



# Washington Fire Chiefs Legislative Report

Prepared by: J. Dylan Doty, WFC Lobbyist

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## **Session Overview/Interim Preview**

The 2019 Legislative Session adjourned *Sine Die* on Sunday, April 28, the last day of the 105-day session. Legislators concluded their work by passing a new biennial Operating Budget, as well as biennial Capital and Transportation Budgets. Budget details are below. In all, over two thousand bills were introduced in the 105-day session. The final numbers are not tallied yet for 2019, but historically, roughly 18-19% of all bills introduced in long sessions will become law.

Attention now turns to the interim, which is highlighted by the race for a new Speaker of the House. Longtime Speaker Frank Chopp (D-43, Seattle) is relinquishing control of the House shortly after session, and Representative John Lovick (D-44, Mill Creek) has been selected to serve as Interim Speaker until the end of 2019. House Democrats will gather on or before July 31 to vote on a new Speaker-elect, who will assume the role formally once the 2020 session is convened.

Several retirements from the Legislature are also possible, and one legislative seat is on the ballot as well, with Senator Liz Lovelett (D-40, Anacortes) looking to retain the seat to which she was appointed in February and finish the term originally won by Kevin Ranker, who resigned early in the legislative session. In addition to the legislative-related changes, dozens of candidates are also jockeying for position for the 2020 races for Governor, Attorney General, and all other statewide offices.

Lastly, at least one ballot measure will be going to the voters this November. Initiative 976 is the latest effort to reduce car tab fees in the wake of Sound Transit 3, and would re-impose a \$30 cap on all car tabs. Initiative 1000 relating to affirmative action was approved by the Legislature, but faces a possible referendum that could put it on the ballot this November as well.

## **2019-21 Operating Budget**

The Legislature passed a biennial operating budget on the final day of session, making a number of investments in agencies and programs across the state. In total, the record-setting \$52.4 billion budget represents a roughly 17% increase over the 2017-19 biennial budget. In addition to several billion dollars of new revenue from baseline tax collections, the Democratically-controlled House and Senate also passed roughly \$836 million in new taxes. The primary sources of new revenue include a restructuring of the real estate excise tax (REET), imposing an excise tax on vapor products, modifying various tax preferences (such as the out-of-state sales tax exemption for Oregonians), and increasing the hazardous-substance tax often paid by oil companies. The Legislature also increased the business-and-occupation (B&O) tax for large



financial institutions. A second type of B&O tax increase sought by Microsoft raises hundreds of millions more to expand college financial aid and high-demand degree programs, such as nursing, engineering and computer science.

Of note to the fire service community:

- Approximately \$45.5 million to DNR and other agencies for wildland fire and forest health management
- JATC – \$1,000,000 is appropriated from the fire service training account (086)
- Mobilization – \$8 million is provided as the placeholder amount for the 2019-21 biennium for state mobilization; a total of \$17,375,000 was appropriated for mobilization costs in the previous biennium.
- \$485,000 was approved for each of the next two years to implement HB 1784, wildfire prevention
- \$157,000 was approved for each of the next two years to fund the Wenatchee Valley College Wildfire Prevention Program
- \$100,000 was approved for the Military Department to collaborate with local jurisdictions and submit a report to the legislature by October 1, 2020 on the actual cost per fiscal year to operate and maintain 911 systems

### **2019-21 Capital Budget**

A relatively quiet year for the fire service in the Capital Budget resulted in a handful of investments in various projects across the state. Overall, the Capital Budget appropriates a total of \$4.9 billion, with \$3.2 billion in general obligations bonds. Below is a list of projects of interests to the fire service community:

- Fire Training Academy, Stormwater Remediation – \$3.132 million (\$2.8M new)
- FTA Burn Building, Structural Repairs – \$750,000
- Dept. of Natural Resources, Wildfire Mitigation – \$14.2 million
- Centerville Fire Department – \$216,000
- Mt. Peak Fire Lookout Tower – \$381,000
- Naches Fire & Rescue, Yakima Co. #3 – \$200,000
- Snohomish County Fire District #26 Communications Project (Gold Bar) – \$27,000
- Fire Alarms for Fircrest School, Lakeland Village, Rainier School, Western State Hospital, and Echo Glen – \$11.8 million
- Western State Hospital Fire Door Replacement – \$5.1 million
- Eastern State Hospital Fire & Smoke Controls – \$2.05 million
- Eastern State Hospital Fire Stops – \$2.13 million
- Scatter Creek Wildlife Area Fire Damage – \$1.25 million
- DNR, City of Omak Fire Suppression Water Flow Infrastructure – \$1.3 million



## 2019 Legislative Issues

In addition to the budget issues, a number of important policy bills were worked in 2019, with the WFC and our fire service partners securing passage of many and working successfully to either amend or oppose many others.

### Priority Legislative Issues

*SB 1170 (Griffey/Goodman), All-Risk Mobilization Sunset Extension* – Removes the sunset provision on the mobilization of all-risk resources in non-fire emergencies; clarifies that mobilization may not be used to assist law enforcement with police activities during a civil protest or demonstration, or other exercise by the people of their First Amendment rights.

- Passed the Legislature and awaits signature by the Governor. Will take effect 7/1/19.

*SB 5010 (Rolfes), Annexation of Unprotected Lands within Fire Jurisdiction Boundaries* – A process is established for local fire districts to annex areas that receive protection, but do not pay a local fire district levy. Annexations must be initiated by January 1, 2021. Prior to annexing a parcel, the fire district must coordinate with county assessors, notify the owner of record, and hold a public hearing. Following the hearing, fire districts must pass a resolution for annexation to be approved by the county legislative authority. Owners of record may appeal resolutions for annexation to the county legislative authority. The bill includes legislative findings and defines terms.

- Passed the Legislature and signed into law by the Governor on 4/29; takes effect 7/28/19.

*HB 1169 (Peterson/Griffey), Cost Recovery for Auto Accidents* – Entitles fire protection districts, regional fire protection service authorities, and municipal fire departments to recover the actual costs associated with the cleanup or removal of hazardous waste and other hazardous materials from insurers.

- Passed the House and passed from the Senate Financial Institutions Committee, but failed to pass the full Senate prior to cutoff; the bill is alive for action in 2020.

*HB 1912 (Blake)/ SB 5829 (Mullet), Volunteer FF Pension Increase* – Increases the annual disability relief fees for members and employers of volunteer firefighters, emergency medical workers, and law enforcement reserve officers. Increases the pension paid to volunteers from a maximum of \$300, to a maximum of \$350 plus \$10 per month for each year the retirement fee is paid beyond 25 years.

- Passed the House but failed to pass the Senate prior to cutoff; alive for 2020.

*SB 5996 (Van De Wege), Wildfire Prevention & Suppression Funding* – Creates a surcharge on property and casualty insurance premiums of 0.52 percent. Allocates the revenue raised to the new Wildfire Prevention and Suppression Account. Prioritizes expenditures from the Wildfire Prevention and Suppression account in the following order: (1) emergency firefighting, (2)



preparedness, (3) fire suppression activities of agencies other than DNR, (4) fire prevention, and (5) forest health activities.

- Failed to pass prior to adjournment; alive again in 2020.

#### Other Bills of Interest – Operations

*SB 5958 (Lovelett), Piggybacking Procurement Fix* – Clarifies that any obligation related to competitive bidding arising from a statute or local ordinance is satisfied for a piggybacking local government agency if: 1) the host agency and the piggybacking agency sign an interlocal agreement and file it with the county auditor or post it online by subject; 2) the host agency complies with its statutory contracting requirements and posts the solicitation online; and 3) the vendor agrees to the arrangement through the initial solicitation documents.

- Passed the Legislature and signed into law by the Governor; effective 7/28/19.

