

**March 18, 2011**

**Washington Fire Chiefs Legislative Committee Report**

**Fire Chief Wayne Senter**

The following is an update of those bills and activities that relate to our priority legislation issues. To listen to testimony on our bills, go to <http://www.tvw.org> type in the bill number in the find box, hit enter and then click on watch video. Click on the bill numbers in this report to go directly to bill details.

Top Five Priority Issues

* **Simple Majority Vote for EMS levies:** The state fire commissioners are taking the lead on this issue. [SB 5381](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1476&year=2011) ([1476](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1476&year=2011)) had a hearing this week. The hearing went well, with nobody signed up in opposition. There is some skepticism about the bill and some confusion about the Constitutional implications. We will continue to work with the fire commissioners on this one. These bills failed to move prior to the March 25 house-of-origin cutoff. However, we are exploring ways of possibly resurrecting the bills prior to the end of the legislative session.
* **Barriers to install Residential Sprinklers:** The state fire chiefs are taking the lead on this with the WSAFM. [HB 1295](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1295&year=2011) ([5206](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5206&year=2011)) This bill is picking up a lot of support and is progressing nicely. [SB 5206](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5206&year=2011) was passed to Rules Committee for second reading. HB 1295 passed the House 95-2 on 2/26. It was heard in the Senate Government Operations Committee on 3/8 and passed out of Committee with unanimous support. It is now in Senate Rules awaiting action to bring it to the floor for vote.
* **Provide cities joining an RFA with the same taxing authority as fire districts:** The WSCFF is taking the lead on this issue; we support ([1731](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1731&year=2011)) as amended and exec’d out of Local Government and sent to Rules Committee for second reading. This bill would clarify that RFA commissioners are allowed explicitly. This bill passed the House 92-3 and received a hearing in the Senate Government Operations Committee on 3/14. It is scheduled to be passed to Rules on 3/17.
* **Wildland Urban Interface Code:** The state fire chiefs are taking the lead on this issue with the WSAFM, SB [5207](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5207&year=2011) (1505) was heard in committee this week. This bill is meeting some push-back regarding local costs, effectiveness of the program and local control issues. No action was taken last week which is a bad sign. These bills failed to move prior to the March 25 house-of-origin cutoff. However, we are exploring possible ways of resurrecting these proposals prior to the end of the legislative session.
* **No Mans Land:** No Mans Land [HB 1506](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1506&year=2011) and [SB 5373](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5373&year=2011) give land owners options for fire protection to ensure coverage and eliminates gift of public funds. The WFC is taking the lead on this issue. We had hearings this week and testified, it went well and this issue is progressing nicely. [HB 1506](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1506&year=2011) was voted out of the General Government Appropriations & Oversight Committee. [SB 5373](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5373&year=2011) was passed to Rules Committee for second reading. HB 1506 passed the House unanimously and should be scheduled for hearing in the Senate Government Operations Committee on 3/21.

**The next cutoff date is March 25, which is the date by which all policy bills should be passed out of committee. Fiscal matters have until April 1 to move out of committee.**

**Other related issues:**

* **Black Powder:** [HB 1066](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1066&year=2011) authorizes black powder to be: (1) Transported in a private vehicle in quantities not to exceed fifty pounds when a placard is displayed under rules adopted by the department of labor and industries; and (2) Stored in private residences in quantities not to exceed twenty pounds when stored in a secure explosives container.

**WFC Position:** Oppose

**Action:** Testified against proposal, commented on proposed amendment that addresses nearly all of our concerns.

**Status:** Appears dead.This bill failed to move prior to the March 25 house-of-origin cutoff.

* **Fire Sprinkler Bill:** [HB 1155](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1155&year=2011) removes the fire sprinkler requirements for any type of agricultural building and removes the authority from cities and counties to enact fire sprinkler legislation on agricultural building at the local level.

**WFC Position:** Oppose

**Action:** Testified against proposal 1-18-11

**Status:** Appears dead. This bill failed to move prior to the March 25 house-of-origin cutoff.

* **Death Benefit:** [SB 5160](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5160&year=2011) ([1450](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1450&year=2011)) provides for an increase in the on-duty death benefit for public employees and volunteer firefighters from $150,000 to $214,000. This is request legislation from the Select Committee on Pension Policy.

