



Washington Fire Chiefs Legislative Report

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Session Review

The 2018 Legislature convened on January 8 and ran for 60 consecutive days, adjourning *Sine Die* on March 8. The short session was packed full of activity, beginning with the passage of a “fix” to the *Hirst* decision on rural water usage, as well as the passage of the biennial Capital Budget, which was held over from 2017. 2018 saw a number of hot-button issues introduced and moved, ranging from a repeal of the death penalty that did not ultimately pass to various gun control measures, some of which did; from controversial union bills to a ban on the farming of Atlantic salmon in net pens off the coast of Washington; and much more. The Legislature passed a bill preserving net neutrality (HB 2282) in the wake of the FCC’s rollback of such rules at the federal level. A carbon tax proposal (SB 6203) failed to advance despite strong support from the Governor and various other stakeholders, and an initiative to the public has already been filed with the Secretary of State’s office to place a similar proposal on the ballot this November. Other proposals concerning a property tax reduction in exchange for a capital gains tax failed to advance as well, though increased state revenues from existing sources allowed the Legislature to finalize a small reduction in property taxes state wide.

Attention now turns to the interim and to November elections. As with every election, we will see a number of new faces emerge and will see a number of familiar faces move on to other things. Already, a number of legislators have announced that they will not be seeking re-election, including House Transportation Chair Judy Clibborn (D-41, Mercer Island), House Minority Leader Dan Kristiansen (R-39, Snohomish), Rep. Ruth Kagi (D-32, Shoreline), Rep. Terry Nealy (R-16, Dayton), Rep. Jay Rodne (R-5, Snoqualmie), Rep. Larry Haler (R-8, Richland), Rep. Melanie Stambaugh (R-25, Puyallup), Rep. Liz Pike (R-18, Camas), and Sen. Michael Baumgartner (R-6, Spokane). With control of both the House and Senate at stake, both parties will be gearing up for a hard-fought campaign season between now and November.

Supplemental Operating Budget

The Legislature passed a supplemental operating budget on the final day of session, making a handful of adjustments to the biennial budget and making a number of new, small investments in key projects. Of note to the fire service community:

- \$150,000 was included for an update to the 2006 CBRNE plan
- E-911 funding was provided to the satisfaction of APCO and other stakeholders
- \$12.4 million was included in supplemental funding for fire mobilization costs
- \$160,000 was included for DNR to conduct mapping of wildland urban interface zones in accordance with SB 6109



- \$57,000 in 2018 and another \$136,000 in 2019 are appropriated for implementation of HB 2561 concerning the wildland fire advisory committee
- \$873,000 is appropriated from state general fund to DNR to provide to Kittitas County Fire District Seven as matching funds for a federal SAFER grant
- \$73,000 from the state toxics control account is appropriated to the Dept. of Ecology for implementation of SB 6413 concerning toxic firefighting foam
- \$3,000,000 is appropriated to the Dept. of Retirement Systems to implement SB 6214 concerning industrial insurance for PTSD
- \$349,000 is appropriated from the building code council account to the SBCC to implement HB 1622
- \$124,000 is appropriated to DRS to implement HB 2786 concerning LEOFF/DOC, DSHS firefighters
- \$1,000,000 of general fund dollars are appropriated for mental health response team grants in accordance with HB 2892
- \$200,000 is appropriated from the military department active state service account for training and planning of national guard members in accordance with SB 6269 on oil transportation safety

Capital Budget & Supplemental Capital Budget

Early in session, the Legislature passed the biennial capital budget from 2017. This budget contained the language sought by the fire service and the State Patrol regarding the Fire Training Academy in North Bend. The supplemental budget did not alter this language in the negative, and thus the FTA is on schedule to receive much-needed upgrades to the burn building and other ancillary projects this biennium.

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 at the end of 2017. Pending the determination from the AG’s Office, and depending on the timing of such a decision, legislation is possible in 2019 regarding the ability of government entities to purchase certain items above \$50,000 based on a “best value” criteria.