*SB 5418 (Takko), Local Government Procurement/Bid Limit Increase* – Omnibus local government procurement bill. For fire protection districts, contract thresholds for when competitive bidding is required are increased as follows: the estimated cost exceeds \$40,000; the estimated cost exceeds \$75,000, when using the alternative bidding process; and the estimated cost exceeds \$30,000, when contracting for work involving the construction or improvement of a fire station or other buildings.

- Passed the Legislature and awaits signature by the Governor.

*SB 5670 (Wagoner), Expanded ILA Authority for Vehicle & Equipment Repair* – A fire protection district is authorized to enter into interlocal agreements with local jurisdictions to maintain and repair vehicles or equipment owned and used exclusively by a county, city, town, school district, or other political subdivision of Washington. A district may also provide maintenance and repair of school buses.

- Passed the Legislature and awaits signature by the Governor.

*SB 5272 (Hunt), Additional 1/10 of 1 Cent Sales Tax Authority for Emergency Communications Centers* – The tax rate for a sales and use tax for emergency communication systems and facilities is increased from 0.1 percent to 0.2 percent of the selling price in the case of sales tax, or value of the article used, in the case of a use tax. However, any county already imposing the tax must submit an authorizing proposition to the voters before it may increase the tax rate. A county with a population of more than 1.5 million must enter into interlocal agreements with its cities with populations over 50,000 regarding revenue distribution, even if a city is part of a regional communication system. If requested to do so and under mutually agreeable terms, the Washington State Patrol must enter into an intergovernmental agreement with a county, city, or regional communications agency that operates emergency communications systems for purpose of interoperable communications.

- Passed the Legislature and awaits signature by the Governor.



*SB 5337 (Takko), Sales & Use Tax Exemption* – The sale or use of personal property resulting from a merger of two political subdivisions is exempt from sales and use taxes. Personal property sold by one political subdivision to another is also exempt from sales and use taxes if there is a contract allowing the taxpayers of the seller to continue benefiting from the use of the property. This Act is exempt from tax preference performance statement requirements and expires January 1, 2030.

- Passed the Legislature and signed into law by the Governor 4/29; takes effect 7/28/19.

*Sb 5313 (Wellman), School Levies* – Allows a district to levy at the lesser of \$2.50 per \$1,000 of assessed value or \$2,500 per pupil for school districts with fewer than 40,000 FTE students. Allows a district to levy at the lesser of \$2.50 per \$1,000 of assessed value or \$3,000 per pupil for school districts with 40,000 FTE students or more. Provides local effort assistance to school districts that do not generate an enrichment levy of at least \$1,550 per student when levying at a rate of \$1.50 per \$1,000 of assessed value. Provides enrichment funding to charter schools and state-tribal compact schools based on the local enrichment levy collected by school districts, up to \$1,550 per student. Provides additional enrichment funding to school districts that meet certain enrollment criteria. Requires school districts, beginning in the 2019-20 school year, to provide an expenditure schedule that identifies the amount expended on certain supplementary enrichment activities. Requires, should the state auditor find that a school district has used local revenues for non-enrichment activities, the school district's maximum enrichment levy collection must be reduced.

- Passed the Legislature and awaits signature by the Governor; takes effect 7/28/19.

#### Other Bills of Interest – Wildland

*HB 1188 (Dent), Rangeland Fire Protection Associations* – Authorizes the creation of Rangeland Fire Protection Associations (RFPAs). Establishes criteria for the formation, operation, and membership of RFPAs. Requires the Department of Natural Resources (DNR) to provide certain information to RFPAs concerning the DNR's wildfire detection, prevention, and suppression activities. Authorizes both the DNR and fire protection service agencies to enter into agreements with RFPAs for the detection, prevention, or suppression of wildfires. Directs the DNR to assist RFPAs, to the extent practicable, in procuring funding, equipment, and training. Authorizes the DNR to develop recommendations concerning the formation, management, operation, and training for RFPAs. Requires the Department of Labor and Industries to adopt an exterior firefighting training and certification standard that is appropriate for rangeland firefighting.

