



# Washington Fire Chiefs Legislative Report

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## **Session Preview**

The 2018 Legislature will convene on January 8 and is set to run for 60 consecutive days. With slim margins in both the House and Senate (one-vote Democratic majority in the Senate; two-vote Democratic majority in the House), and this being a short session leading into what promises to be a hotly contested 2018 election cycle, most are optimistic that the session will end on time in early March.

Key topics that may be in play in 2018 include the Hirst water issue and the Capital Budget, both of which are holdovers from 2017. Additionally, the McCleary education funding issue will again be in play in 2018 with the state Supreme Court ruling that the Legislature has not yet fully complied with the original McCleary funding order. Despite the Court's seeming acceptance of the overall plan passed by the Legislature in 2017, the phase-in period for parts of the plan that don't fully take effect until 2019 are in violation of the 2018 deadline set by the Court. Accordingly, the Court has ordered the Legislature to come up with what amounts to approximately \$1 billion in 2018 to more quickly implement the restructuring. The court will also maintain oversight of the case and the \$100,000-per-day fines the justices imposed in 2015. The Court is requiring the state to report back to the court in April 2018, after next year's legislative session is expected to end. Whether this will lead to new revenue options or simply a reshuffling of this past year's work remains to be seen. The latest revenue forecast shows that state revenues have increased by nearly \$319 million for the current two-year state budget, and that the state is projected to have nearly \$2.8 billion in reserves by the end of the biennium. It is possible that some of this money could be used to speed up the process on McCleary compliance. It is also possible that new funding sources, potentially including a carbon tax, could be sought to supplement the state revenue.

## **Governor's Proposed Supplemental Budget**

In mid-December, the Governor released his supplemental budget proposal for 2018. Below are highlights from his proposed Operating Budget.

### **Operating Budget Highlights**

- A one-time, \$950 million investment to meet the McCleary deadline by fully implementing the state's new salary allocation in the 2018–19 school year
- More than \$100 million in additional state funding to pay for improvements to the state's mental health system
- Nearly \$162 million to cover anticipated shortfalls in the state's Medicaid program



- Maintains more than \$2.1 billion in total reserves at the end of the biennium, including about \$1.4 billion in the state's rainy day fund
- Wildfire suppression costs – \$42.5 million from state general fund, \$10.9 million from Disaster Response Account, and \$6.7 million from federal reimbursements to DNR, Fish & Wildlife, and State Patrol to cover the unanticipated costs of responding to and fighting wildfires across the state. Fires occurred on over 404,000 acres, making 2017 the second-largest fire season in more than 15 years.
- Wildfire preparation and response – \$2.6 million to DNR to replace obsolete radios used in firefighting; \$792,000 to improve tracking systems for wildfire and forest health data and costs; \$287,000 for additional training for DNR and fire service personnel; \$291,000 to hire 1.5 permanent fire management staff to improve response capabilities for large fires; and \$75,000 to begin the replacement of aviation fuel trucks.
- Earthquake and tsunami hazards – \$543,000 from state general fund to DNR to enhance efforts to develop high-quality earthquake and tsunami hazard maps, including completing tsunami evacuation maps for all coastal communities
- Forest health treatment to Dept. of Fish & Wildlife – \$2 million from federal sources and \$3.1 million from other funds to complete forest thinning on an estimated 4,000 acres of department-owned and -managed lands to support healthy forest habitats and reduce the risk of wildfires
- Oil spill prevention – \$979,000 from the Oil Spill Prevention Account to Dept. of Ecology to expand oil spill planning efforts to address tar sands oil transported into the state. Increases the tax on oil transported by rail and vessel and expands the tax to include oil transported by pipelines to maintain oil spill prevention and preparedness programs to protect water and lands.
- Next Generation 911 – \$4.2 million from general fund, federal, is provided to continue implementation of Next Generation 911. Costs incurred have been higher than initially anticipated due to technical and contractual issues. This enhancement allows the public to send images, text messages and video to public safety answering points.
- Emergency response – \$1.3 million from the Disaster Response Account for the Military Department to increase funding to retain 15.5 emergency management staff who coordinate response during state emergencies to ensure that help is provided in a timely and effective manner. This funding offsets reductions in federal emergency management and homeland security grants.
- Public Safety Enhancement Account/Law Enforcement Officers' and Firefighters' Plan 2 Board – \$50 million from state general fund to provide additional funding to assist local governments in improving public safety. Local governments can invest the additional funding in civil justice, domestic violence prevention, assistance to parents, families with at-risk children or other public safety programs. Funding will also be used to help firefighters and police officers with retirement benefit enhancements.