**WFC Position:** Support

**Action:** This bill failed to move prior to the March 25 house-of-origin cutoff.

* **Public Records Request Reform:** There are several bills, [HB 1034](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1034&year=2011) ([SB 5025](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5025&year=2011)), [HB 1299](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1299&year=2011) ([SB 5089](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5089&year=2011)), [HB 1300](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1300&year=2011) ([SB 5088](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5088&year=2011)), and [HB 1044](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1044&year=2011) ([5049](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5237&year=2011)), that attempt to balance the need for public access to public records with reasonableness regarding agency cost for responding to these requests and other related issues. There were many bills on this subject that were heard this week. They seem to be getting support to better define reasonable behavior. [SB 5685](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5685&year=2011), specifying penalties for public records violations, was passed out of the Senate Government Operations Committee on 2/17 and is now in Rules. [HB 1899](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1899&year=2011), changing penalty amounts for public records violations, was passed out of the House 96-2 and is scheduled for public hearing in Senate Government Operations on 3/17.

State Government Committee on 2/17 and is now in Rules. [SB 5294](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5294&year=2011), regarding hours of availability

of cities, towns, and special purpose districts for inspection and copying of public records, was

passed out of Senate Government Operations on 2/16 and is now in Rules.

These bills will likely undergo significant changes as they continue through the process.

**WFC Position:** Support

**Action:** Signed in favor.

* **Volunteer License Plates:** [HB 1136](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1136&year=2011), the state fire commissioners are taking the lead on this issue. The House bill was heard was exec’d out of that committee. This bill passed the House unanimously and has been referred to Senate Transportation where it awaits a public hearing.

**WFC Position:** Support

**Action:** Signed in favor

* **Ballot Title Changes:** [HB 1158](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1158&year=2011) expands the number of words allowed from 75 to 85 and requires that dollar amounts be specified rather than only rates and that “new” or “renewal” be in the title.

**WFC Position:** Oppose

**Action:** Appears seriously wounded no hearing has taken place. This bill failed to move prior to the

March 25 house-of-origin cutoff.

* **Fire Districts Annexations:** This issue relates to fire district annexation, [SB 5143](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5143&year=2011) ([1799](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1799&year=2011)) clarifies that fire districts are exempt from potential review by a boundary review board, when it involves a tribal area. SB 5143 passed the Senate 48-1 and received a public hearing in the House Local Government Committee on 3/11.

**WFC Position:** Monitor

**Action:** Hearing scheduled.

* **Fire Districts Annexations:** This issue [HB 1627](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1627&year=2011) ([5491](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5491&year=2011)) allows the boundary review board to increase the size of the proposed annexation by 100%. There were several amendments to limit this increase to the intended one or two lots mentioned in testimony.

**WFC Position:** Oppose

**Action:** Passed to rules for second reading as amended. These bills failed to move prior to the March 25 house-of-origin cutoff.

* **Public Safety Authorities:** [HB 1230](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1230&year=2011) ([5155](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5155&year=2011)) Establishes regional public safety authority planning committees to create and propose to jurisdictions a regional public safety authority plan to design, finance, and develop police service projects.

**WFC Position:** Monitor

**Action:** Hearing held. These bills failed to move prior to the March 25 house-of-origin cutoff.

* **Presumptive coverage:** [SB 5354](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5354&year=2011) ([1445](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1445&year=2011)) would include MI and stroke as presumptive work related illnesses. The WSCFF is taking the lead on this issue. Also see [HB 1444](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1444&year=2011) ([5353](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5353&year=2011)) for survivor benefit improvements. SB 5354 was passed out of Senate Labor and Commerce on 2/17 and was passed out of Ways & Means on 2/18, and is now on its way to Rules.

