

SENATE BILL REPORT

EHB 2228

As of February 24, 2020

Title: An act relating to early deployment of state fire service resources.

Brief Description: Permitting early deployment of state fire service resources.

Sponsors: Representatives Springer, Dent, Ramos, Griffey, Ryu, Appleton, Leavitt, Ormsby, Wylie and Goodman.

Brief History: Passed House: 2/18/20, 98-0.

Committee Activity: State Government, Tribal Relations & Elections: 2/21/20.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Modifies the definition of mobilization for state fire service mobilization.
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SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Staff: Melissa Van Gorkom (786-7491)

Background: State Fire Service Mobilization. During an emergency, when a local jurisdiction needs assistance beyond the capabilities of local resources and mutual aid agreements, a request may be made for a state fire service mobilization (mobilization). "Mobilization" means 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. All risk resources may not be mobilized to assist law enforcement with police activities during a civil protest or demonstration, or other exercise by the people of their constitutionally protected First Amendment rights, or other protected concerted activity.

The chief of the Washington State Patrol (WSP) has the authority to mobilize jurisdictions under the Washington State Fire Services Mobilization Plan (Plan). The WSP state fire

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marshal serves as the state fire resources coordinator when a state mobilization is declared. Once a state mobilization is declared, all state and local agencies that participate in a mobilization generally receive reimbursement through the state's Disaster Response Account (Account). 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 under the Plan.

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.

Department of Natural Resources' Master Contractor Lists. To maximize the effective utilization of local fire suppression assets, the Department of Natural Resources (DNR) is required to maintain master lists of qualified fire suppression contractors who have valid incident qualifications for the kind of contracted work to be performed. DNR is required to make the lists available to county legislative authorities, emergency management departments, and local fire districts. DNR is also required to enter into preemptive agreements with landowners in possession of firefighting capability that may be used in wildland fire suppression efforts. When entering into those types of preemptive agreements with landowners, DNR is required to ensure that all equipment and personnel satisfy DNR's standards and that all contractors are under the supervision of recognized wildland fire personnel while engaged in fire suppression activities.

Summary of Bill: The definition of mobilization is modified to include:

- all risk resources for the preparation of an emergency or when an emergency is predicted to exceed local capabilities; and
- a requirement that the chief consider both the available public risk resources as well as the resources available through the list of qualified wildland fire suppression contractors maintained by DNR when the request is for a pre-deployment mobilization of risk resources to an emergency or disaster, and retain and deploy the resources that will provide the most effective and expeditious response.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: State mobilization plan is one of the most exercised plans in the nation, used 261 times since 1994. The weakness in the plan is that it can only be approved when the local resources are beyond capacity, which is often too late to prevent a large costly fire. For example, summer dry lightning storms can overwhelm local mutual aid resources when multiple ignitions occur. Even though additional resources will be needed in these situations, they cannot be requested until the local resources are exhausted

which results in a delay in getting resources where they are needed. Local governments having the ability to request additional resources in anticipation of and in preparation for anticipation of emergencies is critical. This allows for the suppression of fires when they are small and manageable and could save millions of dollars in man power, property loss and health impacts that would otherwise have a detrimental impact to local communities. Contract resources for large fires must be inspected to verify they qualify to operate on a wildfire in accordance with state and federal rules. The language that was added on the floor of the House would dictate how prepositioning should happen under a mobilization. There are concerns with this and so we would suggest an amendment to allow for the verification process to occur under the existing mobilization plan.

Persons Testifying: PRO: Dan Smith, Fire Chief, North Kitsap Fire & Rescue; KC Whitehouse, Washington State Council of Fire Fighters; Bud Sizemore, Washington State Council of Fire Fighters; Juliana Roe, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: PRO: Dylan Doty, Washington Fire Chiefs Association.