



# Washington Fire Chiefs Legislative Report

Prepared by: J. Dylan Doty, WFC Lobbyist

Date: March 10, 2016

## **Legislative Session Update**

The 2016 Legislature is staggering toward the finish line, with Thursday, March 10 the final day of the Constitutionally-prescribed 60-day session. Lawmakers from both the House and Senate have largely completed their work, with only a few significant items still lingering. At the time of this writing, it appears that a special session is likely to be needed, as the Supplemental Operating Budget and a few other key issues have yet to be fully resolved. While most expect any special session to be short and to the point, some are nervous about a recent threat by Governor Inslee to veto legislation until a budget is passed. Regardless, things will happen fast over the next day or so, and an update will be forthcoming when things break free.

## **Supplemental Operating Budget & Supplemental Capital Budget**

One of the last major hurdles before adjourning the 2016 legislative session is the passage of the supplemental operating budget and supplemental capital budget. Disagreements remain between the House and Senate leadership regarding the investments and changes that may need to be made from last year's biennial budgets. On the operating budget, proposals differ on issues like wildland fire funding to the Department of Natural Resources, pension-related shortfalls and a potential merger of certain pension programs, and more. On the capital budget side, issues remain concerning the Model Toxics Control Account and other areas. At the time of this writing, negotiations are ongoing but are not yet complete. With time running short before the mandated adjournment on March 10, it is likely that even if a deal is reached today, it would require a short special session to get the necessary paperwork completed and take the appropriate votes. A full write-up of any significant changes from last year's budget will be provided once things are completed.

## **2016 Fire Service Legislative Issues**

- Regional Fire Authority Formation and Equity
  - HB 2321 (Stokesbary) passed the House and passed from the Senate Government Operations Committee before stalling on the floor of the Senate. This bill would have

equalized a handful of provisions between RFAs and existing law for fire protection districts, and also clarified the formation process.

- HB 1605 (Peterson) passed the House before stalling in the Senate Government Operations Committee. This bill would have allowed for a simple majority to renew fire benefit charges by RFAs but was amended in the House to include an outright exemption from any fire benefit charges by a number of affordable housing entities.
- Both these measures will be up for discussions during the interim as we look to come to agreement with the affordable housing groups as well as Senate leaders who have been hesitant to grant simple majority and other provisions to RFAs.
- CBRNE Hazmat Planning
  - HB 2575 (Farrell) passed the House before stalling in the Senate Ways & Means Committee. This bill was an update on 2015's oil transportation safety act, and included a key provision that would have updated the 2006 CBRNE plan for several hundred thousand dollars. Concerns over the funding source have likely stalled this issue in 2016, though support for the update is widespread and action in 2017 appears hopeful.
- Wildland Fire Legislation
  - SB 6657 (Parlette) is still alive and awaiting amendment by the Senate to reflect changes requested by the fire service and DNR. This is an omnibus approach that contains a number of issues found in dozens of stand-alone bills in 2016. It is not yet clear whether this bill will be able to pass both the House and Senate prior to the Legislature finally wrapping up its business, but budget provisions are also being sought on a number of the key policy provisions. This is a moving target that will continue being worked hard into the waning hours of session.
  - SB 6439 (Bailey) passed the Senate unanimously before stalling in the House Appropriations Committee. This bill states that when members of the volunteer firefighters' and reserve officers' retirement plan exceed the hours needed for the position to become an eligible position, due to service in a large-scale state emergency, the affected individuals shall have a ninety-day window from the eligibility date or the end of the emergency, whichever comes last, to choose whether to join the public employees' retirement system or remain with the volunteer firefighters' and reserve officers' retirement plan. The stand-alone bill did not move forward, though some version of this has been included in some of the drafts of the omnibus wildfire bill, though it is unclear whether it will remain in a final version.
  - HB 2579 (Griffey) was introduced at the request of the WFC and included two primary provisions regarding prefire mitigation – Ready Set Go implementation and incentives to the voluntary local adoption of the Wildland Urban Interface (WUI) Code. This bill stalled individually, as did most of the dozens of other wildfire-related bills, but language concerning these issues is being pushed for inclusion in any omnibus bill that may be passed this session.