**WFC Position:** Support

**Action:** These bills failed to move prior to the March 25 house-of-origin cutoff.

* **Volunteer Pension:** [SB 5365](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5365&year=2011) would authorize the purchase/buy back for years of service as a volunteer firefighter. The purchase shall be made by the individual, but does voluntarily allow the district to contribute on behalf of the volunteer firefighter.

**WFC Position:** Support

**Action:** Signed in supporting. This bill failed to move prior to the March 25 house-of-origin cutoff.

* **WABO Mutual Aid:** [HB 1406](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1406&year=2011) ([5221](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5221&year=2011)) would authorize building officials, inspectors and other support personnel to assist the affected jurisdiction during the mitigation and recovery phase of an emergency. WFC has concerns about the term “emergency responder” in the bill. A revised bill that addresses most of our concerns will be dropped next week; we support this version and continue to look for a way to combine the two MA bills. HB 1406 passed the House 97-0 and received a favorable public hearing in the Senate Government Operations Committee on 3/14. It is scheduled for Executive Session on 3/17.

**WFC Position:** Support with concerns

**Action:** Signed in supporting.

* **Intrastate Mutual Aid:** [HB 1585](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1585&year=2011) ([5420](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5420&year=2011)) Establishes the intrastate mutual aid system to provide for mutual assistance in an emergency among political subdivisions and federally recognized Indian tribes that choose to participate as member jurisdictions. HB 1585 passed the House 97-0 and received a favorable public hearing in the Senate Government Operations Committee on 3/14. It is scheduled for Executive Session on 3/17.

**WFC Position:** Support

**Action:** Signed in supporting.

* **Alternative Fuel requirements:** [HB 1141](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1141&year=2011) attempts to exempt certain provisions previously adopted on 2007. This bill has prompted a new bill ([1781](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1781&year=2011)) to exempt emergency vehicles. A Senate version of the bill has been developed and introduced by Sen. Rockefeller, [SB 5707](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5707&year=2011), but no hearing has been held. 1141 looks dead; 1781 was passed on to Rules for a second reading.

**WFC Position:** Support 1781

**Action:** This bill failed to move prior to the March 25 house-of-origin cutoff.

* **Ambulance Utility:** [HB 1596](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1596&year=2011) ([5493](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5493&year=2011)) would require cities and towns with ambulance utilities to allocate funds to ambulance services in an amount proportionate to the percentage of the ambulance service costs to the total costs necessary to regulate, operate, and maintain the ambulance utility. Amendments that require public hearings, require 15% funding and other notice were adopted. HB 1596 passed the House 63-33 and received a favorable public hearing in the Senate Government Operations Committee on 3/10. It is scheduled for Executive Session on 3/17. SB 5493 passed the Senate 46-0 and received a favorable hearing in House Local Government Committee on 3/9. It was passed to House Rules with bipartisan support.

**WFC Position:** Monitor, with concerns, support amendment

**Action:** Signed in supporting both bills, as amended.

* **Budget Issues:** We are monitoring many issues that may have an impact on our members including funding for E-911, SEIC funding and 211 services. The state revenue forecast will be released on 3/17. Preliminary budget proposals by the House are expected to be released March 20 or 21 or thereabouts.
* **Definition of a Firefighter:** We met with DRS and agreed to form a sub-committee to determine

clarifications needed and if rule making is required that the work be done this year. We will continue

to meet to seek solution that meets mutual interests.

* **Child care facilities located in publicly-owned buildings:** [HB 1776](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1776&year=2011) would allow the Department of Early Learning (DEL) to establish a uniform set of licensing requirements for childcare facilities

located in publicly-owned buildings. The effect of this would potentially be to bypass or ignore

certain building and fire codes. The Chiefs testified with strong concerns about this bill at a public

hearing in the Early Education Committee, as did the Fire Marshal’s office. We are working with

the prime sponsor to see if we can find a way to meet the desires of the childcare facilities while not

exempting them from building and fire codes. An amended version was passed out of Committee on

2/17 and had a hearing in the Education Appropriations Committee on 2/18. The bill is improved,

but still needs work. We will continue to work with the prime sponsor and other interested parties as

this bill continues to move. This bill passed the House 62-35 and is scheduled of public hearing in

the Senate Human Services Committee on 3/18. The Fire Chiefs are working with the State Fire

Marshal on amending the bill.

