



# Washington Fire Chiefs Legislative Report

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## Legislative Session Update

We are nearing the end of the scheduled 105-day regular session, which is set to adjourn on April 26.

## 2015 Session Cutoff Calendar

January 12, 2015 First Day of Session

February 20, 2015 Last day to read in committee reports in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.

February 27, 2015 Last day to read in committee reports from House fiscal committees and Senate Ways & Means and Transportation committees in house of origin.

March 11, 2015 Last day to consider bills in house of origin (5 p.m.).

April 1, 2015 Last day to read in committee reports from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.

April 7, 2015 Last day to read in opposite house committee reports from House fiscal committees and Senate Ways & Means and Transportation committees.

April 15, 2015\* Last day to consider opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, differences between the houses, and matters incident to the interim and closing of the session).

April 26, 2015 Last day allowed for regular session under state constitution.

\* After the 94th day, only initiatives, alternatives to initiatives, budgets and matters necessary to implement budgets, matters that affect state revenue, messages pertaining to amendments, differences between the houses, and matters incident to the interim and closing of the session may be considered.

## Legislative Priority List

The 2015 WFC Legislative Top Five list:

- All-Risk Mobilization
  - HB 1389 and SB 5181 each received strong hearings in the policy committees (House Public Safety & Senate Government Operations), and both are moving on to the fiscal committees. HB 1389 passed the House unanimously on 3/10; passed S. Gov Ops unanimously and awaits action in S. Ways & Means.
- Raise EMS levy cap to \$0.75/\$1,000 of A.V.
  - HB 1251 received a hearing in the House Finance Committee on Jan 23. WFC testified in strong support. No further action is expected.
- Public records request compliance funding
  - HB 1980 (Springer) – Implements the sunshine committee's recommendations on exemptions from disclosure with regard to: (1) Certain financial information identifiable to an individual that concerns the amount and conditions of his or her assets, liabilities, or credit including social security numbers; (2) Information relating to enhanced 911 emergency communications systems and emergency notification systems; (3) Information contained in a local or regionally maintained gang database; and (4) Proprietary reports or information obtained by the Washington pollution liability insurance program director in soliciting bids from insurers. Allows participants' names, general locations, and point of contact to be disclosed to other persons who apply for ridematching services and who need that information in order to identify potential riders or drivers with whom to share rides. Passed House 89-9 on 3/10; passed S. Gov Ops and awaits action in S. Rules.
  - HB 1086 would establish a cost recovery mechanism for public records sought for commercial purposes. It received a hearing in the House State Gov Committee on Jan 20; WFC supported by signing in. Failed to move prior to cutoff.
  - HB 1684 was introduced on Jan 23 and would allow for cost recovery for electronic production of records per copy or per megabyte. It passed to H Rules but no further action taken.
  - HB 1349 exempts from public inspection and copying under the public records act, the following information held by a public agency in personnel records, public employment related records, volunteer rosters, or included in a mailing list of employees or volunteers of a public agency: In-home child care providers exempt from certain licensing requirements. Requires a requester, before obtaining records containing the name or nonexempt contact information of employees or volunteers from an agency, to swear under oath that he or she will not use the information to obtain certain exempted information for a commercial purpose or to harass, stalk, threaten, or intimidate a person. Passed the House 51-47 on 3/9. No action in S. Commerce & Labor.
- Volunteer firefighter incentives