### **Group Purchasing Organizations – Audit/AGO Update**

At the time of this writing, we are still awaiting a decision from the Attorney General’s Office in response to two questions submitted on our behalf by Rep. Dan Griffey. Pending the determination from the AG’s Office, and depending on the timing of such a decision, legislation is possible in 2018 regarding the ability of government entities to purchase certain items above \$50,000 based on a “best value” criteria.

### **FirstNet**

Following months of discussions, the Governor announced on December 26 that Washington State has chosen to opt-in to the First Responder Network Authority (FirstNet) and AT&T to deliver a wireless broadband network to the states' public safety community. In a joint statement with Governor Kate Brown of Oregon, Governor Inslee made the announcement just prior to the deadline. "Whether we're responding to wildfires in eastern Washington or floods in western Washington, our first responders must have a reliable communications network and this process was about ensuring we get them the best service possible," Inslee stated. "Washington’s Interoperability Executive Council and representatives on the RFP team provided critical feedback to us during this process. I am grateful for their work, and look forward to continuing ahead with AT&T to ensure our first responders have the best tools available to them in times of crisis." Representatives for the Fire Chiefs, as well as the State Council of Firefighters, had been in contact with the Governor’s office regarding the decision, and urged the Governor to opt in.

### **Potential Legislative Issues for 2018**

In addition to the budget issues and the possibility of pursuing legislation on the group purchasing issue, and number of other issues are potentially in play for 2018 as well...

*Capital Budget* – Critical funding authorization for the Fire Training Academy in North Bend is included in the proposed Capital Budget that failed to pass in 2017. There is hope that the Legislature will pass the Capital Budget early in the 2018 session.

*Constitutional Amendments* – Discussions have been underway with the State Council of Firefighters, the Fire Commissioners Association, and other key stakeholders, about initiating a conversation in 2018 regarding the possibility of a constitutional amendment to move fire districts and RFAs outside the \$10 constitutional property tax limit, similar to port districts. This would potentially free up space within the \$10 limit for other local governments, but would also provide critical budget stability to fire by removing the possibility of prorationing. A similar conversation regarding a constitutional amendment to allow for simple majority for M&O levies is also taking place. While neither measure would be expected to pass in 2018, there is consensus regarding the need to push the discussion forward. These issues are both in play as part of a larger discussion on incentivizing regionalization within the fire service.

*1% Property Tax Limit* – A renewed effort by a local government coalition that includes the Association of Counties, the Association of Cities, the Fire Chiefs, and others, will take place in



2018 regarding the 1% cap on property tax increases. Although the effort gained headway in 2017, it ultimately was not included in the final budget. We will continue supporting this effort in 2018.

*CBRNE Study Update* – The WFC is exploring the possibility of seeking a budget proviso in 2018’s supplemental operating budget to direct the state to update its 2007 CBRNE study, complete with identifying possible funding sources for full implantation.

*RFA Mergers & Annexations* – In 2017, SB 5454 was enacted that allows for fire protection districts to merge or annex with another district that is non-adjacent but within a reasonable proximity to the existing district. An effort is likely in 2018 to expand this language to include RFAs.