2018 Legislative Issues

In addition to the budget issues, a number of important policy bills were worked in 2018, 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 6109 (Van De Wege), WUI Code Adoption – Includes portions of the international wildland urban interface code in the state building code. Authorizes counties, cities, and towns to adopt



the international wildland urban interface code, or any portion thereof. Requires the department of natural resources to: (1) Establish a program of technical assistance to counties, cities, and towns for the development of findings of fact and maps establishing the wildland urban interface areas of jurisdictions in accordance with the requirements of the international wildland urban interface code; and (2) Develop and administer a grant program to provide direct financial assistance to counties, cities, and towns for the development of findings of fact and the maps.

- Passed and awaiting signature from the Gov.

HB 2627 (Springer), EMS Levies – Taxing districts are permitted to continue an existing six-year or 10-year levy with simple majority ballot approval, regardless of whether the tax rate increases, decreases, or remains the same. In order to include a countywide EMS levy on a ballot, three-fifths supermajority approval is required from the legislative authority of all taxing districts in a county with a population greater than 50,000 that provides emergency medical services reimbursable under the countywide levy. The initial imposition of a 6-year or 10-year emergency medical service (EMS) levy by a regional fire protection service authority to be approved with a simple majority vote if the entire region comprising the newly formed authority was subject to an EMS levy immediately prior to the creation of the authority.

- Passed and awaiting signature by the Gov.

HB 2576 (Griffey)/SB 6284 (Takko), RFA Mergers & Annexations – In 2017, SB 5454 was enacted that allows fire protection districts to merge or annex with another district that is non-adjacent but within a reasonable proximity to the existing district. This bill expands that authority to RFAs.

- HB 2576 passed and was signed into law by the Governor on 3/9; effective 6/9/18

HB 2508 (Goodman)/SB 6283 (Takko), All-Risk Mobilization Sunset – The bills to remove the sunset provision on all-risk mobilization were introduced to begin the conversation and educate legislators about the need for this fix prior to the current expiration date of July 1, 2019.

- The bills did not ultimately pass, but the issue is teed up for the 2019 session.

Other Bills of Interest

HB 2561 (Dent), Wildland Fire Advisory Committee – Requires the Wildland Fire Advisory Committee (Advisory Committee) to review and make recommendations on aspects related to wildfire preparedness and prevention by November 15, 2019. Requires the Department of Natural Resources to provide a status report of the Advisory Committee review by December 31, 2018. Requires the Advisory Committee to review recommendations contained in the 2017 Joint Legislative Audit and Review Committee report on fees assessed for forest fire protection, develop recommendations on potential processes to resolve the issue of unprotected lands, and consult with other relevant stakeholders that are not represented on the Committee, as the Committee deems necessary, by December 31, 2018; requires the Committee to establish plans



to help protect non-English speaking residents during wildfire emergencies; and makes the provisions in the bill subject to appropriation.

- Passed and awaiting signature by the Gov.

SB 6413 (Van De Wege)/HB 2793 (Peterson), Toxic Flame Retardants in Firefighting Foam –

The manufacture, sale and distribution of Class B firefighting foam that has PFAS chemical intentionally added is prohibited beginning July 1, 2020. The prohibition does not apply to the sale, manufacture, or use of Class B firefighting foam for: aircraft rescue and firefighting, required by federal law, as it existed on January 1, 2018; an oil refinery, oil terminal, or chemical plant. Ecology may adopt rules for the sale and use of firefighting foam, if the federal regulations are revised to allow the use of alternative firefighting agents that do not contain PFAS chemicals.

- 6413 passed and awaits action by the Governor

HB 2460, Fire Response Incident Cost Reimbursement – Fire departments regularly respond to automobile accidents, home fires and other incidents. In many instances, the owner of the car or home carries fire/accident insurance that allows the fire department to receive reimbursement for services and supplies beyond what taxpayers fund for fire department readiness. While many insurance companies regularly pay claims submitted under this reimbursement policy provision, some insurers are still not familiar with this practice and have, on occasion, erroneously denied reimbursement. This change in statute will clarify any confusion and streamline the reimbursement process for fire departments and the insurance companies.

- Received a hearing but failed to pass the Judiciary Committee prior to cutoff.

HB 1133 (Griffey), Fire Sprinkler Contractor License Fund Uses – Eliminates funding, from the fire protection contractor license fund, for standards for fire protection and its enforcement with respect to hospitals.

