



Washington Fire Chiefs Legislative Report

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2021 Session Review

The 2021 Legislature adjourned *Sine Die* on Sunday, April 25th, the 105th and final day of the session. Prior to adjourning, lawmakers passed a number of significant pieces of legislation ranging from climate policy (cap & trade, low carbon fuel standards) to police reform (tactics, use of force standards, state oversight, independent prosecutions), as well as a first-step toward changing the overall tax structure in Washington with a capital gains tax. Major efforts were also made to address the recent State Supreme Court Decision regarding possession of controlled substances (the *Blake* decision). Work remains on transportation, however, and could potentially lead to a special session later this year.

Operating Budget & Federal COVID Relief

Lawmakers enacted a roughly \$59 billion state operating budget prior to adjourning. With over \$3 billion in new revenue from more robust tax collection than previously expected, as well as over \$4 billion in federal COVID-relief dollars, the state was able to make significant investments in a number of areas. Below are specific budget notes of interest to the fire service, followed by high-level examples of priority spending and savings items in this year's budget:

JATC Funding

\$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

- The joint apprenticeship training committee shall submit a report to the fiscal committees of the legislature by December 1, 2022, describing how the funding appropriated in this section was spent during the biennium. At a minimum, the report shall include information about the number of individuals that completed the training, the level of training or type of training being taught, the total cost of training everyone through completion, the percentage of passage rate for trainees, and the geographic location of the fire department sponsoring the trainee.

Fire Service Mobilization

- \$18.47 million to backfill from last year's wildfire season
- A slightly increased placeholder amount of \$8.5 million (instead of the usual \$8) for the coming wildland season (no language concerning pre-positioning or early deployment)

Safe Stations Pilot Program

\$200,000 of the general fund—state appropriation for fiscal year 2022, \$195,000 of the general fund—state appropriation for fiscal year 2023, and \$755,000 of the general fund—federal



appropriation are provided solely for a grant program to award funding to fire departments in the state of Washington to implement safe station pilot programs. Programs that combine the safe station approach with fire department mobile integrated health programs such as the community assistance referral and education services program under RCW 35.21.930 are encouraged. Certified substance use disorder peer specialists may be employed in a safe station pilot program if the authority determines that a plan is in place to provide appropriate levels of supervision and technical support. Safe station pilot programs shall collaborate with behavioral health administrative services organizations, local crisis providers, and other stakeholders to develop a streamlined process for referring safe station clients to the appropriate level of care. Funding for pilot programs under this subsection shall be used for new or expanded programs and may not be used to supplant existing funding.

Helmet Distribution Program

\$20,000 of the general fund—state appropriation for fiscal year 2022 and \$20,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a helmet distribution program in order to reduce traumatic brain injuries throughout the state. Of these amounts:

- (a) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a grant to the Washington fire chiefs association to provide helmets to persons contacted by an official of a local fire department for not wearing a helmet while riding a skateboard or bicycle; and
- (b) \$10,000 of the general fund—state appropriation for fiscal year 2022 and \$10,000 of the general fund—state appropriation for fiscal year 2023 are provided solely to the Washington association of sheriffs and police chiefs to distribute to local law enforcement agencies to provide helmets to persons contacted by an official of a local law enforcement agency for not wearing a helmet while riding a skateboard or bicycle.

DNR Forest Management and Wildfire Mitigation

\$125 million in state funds for wildfire preparedness, prevention, and protection activities

Federal Funding Appropriations

- \$1.7 billion for school reopening, addressing learning loss, and other allowable costs under Elementary and Secondary School Emergency Relief
- \$1.1 billion for the vaccine deployment, recruitment of public health workers, contact tracing and testing • \$658 million to extend the state’s rental assistance program
- \$528 million for childcare grants and provider rates
- \$500 million in state funds for Unemployment Insurance benefit relief
- \$340 million for grants to adults who have been impacted by COVID-19 but are unable to access other benefits due to their citizenship status
- \$187 million to help prevent foreclosure for individuals under 100% area median income
- \$170 million for family leave during the period of the pandemic



General Spending Items

- \$800 million in state funds for expenditure into the Teachers Retirement System Plan 1 fund to reduce the unfunded actuarial accrued liability of the fund
- \$664 million in state and federal funds to increase rates for certain Medicaid providers
- \$602 million in state and federal funds to restore health care related savings
- \$517 million in state and federal funds to increase behavioral health services, including provider rate increases, community supports, and crisis teams
- \$454 million in state and federal funds for personal care, family support and other services for low-income individuals living in community settings
- \$309 million in state and federal funds for learning recovery, educational technology, and stabilization funding for public schools
- \$298 million in state and federal funds to fund the Fair Start Act, which includes a variety of early learning and childcare initiatives
- \$292 million in state funds for housing, rental, and related services
- \$261 million in state funds to implement the working families tax credit
- \$147 million in state funds for the Foundational Public Health initiative

2021 Legislation of Interest – Bills Passing the Legislature

Despite the limitations of a virtual legislative session, lawmakers were busy working on a number of significant policy proposals that will have lasting impacts for years to come. Below is a short list of bills that passed the Legislature this session that are of interest to the fire service.