* **Providing flexibility for school districts:** [HB 1025](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=1025&year=2011) does a combination of things, but the most pertinent to us is that it states that, although school districts must develop and maintain a safe school plan that meets federal requirements for school emergency planning, the specific elements required to be in the plan, as well as other safety reporting and safety drill requirements, are removed.

Most of the testimony was in opposition to the bill. It is not currently scheduled for Executive Session, but we will continue to monitor this. This bill failed to move prior to the March 25 house-of-origin cutoff.

* **Modifying hospital and emergency service personnel reporting requirements to law enforcement**: [SB 5671](http://dlr.leg.wa.gov/billsummary/default.aspx?bill=5671&year=2011) would have required emergency service personnel to report to law enforcement officials whenever aid was delivered to a person suffering from blunt force trauma, a

gunshot wound, a stab wound, or when death was caused by a drug overdose. We testified in

opposition to these requirements and worked with the prime sponsor to improve the bill. An amended version of the bill as passed out of the Senate Health and Long Term Care Committee on 2/17 and is now in Rules. The amended version deleted all references to “blunt force trauma” and now imposes only one reporting requirement on emergency service personnel: to report when responding to an incident where the patient died due to a drug overdose. We will continue monitoring this bill and will work to improve it further. This bill passed the Senate 49-0 and received a public hearing in the House Health Care Committee on 3/9. There is little support for the current draft, however, and it appears as if the bill will either fail to move or will be amended to remove all references to emergency service personnel.

* **HB 1854 establishes a process through which a fire protection jurisdiction may be annexed** by a fire service protection authority. Authorizes the transfer of certain fire protection and emergency services from annexed fire protection jurisdictions to annexing regional authorities. Reduces the property tax levy authority of a fire protection district, city, town, Indian tribe, or port district that is annexed onto a regional fire protection service authority. The Fire Chiefs support the bill, with the State Council of FF taking the lead. The bill passed the House 88-9 and has been referred to the Senate Government Operations Committee where it will be heard on 3/21.
* **HB 1478 provides local governments with more time to meet certain statutory requirements**, including a three-year delayed implementation of biofuel standards for vehicles. The bill passed the House 88-11 and is scheduled for public hearing in the Senate Government Operations Committee on 3/17. Currently, the bill only applies to cities and counties; however, the Fire Chiefs are working with the Fire Commissioners and other stakeholders to amend the bill to grant a three-year delay on implementing biofuel standards to emergency vehicles owned and operated by fire districts, RFAs, etc.
* **HB 1702 obligates counties, cities, and towns to adopt deferral systems** for the collection of impact fees from applicants for residential building permits through a covenant-based process, or through a process that delays payment until final inspection, certificate of occupancy, or equivalent certification. This bill passed the House 83-14 and received a public hearing in the Senate Financial Services Committee on 3/15. The Fire Chiefs testified in opposition to the bill and will continue to work other local governments on amending the bill or working to ensure that it fails to move forward.

**SB 5638** – concerning the exemption of flood control zone districts that are coextensive with a county from certain limitations upon regular property tax levies. This bill states that, effective for taxes due in 2012, the regular property tax levy for a flood control district which is coextensive with a county is no longer included in the $5.90 limit on junior and senior taxing districts. The levy for such flood control districts is still within the constitutional $10 limit. Should the $10 limit be exceeded the flood control districts will be the first priority to be pro-rationed down. This bill has been passed to the Rules Committee where it awaits action to potentially bring it to the floor for a vote. This bill passed the Senate 44-2 and has been referred to the House Ways & Means Committee. The bill was amended on the floor of the Senate. The effects of the amendments were to allow any metropolitan park district in King County to go to a vote of the people to protect their levy, should their levy be subject to pro-rationing. Previously only park districts over 150,000 persons could do this. Additionally, the amendments limit the exemption from the $5.90 limit to flood control zone districts that are co-extensive with a county with a population of 1.5 million or more.