
SENATE BILL 5935

State of Washington

58th Legislature

2003 Regular Session

By Senators Brandland, Oke, Swecker, Hale, Rasmussen, Schmidt and Winsley; by request of Washington State Patrol

Read first time 02/21/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to consolidation of state declared fire
2 mobilization responsibilities within the Washington state patrol;
3 amending RCW 38.54.010, 38.54.020, 38.54.030, and 38.54.050; adding new
4 sections to chapter 43.43 RCW; and recodifying RCW 38.54.010,
5 38.54.020, 38.54.030, 38.54.040, 38.54.050, and 38.54.900.

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

7 **Sec. 1.** RCW 38.54.010 and 1997 c 49 s 8 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this subchapter.

11 (1) (~~"Department" means the military department.~~

12 ~~(2) "The adjutant general" means the adjutant general of the~~
13 ~~military department)) "Chief" means the chief of the Washington state
14 patrol.~~

15 ~~((3))~~ (2) "State fire marshal" means the director of fire
16 protection in the Washington state patrol.

17 ~~((4))~~ (3) "Fire chief" includes the chief officer of a
18 statutorily authorized fire agency, or the fire chief's authorized

1 representative. Also included are the department of natural resources
2 fire control chief, and the department of natural resources regional
3 managers.

4 ~~((+5))~~ (4) "Jurisdiction" means state, county, city, fire
5 district, or port district fire fighting units, or other units covered
6 by this chapter.

7 ~~((+6))~~ (5) "Mobilization" means that fire fighting resources
8 beyond those available through existing agreements will be requested
9 and, when available, sent in response to an emergency or disaster
10 situation that has exceeded the capabilities of available local
11 resources. During a large scale emergency, mobilization includes the
12 redistribution of regional or statewide fire fighting resources to
13 either direct emergency incident assignments or to assignment in
14 communities where fire fighting resources are needed.

15 When mobilization is declared and authorized as provided in this
16 chapter, all fire fighting resources including those of the host fire
17 protection authorities, i.e. incident jurisdiction, shall be deemed as
18 mobilized under this chapter, including those that responded earlier
19 under existing mutual aid or other agreement. All nonhost fire
20 protection authorities providing fire fighting resources in response to
21 a mobilization declaration shall be eligible for expense reimbursement
22 as provided by this chapter from the time of the mobilization
23 declaration.

24 This chapter shall not reduce or suspend the authority or
25 responsibility of the department of natural resources under chapter
26 76.04 RCW.

27 ~~((+7))~~ (6) "Mutual aid" means emergency interagency assistance
28 provided without compensation under an agreement between jurisdictions
29 under chapter 39.34 RCW.

30 **Sec. 2.** RCW 38.54.020 and 1997 c 49 s 9 are each amended to read
31 as follows:

32 Because of the possibility of the occurrence of disastrous fires or
33 other disasters of unprecedented size and destructiveness, the need to
34 insure that the state is adequately prepared to respond to such a fire
35 or disaster, the need to establish a mechanism and a procedure to
36 provide for reimbursement to state agencies and local fire fighting
37 agencies that respond to help others in time of need or to a host fire

1 district that experiences expenses beyond the resources of the fire
2 district, and generally to protect the public peace, health, safety,
3 lives, and property of the people of Washington, it is hereby declared
4 necessary to:

5 (1) Provide the policy and organizational structure for large scale
6 mobilization of fire fighting resources in the state through creation
7 of the Washington state fire services mobilization plan;

8 (2) Confer upon the (~~adjutant general~~) chief the powers provided
9 herein;

10 (3) Provide a means for reimbursement to state agencies and local
11 fire jurisdictions that incur expenses when mobilized by the (~~adjutant~~
12 ~~general~~) chief under the Washington state fire services mobilization
13 plan; and

14 (4) Provide for reimbursement of the host fire department or fire
15 protection district when it has: (a) Exhausted all of its resources;
16 and (b) invoked its local mutual aid network and exhausted those
17 resources. Upon implementation of state fire mobilization, the host
18 district resources shall become state fire mobilization resources
19 consistent with the fire mobilization plan.

20 It is the intent of the legislature that mutual aid and other
21 interlocal agreements providing for enhanced emergency response be
22 encouraged as essential to the public peace, safety, health, and
23 welfare, and for the protection of the lives and property of the people
24 of the state of Washington. If possible, mutual aid agreements should
25 be without stated limitations as to resources available, time, or area.
26 Nothing in this chapter shall be construed or interpreted to limit the
27 eligibility of any nonhost fire protection authority for reimbursement
28 of expenses incurred in providing fire fighting resources for
29 mobilization.

30 **Sec. 3.** RCW 38.54.030 and 1997 c 49 s 10 are each amended to read
31 as follows:

32 The state fire protection policy board shall review and make
33 recommendations to the (~~adjutant general~~) chief on the refinement and
34 maintenance of the Washington state fire services mobilization plan,
35 which shall include the procedures to be used during fire and other
36 emergencies for coordinating local, regional, and state fire
37 jurisdiction resources. In carrying out this duty, the fire protection

1 policy board shall consult with and solicit recommendations from
2 representatives of state and local fire and emergency management
3 organizations, regional fire defense boards, and the department of
4 natural resources. The Washington state fire services mobilization
5 plan shall be consistent with, and made part of, the Washington state
6 comprehensive emergency management plan. The (~~adjutant-general~~)
7 chief shall review the fire services mobilization plan as submitted by
8 the fire protection policy board, recommend changes that may be
9 necessary, and approve the fire services mobilization plan for
10 inclusion within the state comprehensive emergency management plan.

11 It is the responsibility of the (~~adjutant-general~~) chief to
12 mobilize jurisdictions under the Washington state fire services
13 mobilization plan. The state fire marshal shall serve as the state
14 fire resources coordinator when the Washington state fire services
15 mobilization plan is mobilized.

16 **Sec. 4.** RCW 38.54.050 and 1997 c 49 s 12 are each amended to read
17 as follows:

18 The (~~department~~) Washington state patrol in consultation with the
19 office of financial management and the Washington military department
20 shall develop procedures to facilitate reimbursement to state agencies
21 and jurisdictions from appropriate federal and state funds when state
22 agencies and jurisdictions are mobilized by the (~~adjutant-general~~)
23 chief under the Washington state fire services mobilization plan. The
24 (~~department~~) Washington state patrol shall ensure that these
25 procedures provide reimbursement to the host district in as timely a
26 manner as possible.

27 NEW SECTION. **Sec. 5.** The following sections shall be recodified
28 as new sections within chapter 43.43 RCW under the subchapter heading
29 "State Fire Service Mobilization":

- 30 (1) RCW 38.54.010 (as amended by this act);
31 (2) RCW 38.54.020 (as amended by this act);
32 (3) RCW 38.54.030 (as amended by this act);
33 (4) RCW 38.54.040;
34 (5) RCW 38.54.050 (as amended by this act); and

1 (6) RCW 38.54.900.

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