- Failed to pass from House Appropriations prior to cutoff; alive for 2020

*HB 1784 (Kretz), DNR Wildfire Prevention* – Directs the Department of Natural Resources (DNR) to prioritize, to the maximum extent practicable, forest health treatments that serve the dual benefits of forest health maximization and strategic wildfire response. Requires the DNR to track areas of forest health treatments, and other relevant geographic features in planning a fire



response. Authorizes outdoor burning within urban growth areas for certain purposes, subject to certain conditions. Provides the DNR with the authority to issue burning permits for wildfire reduction purposes on lands where the DNR does not have fire protection responsibility. Modifies the scope of purposes for which the DNR may issue a burning permit.

- Passed the Legislature and awaits signature by the Governor.

*SB 5305 (Van De Wege), Utility Wildland Fire Prevention* – The Commissioner of Public Lands (Commissioner) must convene a utility wildland fire prevention task force (task force) with electrical distribution utilities by July 1, 2019. The task force must continue to meet no less than quarterly until December 1, 2020.

- Passed the Legislature and signed into law by the Governor; effective 7/28/19.

#### Other Bills of Interest – Labor

*HB 1913 (Doglio), Presumptive Occupational Disease Expansion* – The same occupational disease presumptions for firefighters are applicable to fire investigators. For purposes of the presumptions, firefighter is expanded to include a person employed on a full-time, fully compensated basis emergency medical technician—firefighter EMT. Mesothelioma, stomach cancer, nonmelanoma skin cancer, breast cancer in women, and cervical cancer are added as types of presumptive cancers. The director of L&I must create an advisory committee on occupational disease presumptions composed of two epidemiologists, two preventative medicine physicians, and one industrial hygienist.

- Passed the Legislature and signed into law by the Governor; effective 7/28/19.

*HB 1909 (Graham), Confidentiality of Industrial Insurance Records* – Allows employers or duly authorized representatives to review industrial insurance claim files. Requires the Department of Labor and Industries to notify employers and workers upon the allowance of a claim of their rights and responsibilities under this act. Subjects an employer to a civil penalty of \$1,000 for each occurrence where the employer or employer's authorized representative reveals information in an injured worker's claim file regarding a mental health condition or treatment to any person other than an authorized representative.

- Passed the Legislature and signed into law by the Governor; effective 7/28/19.

*HB 2144 (Sullivan), Funding LEOFF 2 Benefit Improvements* – Transfers \$300 million from the Law Enforcement Officers' and Firefighters' Plan 2 Retirement Fund to the Benefit Enhancement Account. Eliminates biennial transfers from the State General Fund Transfer Local Public Safety Enhancement Account.

- Passed the Legislature and awaits signature by the Governor; takes effect upon signing.

*SB 5175 (Braun), Firefighter Safety* – L&I must establish best practices to improve safety and health outcomes for firefighters, including best practices: for a proactive health and safety risk



management system consisting of a joint employer and employee governance structure to oversee a continuous process of identification, evaluation, monitoring and controlling, and reporting safety and health hazards in the workplace; to reduce firefighter risk of exposure to carcinogens; and to prevent or reduce the risk of injuries and illness with particular focus on causes of compensable workers' compensation claims. Employers of firefighters who implement the best practices may be eligible for a premium discount as determined by L&I. L&I must consult with firefighters and their employers in establishing the best practices and criteria for a premium discount. The term firefighter is defined to exclude volunteer firefighters. L&I may provide funding of up to two percent of the premiums paid in the prior year from the risk classes for firefighters for the purposes of providing funding to state fund employers of firefighters who have limited resources to purchase additional equipment and other gear needed to follow best practices. L&I may require matching funds from employers.

- Passed the Legislature and signed into law by the Governor; takes effect 7/28/19.

