

SENATE BILL REPORT

EHB 2228

As of February 28, 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, 2/26/20 [DPA-WM].

Ways & Means: 2/28/20.

Brief Summary of Amended Bill

- Modifies the definition of mobilization for state fire service mobilization.
- Requires an annual report of the reason and cost for all risk resources sent in preparation of, or when an emergency or disaster is predicted to exceed the capabilities of available local resources.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Muzzall, Assistant Ranking Member; Hasegawa, Hawkins and Takko.

Staff: Melissa Van Gorkom (786-7491)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Corban Nemeth (786-7736)

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).

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.

"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 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. The WSP must report annually regarding each emergency or disaster in which the Plan was used for purposes other than fire suppression.

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.

Summary of Amended 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 and private resources, in accordance with the approved Plan and retain and deploy the resources that will provide the most effective and expeditious response.

The chief must annually report the reason and cost for all risk resources sent in preparation of, or in response to, an emergency or disaster that has exceeded or is predicted to exceed the capabilities of available local resources.

EFFECT OF STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS COMMITTEE AMENDMENT(S):

- Requires that the chief annually report the reason and cost for all risk resources sent in preparation of, or when an emergency or disaster is predicted to exceed the capabilities of available local resources.
- Requires the chief use available public and private resources in accordance with the approved Plan rather than public risk resources and resources available through the DNR master list.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 26, 2020.

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 on Engrossed House Bill (State Government, Tribal Relations & Elections): *The committee recommended a different version of the bill than what was heard.* 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 (State Government, Tribal Relations & Elections): 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 (State Government, Tribal Relations & Elections): PRO: Dylan Doty, Washington Fire Chiefs Association.

Staff Summary of Public Testimony on Amended Bill (Ways & Means): PRO: When we get to the fire early, we can save lives, property, and state costs. This bill allows us to mobilize early for fire response, which we currently prohibited from doing in statute. Local governments are the frontlines of emergency response, but local governments need sufficient resources to respond early. This bill will have big impacts on the ability of governments to respond. Firefighters like this bill, and it will save the state and local governments money.

Persons Testifying (Ways & Means): PRO: Juliana Roe, Washington State Association of Counties; Dylan Doty, Washington Fire Chiefs Association; Bud Sizemore, Washington State Council of Firefighters.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.