- Wildland Policy
 - *HB 1168 (Springer), DNR Forest Health and Wildfire Mitigation* – Priority legislation from the Commissioner of Public Lands and many fire service professionals, HB 1168 creates the Wildfire Response, Forest Restoration, and Community Resilience Account (Account) to fund certain wildfire preparedness, prevention, and protection activities and requires the Department of Natural Resources (DNR) to report every two years on how Account funds are used. The bill requires the DNR to implement a variety of wildfire preparedness, prevention, and forest health initiatives including increasing coordination with various entities, developing a forest health work force, providing an aviation support program, creating a small forest landowner forest health program, and exploring and developing markets for woody biomass residuals from forest health treatments.
- Behavioral Health/Crisis Response
 - *HB 1477 (Orwall), Implementing the 988 System* – Directs the Department of Health to designate crisis hotline centers that meet standards related to technology and the ability to identify and deploy community crisis resources for persons



experiencing a behavioral health crisis. Establishes the Crisis Response Improvement Strategy Committee to develop a comprehensive assessment of the behavioral health crisis services system and a recommended vision for an integrated crisis network throughout Washington. Requires that health plans and medical assistance programs provide coverage for next day appointments for enrollees experiencing urgent, symptomatic behavioral health conditions, beginning in 2023. Establishes the Statewide 988 Behavioral Health Crisis Response Line Tax on phone lines to fund the crisis hotline centers and response services. Makes several appropriations to increase capacity for the existing crisis call centers and begin implementation of the crisis call center hub system and supporting technology.

- Fire Commissioner Boards
 - *HB 1159 (Berg), Concerning the Number of Fire District Commissioners* – Allows a fire protection district board of commissioners with five members to increase to seven members if approved by a majority of voters.
- Local Government Revenue
 - *HB 1189 (Duerr), Tax Increment Financing* – Authorizes local governments to designate tax increment financing areas and to use increased local property tax collections to fund public improvements.
 - Two fire service amendments were adopted to mitigate concerns relating to possible reductions in funding to fire districts should a TIF district be created. First, if a project analysis indicates that an increment area will impact at least 20 percent of assessed value in a fire district, they must negotiate mitigation strategies. Second, if a fire service agency's annual report demonstrates an increase in the level of service directly related to the increment area, the local government must negotiate a mitigation plan with the fire protection district or RFA to address level of service issues in the increment area.
- Presumptive Occupational Disease
 - *SB 5115 (Keiser), Establishing health emergency labor standards* – Creates an occupational disease presumption for frontline employees during a public health emergency for the purposes of workers' compensation. Requires employers to notify L&I when a certain percentage of their workforce becomes infected during a public health emergency. Requires employers to provide written notice to employees on the premises and their union of potential exposure to the infectious or contagious disease during a public health emergency. Prohibits discrimination against an employee who is high risk for seeking accommodation that protects them from the disease or using all available leave options if no accommodation is reasonable.



Bills Not Passing the Legislature

A number of bills failed to cross the finish line in 2021, all of which will be automatically reintroduced in 2022, the second year of the two-year legislative cycle. Below is a short list of bills that did not pass but that will be up for discussion again next session.

- Local Government Finances
 - *HB 1362 (Duerr), Property Tax Growth Limit* – Changes the 101 percent revenue growth limit to 100 percent plus population changes and inflation, with a limit of 103 percent.
 - *SB 5341 (Wilson, J.), Local Sales Tax Uses* – Expands the allowable uses of a portion of revenues raised from the local sales and use tax for public safety to include emergency medical services purposes.
 - *HB 1505 (Walsh), Funding Flexibility for Ambulance Service Training* – Clarifying that providing ambulance services in chapter 36.57 RCW includes the ability for the transportation authority to pay for training for the people that will provide the ambulance services.

- Open Public Meetings Act
 - *HB 1056 (Pollet), OPMA Flexibility During Declared Emergencies* – Allows a public agency to hold meetings of its governing body remotely or with limited in-person attendance after a declared emergency. Requires that the public be allowed to listen in real time and at no cost to meetings that are held remotely or with limited in-person attendance. Requires all public agencies, except for certain special purpose districts, cities, and towns, to post agendas online for regular meetings and for special meetings held remotely or with limited in-person attendance.

- Employment Liability
 - *HB 1341 (Bronoske), Professional Rescue Doctrine* – Abolishes the professional rescue doctrine that precludes a professional rescuer from recovering for injuries inherently within the scope of a particular rescue activity.
 - *HB 1076 (Hansen), Qui Tam Action* – Allows whistleblowers to bring legal actions on behalf of the state for violations of workplace protections.

- Pension Reform
 - *SB 5453 (Schoesler), Merging LEOFF 1 and TERS 1* – Merges the assets, liabilities, and membership of the Law Enforcement Officers' and Firefighters' retirement system Plan 1 with the teachers' retirement system Plan 1 into a new merged plan with two benefit tiers. Increases LEOFF 2 benefit enhancements.