*Sb 5894 (Braun), Firefighters Pension Levy* – Cities and towns are authorized to continue imposing the additional pension levy for either LEOFF 1 medical benefits or other municipal purposes until the municipality no longer has any LEOFF 1 retirees receiving medical benefits. However, the proceeds must be spent on LEOFF 1 medical benefits prior to being spent for any other purpose.

- Passed the Legislature and awaits signature by the Governor; takes effect 7/28/19.

#### Other Bills of Interest - WSAFM

*HB 1023 (Macri), Adult-Family Homes 6-8 Bed Increase* – Allows adult family homes to increase their bed capacity from six to seven or eight beds if they meet specified licensing standards, including that the home is in compliance with DSHS rules regarding emergency evacuation and that the home has a residential sprinkler system in place for residents who require assistance during an evacuation.

- Passed both chambers, but failed to receive a concurrence vote by the House; alive again in 2020.

*SB 5284 (Liiias), Smoke Detection Devices* – Requires property sellers to provide at least one smoke detection device before the buyer occupies the dwelling unit; and Imposes a fine if there is a fire and a property seller did not provide a smoke detection device. Establishes that insurers consider credits and discounts for fire alarms. Requires the Office of the Insurance Commissioner to report on the use of discounts and credits by December 31, 2020.

- Passed the Legislature and awaits signature by the Governor.

*HB 1134 (Peterson), Food Truck Inspections* – Requires the State Building Code Council to establish and adopt rules relating to fire permits for food trucks. Requires all food trucks to: (1) be annually inspected by a local fire district; (2) obtain a valid state fire permit sticker upon successful compliance with the state fire permit requirements; and (3) affix and display a current



valid state fire permit. Establishes a check list of requirements that food truck vendors must comply with in order to obtain a valid statewide fire permit. Requires the Department of Licensing to create state fire permit stickers and distribute them to local fire districts throughout the state. Makes it a civil infraction for any person to remove, replicate, or otherwise interfere with the display of a state fire permit.

- Passed from the Local Gov Committee, but failed to pass Appropriations prior to cutoff; alive again in 2020. A different bill regarding health inspections of food trucks did pass.

*HB 1754 (Santos), Hosting of Homeless by Religious Organizations* – Places new limitations on the ability of counties, cities or towns, and code cities to regulate outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization. Allows a county, city or town, or code city to require a religious organization hosting the homeless and the agency managing the hosting to enter into a memorandum of understanding to protect the public health and safety of residents. Requires religious organizations hosting the homeless to comply with certain regulations relating to sex offender checks, vehicle and driver laws, and the homeless client management information system.

- Failed to pass the House prior to cutoff; alive again in 2020.

*HB 1337 (Barkis), Code Enforcement Officers* – Expands the list of aggravating circumstances that may support imposition of an exceptional sentence above the standard sentencing range to include assault of a code enforcement officer acting in his or her official capacity.

- Failed to pass the House prior to cutoff; alive again in 2020.

### **I-1000, Diversity & Equity**

The Legislature voted to approve I-1000 on the final day of the session. The Legislature's action prevents the initiative from automatically going to the ballot in November, as would have occurred had the Legislature taken no action on the initiative. I-1000 amends the provision of law that prohibits the state from discriminating against or granting preferential treatment to an individual or group based on certain characteristics in public employment, public education, and public contracting; it creates the Governor's Commission on Diversity, Equity, and Inclusion responsible for directing, monitoring, and enforcing state agency compliance with the initiative and reporting on state agency progress in achieving diversity, equity, and inclusion; and it requires a memorandum and draft legislation regarding necessary statutory changes to bring nomenclature and processes in line with the initiative. An effort is expected by opponents to gather signatures for a referendum on this initiative, which could ultimately lead to it being on the ballot this November regardless of the Legislature's action. The deadline to gather sufficient signatures for a referendum is July 27.

### **2020 Preview**



All bills that failed to pass in 2019 are alive for 2020. In addition to cost recovery and the volunteer pension increase, a number of other topics will likely be raised between now and the beginning of the 2020 legislative session that will require our attention next year.