- The WFC is working with other fire service groups to identify appropriate volunteer incentives and to develop a strategic plan for implementing those incentives, including possible legislation.
- HB 2054 would establish community service standards for individuals receiving unemployment benefits, including being a volunteer FF.
- Regional Fire Authority legislation
  - HB 1368 received a public hearing in the House Local Government Committee on Jan 29 and is scheduled in House Finance on Feb 10. This bill would accomplish five things: (1) Allow existing RFAs to serve as a “participating jurisdiction” for the purposes of formation, allowing two existing RFAs to merge; (2) Allow for a simple majority for the renewal of an existing fire benefit charge (FBC) after imposition by a super majority of the voters, thus bringing RFAs in line with existing law for fire districts; (3) Allow the RFA planning committee to hold the public hearing on a proposed FBC if the FBC is part of the initial formation of the RFA (primarily a technical fix); (4) Allow for pro-ratoning protection for the RFA above the \$5.90 like a fire district if the RFA is operating with the \$1.50 limit; and (5) Allow for protection of the 101% capacity should a FBC renewal fail, bringing RFAs in line with existing law for fire districts.
    - Passed the House 58-39 on 3/10; received hearing in S. Gov Ops but failed to move prior to cutoff.
    - A Senate companion, SB 5906, was introduced by Sen. McAuliffe and passed from Committee but failed to move prior to cutoff.
  - HB 1606 & SB 5537 would authorize regional cities to create a regional fire protection service authority. The State Council is taking the lead on this effort.
    - Both bills failed to pass their respective chambers prior to cutoff.

Other important issues:

- Washington GEMT Program
  - HB 2007 and SB 5840 have each passed the House and Senate respectively and await action in the opposite chamber. 2007 passed 88-10; 5840 passed 40-7. Each has passed fiscal committee and await action in H/S Rules.
- Operating Budget (HB 1106/SB 5077)
  - Both proposals have JATC funding at \$700K.
  - HB 1106 – A total of \$13.7 million is provided for items related to preparing for and responding to the risk of oil spills by rail and vessel. Items include funding for ESHB 1449 (Oil transportation safety), grants for oil spill response equipment, geographic response plans, oil spill risk assessments, and a study of hazardous material response capability in Washington.
  - HB 1106 – Funding is increased by \$2.5M for DNR fire suppression, including five additional fire engine crews, seasonal firefighters specialized for helicopter operations, incident command, and a geographic information system specialist.

- Both proposals allocate \$5 million in funding is provided to grant financial assistance to an estimated 16 counties to replace analog 911 telephone equipment. The current equipment is at the end of its useful life and will be replaced with Next Generation 911 capable telephone equipment.
- SB 5077 – A total of \$6 million in funding is provided for grants to emergency responders throughout the state to assist with oil spill and hazardous material response and firefighting equipment to prepare and respond to the risk of spills by rail and marine vessel pursuant to Engrossed Second Substitute Senate Bill 5057 (Hazardous Materials Transport). Authorizes the Utilities and Transportation Commission to provide safety standards for private railroad crossings and to perform hazardous materials inspections.
- SB 5077 – The September 2015 transfer to the Local Public Safety Enhancement Account, half of which is dedicated by statute to increase pension benefits for members of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2), and half of which would be allocated to local government employers of LEOFF 2 members is suspended for the 2015-17 biennium.
- Funding to support the Fire Training Academy – Capital Budget (HB 1115/SB 5097)
  - The Governor's proposed Capital Budget included \$13.7 million for the burn building replacement; \$900K for access road repairs; \$400K for communications (microwave tower); \$100K for predesign for balance of Phase I Master Plan Projects; and \$250K for emergency preservation and repair. The proposal did not include the \$3 million in predesign and design funds for Phase II of the Master Plan.
  - The House Capital Budget proposal funded only the residential burn building (\$5.2M) and the access road repairs (\$1M). The Senate has yet to release their proposal.
- Vehicle weight and length limits
  - HB 1222/SB 5457 – each has passed house or origin unanimously. HB 1222 passed S. Transportation and awaits action on the Senate floor.
- Biennial budget authority
  - HB 1313/SB 5182 have each passed unanimously and have passed from their policy committees and await action in H/S Rules.
- Rural amphitheater surcharge for EMS
  - HB 1009 & SB 5000 would allow for a rural amphitheater surcharge of up to \$1 per ticket to pay for EMS services. The bills each received hearings the first week of session and are awaiting further action. Neither bill passed chamber of origin prior to cutoff.
- Forest Fire Legislation
  - A number of bills have been introduced in response to the wildfire season and concerns regarding DNR's response...
  - HB 2093 (Kretz) – A compromise bill with DNR that eliminated the need for the following bills. This bill requires the commissioner of public lands to: (1) Appoint a local wildland fire liaison that reports directly to the commissioner or the supervisor and generally represents the interests and concerns of landowners and the general public during fire suppression activities of the department of natural resources; and (2) Appoint and

maintain a wildland fire advisory committee to generally advise the commissioner on matters related to wildland firefighting in the state. Authorizes an individual to enter privately owned or publicly owned land to attempt to extinguish or control a wildland fire, regardless of whether the individual owns the land. Expands the duties of the department of natural resources with regard to maximizing the effective utilization of local fire suppression assets. It passed the House 97-0 on 3/10 and awaits action in S. Ways & Means.

