units, or other units covered by this chapter.

14 (5) "Mobilization" means that (~~((firefighting))~~) all risk resources  
15 regularly provided by fire departments, fire districts, and regional  
16 fire protection authorities beyond those available through existing  
17 agreements will be requested and, when available, sent in response to  
18 an emergency or disaster situation that has exceeded the capabilities  
19 of available local resources. During a large scale emergency,  
20 mobilization includes the redistribution of regional or statewide  
21 (~~((firefighting))~~) risk resources to either direct emergency incident  
22 assignments or to assignment in communities where (~~((firefighting))~~)  
23 resources are needed.

24 When mobilization is declared and authorized as provided in this  
25 chapter, all (~~((firefighting))~~) risk resources regularly provided by  
26 fire departments, fire districts, and regional fire protection  
27 authorities including those of the host fire protection authorities,  
28 i.e. incident jurisdiction, shall be deemed as mobilized under this  
29 chapter, including those that responded earlier under existing mutual  
30 aid or other agreement. All nonhost fire protection authorities  
31 providing (~~((firefighting))~~) resources in response to a mobilization  
32 declaration shall be eligible for expense reimbursement as provided  
33 by this chapter from the time of the mobilization declaration.

34 This chapter shall not reduce or suspend the authority or  
35 responsibility of the department of natural resources under chapter  
36 76.04 RCW.

37 (6) "Mutual aid" means emergency interagency assistance provided  
38 without compensation under an agreement between jurisdictions under  
39 chapter 39.34 RCW.

1        (7) "All risk resources" means those resources regularly provided  
2 by fire departments, fire districts, and regional fire protection  
3 authorities required to respond to incidents, including but not  
4 limited to:

- 5        (a) Wild land fires;
- 6        (b) Landslides;
- 7        (c) Earthquakes;
- 8        (d) Floods; and
- 9        (e) Contagious diseases.

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

12        Because of the possibility of the occurrence of disastrous fires  
13 or other disasters of unprecedented size and destructiveness, the  
14 need to insure that the state is adequately prepared to respond to  
15 such a fire or disaster, the need to establish a mechanism and a  
16 procedure to provide for reimbursement to state agencies and local  
17 (~~(firefighting)~~) agencies that respond to help others in time of need  
18 or to a host fire district that experiences expenses beyond the  
19 resources of the fire district, and generally to protect the public  
20 peace, health, safety, lives, and property of the people of  
21 Washington, it is hereby declared necessary to:

22        (1) Provide the policy and organizational structure for large  
23 scale mobilization of (~~(firefighting)~~) all risk resources in the  
24 state through creation of the Washington state fire services  
25 mobilization plan;

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

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

30        (4) Provide for reimbursement of the host fire department or fire  
31 protection district when it has: (a) Exhausted all of its resources;  
32 and (b) invoked its local mutual aid network and exhausted those  
33 resources. Upon implementation of state fire mobilization, the host  
34 district resources shall become state fire mobilization resources  
35 consistent with the fire mobilization plan.

36        It is the intent of the legislature that mutual aid and other  
37 interlocal agreements providing for enhanced emergency response be  
38 encouraged as essential to the public peace, safety, health, and  
39 welfare, and for the protection of the lives and property of the

1 people of the state of Washington. If possible, mutual aid agreements  
2 should be without stated limitations as to resources available, time,  
3 or area. Nothing in this chapter shall be construed or interpreted to  
4 limit the eligibility of any nonhost fire protection authority for  
5 reimbursement of expenses incurred in providing (~~firefighting~~) all  
6 risk resources for mobilization provided that the mobilization must  
7 meet the requirements identified in the Washington state fire service  
8 mobilization plan.

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