- Fireworks Regulation
  - HB 2348 (Hawkins) passed the House Local Government Committee before stalling in House Rules. This bill would have allowed greater flexibility regarding local fireworks ordinances, including allowing for temporary, emergency restrictions in period of extreme fire danger. Concerns over the impact of any local bans within the traditional one-year waiting period helped stall the legislation, though stakeholders plan to convene during the interim to discuss possible approaches to allowing for emergency ordinances.
- Building Codes & Homeless Housing
  - HB 2929 (Parker) passed the House and Senate after being amended to reflect concerns from the Fire Marshals Association and other groups. This bill would prohibit a local jurisdiction from enacting an ordinance or regulation or taking any other action that requires the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings that were built in accordance with the laws at the time of construction and being used for temporary homeless housing for 30 days at a time and allows for the installation of smoke detectors at the request of a local fire marshal. This bill has been worked extremely hard to ensure the narrowest approach possible. At the time of this writing, the bill is awaiting concurrence by the House to the Senate's amendments prior to being sent to the Governor for signature.
- Flame Retardant Chemicals
  - HB 2545 (Van De Wege) passed the House and Senate and is awaiting signature by the Governor for final implementation. This bill has seen various iterations over the past number of years but finally came to fruition with the banning of five toxic flame retardants and a review of six other potentially harmful chemicals. While agency authority to ban chemicals was removed from the final bill, it is nonetheless a success seeing certain harmful flame retardants removed from circulation.
- City Fire District Formation
  - HB 2708 (Appleton) passed the House and passed from the Senate Government Operations Committee prior to stalling in the Rules Committee. This bill would have created a method for a city to establish a fire protection district with boundaries that are the same as the corporate boundaries of the city or town for the provision of fire prevention services, fire suppression services, and emergency medical services, and for the protection of life and property within the city or town. Several amendments concerning the potential impact on municipal airports as well as private ambulance service helped slow the bill. It is expected that some form of this legislation will return in 2017.
- Property Tax Reform – Restructuring 1% Limit
  - While no legislation was introduced in 2016 regarding restructuring the 1% limit, we joined with a coalition of other local government entities (counties, cities, and other special purpose districts) to further the conversation with legislators about a long-term

solution to local government funding needs. Initial conversations were productive and helped set the stage for interim planning and discussion on these important issues.

- **Public Records Reform**
  - HB 2576 (McBride) passed the House Local Government and House General Government & Information Technology Committees prior to stalling on the House floor. This bill would have revised the Public Records Act with respect to requests to local agencies. This is a controversial subject and conversations and negotiations are expected to continue into the interim with the hopes of seeing another version of legislation in 2017.
- **Pension Merger – LEOFF 1 and TRS 1**
  - SB 6668 (Hill) passed the Senate Ways & Means Committee but has not seen action since. This bill merges law enforcement officers' and firefighters' retirement system plan 1 assets, liabilities, and membership with the teachers' retirement system plan 1 and establishes a funding policy for the merged plan. The proponents say this would save potentially hundreds of millions of dollars. It is unlikely this merger plan will move forward in 2016, though similar proposals may be expected in the future.
- **Fire Vehicles in HOV Lanes**
  - While several bills were introduced in 2016 regarding express toll lanes and possible exemptions for fire and police vehicles, no legislation ultimately passed. We are working with other stakeholders, including affected cities, to seek rulemaking this interim with the Department of Transportation on clarifying exemptions for fire service vehicles in all toll lanes.
- **Fire Sprinkler Systems**
  - SB 6284 (Takko) passed the Senate and House and has been delivered to the Governor for final signature. This bill prohibits a water-sewer district from: (1) Prohibiting the use of multipurpose fire sprinkler systems that are part of a structure's plumbing system for single-family homes and townhouses; or (2) Requiring a separate water meter or backflow preventer for the sprinkler system.