- HB 1237 (Kretz) - Authorizes certain landowners, landowners' agents, and other persons to access land owned or managed by the department of natural resources or the department of fish and wildlife to construct a fire line or take other preventive measures intended to stop or slow the spread of a fire onto property owned by, or under the responsibility of, the actor. Provides that, for the purposes of this act: (1) Accessing department of natural resources-managed land for the purposes of fire suppression is considered authorized access; and (2) Cutting and/or removing timber for the purposes of fire suppression is considered an authorized activity.
  - Received hearing on 2/5 in House Natural Resources Committee
- HB 1508 (Kretz) – Authorizes a county to create a local forest fire protection division that is responsible for preventing and responding to forest fires in the county. Authorizes two or more counties to organize into a single local forest fire protection division. Requires notification to the department of natural resources of the creation of a local forest fire protection division within thirty days of its creation. Requires the department of natural resources to, upon the request of a county's local forest fire protection division, assist the county in any fire response necessary to protect public safety.
  - Received hearing on 2/5 in House Natural Resources Committee
- HB 1509 (Kretz) - Requires the department of natural resources, in implementing the authority to direct the work of forest fire suppression, to give first priority to fire suppression resource contractors that are located geographically closer to the actual fire suppression activities.
  - Received hearing on 2/5 in House Natural Resources Committee
- HB 1677 (Short) - Requires county commissioners to: (1) Establish and maintain a list of private contract firefighters, firms, corporations, and individuals qualified and available to provide fire suppression services in each county; and (2) In developing the list, consider the entities' firefighting experience, knowledge of local terrain, geography, and community resources, and ownership of or access to and experience with equipment used in fire suppression. Requires the department of natural resources to: (1) Based on the lists, compile and maintain a statewide list, to be organized by region, of private contract firefighters, firms, corporations, and individuals in each county; and (2) Within one hour of receiving notification or otherwise learning of an active fire, determine whether government resources are available to be deployed for initial suppression. Requires each regional fire service plan to include a strategy to use geographically

convenient private contract firefighters and other individuals available to provide fire suppression services.

- Received hearing on 2/5 in House Natural Resources Committee
  - HB 1699 (Blake) - Provides immunity from liability to an individual that enters privately owned or publicly owned land for the purpose of attempting to extinguish or control a wildfire.
    - Scheduled for hearing in House Natural Resources Committee on 2/11
- Occupational diseases – all received hearings on Feb 5
  - HB 1602, allowing for certain prima facie presumptions for occupational diseases affecting emergency medical technicians. Awaits action on House floor.
  - HB 1603, allowing for certain prima facie presumptions for occupational diseases affecting public employee fire investigators. Awaits action on House floor.
  - HB 1604, requiring the department of labor and industries to convene a work group to discuss establishing definitions, policies, and procedures for mandatory reporting of hazardous exposures suffered in the course of employment by firefighters. Passed House 96-1 on 3/4; passed S. Commerce & Labor and awaits action in S. Rules.
- 10-year smoke alarms
  - HB 1824 would impose a point-of-sale prohibition starting in 2017 of any smoke alarm that is not a 10-year, tamper-resistant alarm. Failed to pass House prior to cutoff.
- Community paramedicine
  - SB 5591 was introduced on Jan 23 and would allow emergency medical services to develop community assistance referral and education services programs. Passed the Senate 37-11 on 3/3; passed H. Health Care and awaits action in H. Rules.
  - A similar House version, HB 2044, was introduced in the House that included the private ambulance carriers, but it was amended to mirror 5591. Failed to pass prior to cutoff.
- Permanent fire benefit charge
  - HB 1605 would amend the statutes governing fire benefit charges for fire districts and RFAs to allow for a ten-year or permanent fire benefit charge. The State Council is taking the lead on this effort. Passed the House 56-42 on 3/10; received hearing in S. Gov Ops but failed to move prior to cutoff.
- Basic firefighter training
  - HB 1382 & SB 5455 have been introduced addressing the delivery of basic firefighter training and testing. The Fire Commissioners Association is taking the lead on this effort, and these bills would require the director of fire protection to develop and adopt a plan for the Washington state patrol fire training academy to deliver basic firefighter training and testing. Both bills passed the House and Senate unanimously and passed committee in opposite chamber.
- Oil Transportation Safety
  - HB 1449/SB 5087 (Farrell/Rolfes) - Changes regulatory programs covering the over-land and over-water transportation of oil, including requiring railroads to do oil spill response planning and provide information to the Department of Ecology about their oil transport