*All-Risk Mobilization* – In conjunction with the Fire Commissioners Association, a bill has been drafted to remove the sunset clause on the all-risk fire mobilization statute that passed in the wake of the Oso tragedy. The bill as passed in 2015 sunsets the new provisions allowing for “all-risk” mobilizations in June 2019. Removing that will be a priority either in 2018 or 2019.

*Wildland Fire Proposals* – A handful of wildland fire proposals are expected again in 2018. Rep. Tom Dent has publicly stated his intent to move forward with HB 1019 from 2017 that deals with pre-positioning of firefighting resources. Rep. Dent has also stated his desire to push again on HB 1839 to create a sales tax exemption for equipment purchased by fire districts in rural counties. A new proposal by Rep. Dent is being drafted that would allow for the formation of Rangeland Fire Protection Associations. Dent says it is an opportunity for local landowners to protect their own property and their neighbors’ property where no fire protection services are available. Idaho and Oregon have these associations in place and Dent says they are a success.

*WUI Code Adoption* – Legislation to require the adoption of the Wildland Urban Interface Code, or a version thereof, is being discussed by several legislators. There remains a desire on the part of many to require the adoption of the code as a means of mitigating damage from wildland fires. At the time of this writing, no bill has yet been introduced, though one is being contemplated.

*Smoke Alarms* – A renewed effort on an updated version of SB 5082 from 2017 is expected. As written last year, the bill requires an insurer, before issuing or renewing a policy of insurance to the owner of commercial or residential rental property for coverage of the premises, to require the owner to certify that he or she is in compliance with fire safety requirements. It also requires an insurer, before issuing or renewing a policy of insurance to an association for a condominium, to require the association to certify that the condominium is in compliance with fire safety requirements. An updated proposal from Senator Lias is expected, with current conversations including the potential of requiring smoke alarms in bedrooms when a residence is sold, similar to the a requirement for CO alarms.



*Toxic Flame Retardants in Firefighting Foam* – An effort from the Toxic Free Futures group is being discussed that would ban certain Class B foams that contain toxic chemicals. A proposal has not yet been drafted, but would potentially include exceptions for foams used for ARFF or other high-risk operations.

*LEOFF Employer Contributions for Contract Work* – The WFC has been in touch with the Governor’s Office and DNR about the possible need to reword a proviso from 2017’s Operating Budget that removes the state’s obligation to pay LEOFF contributions for work done via contract with a non-LEOFF employer. While the aim was primarily to get at contract work in the private sector, there are possible implications to DNR or even federal contract work that could have negative impacts. The issue is still being investigated prior to pushing for a specific change to the proviso.

*Mental Health and First Responders* – HB 2234/SB 5970 from the 2017 session are still alive for 2018, and although significant edits and redrafting are expected to occur, there is interest from several legislators regarding either a pilot project or other program to help first responders better address mental health concerns in incidents to which they respond. Outreach has begun with the WFC, the Washington Association of Sheriffs and Police Chiefs (WASPC), and the 911 community, as well as mental health advocates, on exploring ways to possibly create a more robust mental health response mechanism for those emergency calls that have a significant element of mental health concerns. It remains to be seen what this would ultimately look like, but a model that has been discussed is the community paramedicine model that would allow mental health teams to be available and dispatch-able via 911. This would not be housed within a fire department, but legislators and stakeholders are looking for insight and thoughts from fire on how to possibly implement such a program.

*Kittitas County Parcel Assessment* – Kittitas County is exploring the possibility of seeking legislative approval to impose a per parcel fee (amount to be determined) on certain properties located within the Wildland Urban Interface zone or other associated located. The fee would ostensibly go toward pre-fire mitigation efforts and code compliance with the WUI Code, which has been partially adopted by the county already.

*Fire Sprinkler Contractor License Fund Uses* – Although rulemaking has been finalized to clarify that hospital inspections will be funded from hospital license fees rather than the unrelated fire sprinkler contractor license fund, a legislative effort is still expected to remove hospital inspections from the allowable uses of that fund under RCW.