activities, authorizing rulemaking by the Pilotage Commission to require tug escorts for oil-laden vessels, and authorizing rulemaking by the Utilities and Transportation Commission to set safety standards for private railroad crossings. Increases the Oil Spill Administration Tax on oil received from vessels to 10 cents per 42-gallon barrel, and expands the tax's scope to include oil received by rail and pipeline.

- 1449 passed the House 60-38; amended to mirror SB 5057 and passed from S. Environment and awaits action in S. Ways & Means.
  - SB 5057 (Erickson) - Requires the department of ecology to: (1) Provide grants to emergency responders to assist with oil spill and hazardous materials response and firefighting equipment and resources needed to meet the requirements of this act; and (2) Convene a panel to evaluate and assess vessel traffic management and vessel traffic safety within the Columbia river and Grays Harbor. Requires first-class cities to provide to the utilities and transportation commission a list of existing public crossings within the limits of a first-class city. Requires the emergency management council to require local emergency planning organizations to submit hazardous materials plans and to update the plans on a five-year cycle for compliance review by the adjutant general. Requires the department of ecology and the utilities and transportation commission to jointly hold a symposium on oil spill prevention and response activities for international transport of liquid bulk crude oil. Authorizes the utilities and transportation commission to adopt rules governing safety standards for private crossings along the railroad tracks over which crude oil is transported in the state. Authorizes employees of the utilities and transportation commission, certified by the federal railroad administration to perform hazardous materials inspections, to enter the property of any business that receives, ships, or offers for shipment hazardous materials by rail. Imposes an oil spill response tax and an oil spill administration tax on the privilege of receiving crude oil at a bulk oil terminal within this state from a tank car. Makes an appropriation.
    - 5057 passed the Senate on a party-line vote, 26-23; amended to mirror HB 1449 and passed by H. Environment to H. Appropriations.
  - HB 1809/SB 5697 - Establishes minimum crew size requirements for freight and passenger trains and trains carrying hazardous materials. Creates exceptions to the requirements and increases penalties for violations.
    - Both bills scheduled for hearing on 2/9
  - SB 5834 - Addresses oil transportation safety. No hearing received.
- Banning toxic flame retardants
  - HB 1174 received a hearing in the House Environment Committee on Jan 19; the WA Fire Marshal's Association testified in support. Passed the House 95-3; received hearing in S. Environment but failed to move prior to cutoff. May return as NTIB.
  - SB 5056 also deals with toxic chemicals, but is not being supported by proponents of HB 1174; WFC signed in with concerns during the hearing on Jan 22.
- State Building Code Council
  - A number of bills have been introduced that touch on various codes and the authority of the State Building Code Council, including efforts to move to a six-year code cycle (SB

- 5185, failed to pass Senate), and efforts to modify regulations on buildings four stories and higher (SB 5139, passed Senate and passed H. Local Gov).
- Two bills dealing primarily with the Energy Code – HB 1289/SB 5804 – were introduced. 5804 passed the Senate and passed H. Local Gov.
  - Ambulance billing/payment patients
    - The WFC has been in contact with insurance representatives to discuss the ongoing issue of certain insurance companies issuing payment directly to the patient rather than the service provider for ambulance transportation. While most companies in most instances pay the provider, there are some instances in which this is not the case. It is possible that this is due to federal regulations, however, and we are investigating whether that is the case and, if so, how best to proceed on the issue.
  - EMD – Continuity of Operations
    - HB 1047/SB 5020 (Goodman/Bailey) - Places responsibility on each state agency for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.
      - Both bills have passed chamber of origin and opposite policy committees; await action in fiscal committees.
  - Natural Disaster Economic Recovery Account
    - HB 2022 (Hawkins) - Creates the natural disaster economic recovery account which will be administered by the department of commerce. Requires expenditures from the account to be used only for an area affected by a state of emergency as declared by the governor due to a natural disaster. No action taken.
  - Geological Hazards Assessment
    - HB 1182/SB 5088 (Hurst/Pearson) – Requires the state Geological Survey (Survey) to apply the best practicable technology, including light detection and ranging (Lidar) mapping, while performing its existing obligation to identify and map volcanic, seismic, landslide, and tsunami hazards. Requires the state Survey to acquire new data and coordinate with, compile, and share data with state and local governments, and to create and maintain a publicly available database of Lidar and geological hazard maps and geotechnical reports.
      - 5088 passed the Senate; passed H. policy committee and is in H. Rules.
  - School Safety Issues
    - HB 1003 (Hawkins) - Requires the state school directors' association to: (1) Develop a model policy addressing restoration of the safe learning environment disrupted by natural disaster impacts to school district infrastructures; and (2) Distribute the model policy to school districts, with encouragement to adopt the model policy locally and review the safe school plan. Expires September 1, 2016.
      - Passed the House unanimously; failed to pass S. Education committee.
    - HB 1974/SB 5252 (Stambaugh/Dammeier) - During the 2015-17 biennium, three ESDs must work with the ESD that has developed a model for a regional school safety and

security center to implement a pilot program to create and improve regional school safety and security centers in each of these four ESDs. The pilot program must include the following components: establishment of a network of school safety coordinators for the ESDs, which must focus on prevention planning, intervention, mitigation, crisis response, and community recovery regarding emergency incidents in schools; collaboration with the ESD that developed the model for a regional school safety and security center to adopt its model for a regional school safety and security center; creation of technology-based systems that enable more efficient and effective communication between schools and emergency response entities, including local law enforcement, local fire departments, and state and federal responders; provision of technology support to improve communication and data management between schools and emergency response entities; ongoing training of school personnel and emergency responders to establish a system for preventative identification, intervention strategies, and management of risk behaviors; developing a professional development program to train school personnel as first responders until the arrival of emergency responders; and building a collaborative relationship between ESDs participating in the pilot program and OSPI and the school safety advisory committee, focusing on expanding regional school safety and security centers to all of the other ESDs. The pilot program expires December 31, 2017.

- 5252 passed Senate unanimously; awaits action in H. Appropriations.

- Unmanned Aircraft

- HB 1639 (Taylor) – Prohibits a state agency, including the Washington state patrol and the department of natural resources, from procuring an extraordinary sensing device unless money is expressly appropriated by the legislature for this specific purpose. Prohibits a local agency from procuring an extraordinary sensing device without the explicit approval of the governing body of the locality, given for that specific extraordinary sensing device to be used for a specific purpose. Requires the governing body for each local agency and the elected or appointed official in charge for each state agency to develop and make publicly available, written policies and procedures for the use of any extraordinary sensing device procured, and provide notice and opportunity for public comment before adoption of the written policies and procedures. Requires the office of the chief information officer to construct a web site publicly listing every agency's written policies and procedures.
  - Passed the House 73-25 on 3/6; passed S. Law & Justice and is in S. Rules.
- HB 1093 (Morris) - Prohibits the use of unmanned aircraft equipped with sensing devices that collect personal information, including images of individuals on private property that could not have been captured without the assistance of the unmanned aircraft.
  - Passed House 94-3; passed to S. Rules.
- HB 2016 (Klippert) - Imposes limitations on the collection of information using unmanned aerial vehicles.
  - No action taken.