- Passed and awaiting signature by the Gov.

SB 6473 (Liiias)/HB 2864 (Eslick), “Gibby” Smoke Alarm Study – Directs the state director of fire protection to: (1) Investigate ways to prevent fire deaths in rental dwellings; (2) Educate landlords and tenants regarding their responsibilities; (3) Develop possible criminal penalties; (4) Evaluate insurance certification requirements or changes to the building code, and other possible programs or funding that would improve installation and maintenance of smoke detectors in rental apartments and single-family homes; and (5) Form a task force of stakeholders including landlords of residential units, tenants, local governments, firefighters, representatives from home builders and construction trades, the insurance industry, and a nonprofit that provides free smoke detectors and installation.

- 6473 passed the Senate but failed to pass the House prior to final cutoff

SB 6214 (Conway), PTSD Coverage for Law Enforcement & Firefighters – Exempts certain firefighters, law enforcement officers, and emergency medical technicians from a rule of the



Department of Labor and Industries that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease. Provides a prima facie presumption, with regard to certain firefighters, law enforcement officers, and emergency medical technicians who are covered under the state industrial insurance act, that posttraumatic stress disorder is an occupational disease.

- Passed and awaiting signature by the Gov.

SB 6213 (Ranker)/HB 2633 (Doglio), Occupational Disease Presumption – States that, there exists a prima facie presumption, with regard to public employee fire investigators who are covered under the state industrial insurance act, that the following are occupational diseases: Respiratory disease, heart problems, cancer, and infectious diseases. States that, there exists a prima facie presumption, with regard to law enforcement officers who are covered under the state industrial insurance act, that the following are occupational diseases: Heart and infectious diseases. Requires the Department of Labor and Industries to convene a work group to discuss policy and procedural options for amending the first responder occupations and occupational diseases.

- Appeared headed for passage but ultimately failed.

HB 2851 (Reeves), Calculation of Military Leave – Requires an officer or employee to be charged military leave for only the first calendar day, if he or she is scheduled to work a shift, for the state, county, city, or other political subdivision, that begins on one calendar day and ends on the next calendar day; and if he or she is scheduled to work a shift that begins on one calendar day and ends later than the next calendar day, he or she will be charged military leave for each calendar day except the day on which the shift ends.

- Passed and awaiting signature

HB 2381 (Macri)/SB 6372 (Walsh), Adult Family Homes 8 Beds – Authorizes an adult family home to provide services to up to eight adults upon approval from the department of social and health services.

- Passed the House unanimously but failed to move from the Senate Health Care Committee; WSAFM worked with stakeholders to try to improve the bill.

HB 2344 (Tharinger)/SB 6112 (Bailey), Adult Family Home Evacuation Standards – Modifies adult family home provisions with regard to: (1) Safe evacuations from the home in case of an emergency; and (2) Removing the language that prohibited keeping a non-ambulatory patient above the first floor of the home.

- 2344 passed the House but failed to pass the Senate prior to cutoff; WSAFM worked closely with the stakeholders, including DSHS, to get to neutral on the proposal.

HB 1622 (Senn), State Building Code Council – Modifies the administrative processes of the State Building Code Council (Council), including requiring the Council to adhere to statutory



requirements applicable to significant legislative rules. Establishes the Council in the Department of Enterprise Services (DES) and specifies that the DES provides administrative support and the Council has rulemaking authority. Creates separate building permit fees for commercial building permits and residential building permits. Creates a new fee for licensing of registered architects and entities engaged in the practice of architecture.

- Passed and awaiting signature by the Gov.

SB 6555 (Padden), Temporary Homeless Housing on Religious Properties – Prohibits a city, town, code city, or county from enacting an ordinance or regulation or taking any other action that: (1) Requires the installation of fire sprinklers or any structural modification to the size of windows or doors in buildings owned and operated by the organization that were built in accordance with the laws at the time of construction and are being used for housing the homeless; or (2) Changes the certificate of occupancy for a building. Requires a religious organization, for buildings owned by the organization and being used for housing the homeless, to install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official.

- The bill ultimately did not pass, but helped lead to improved dialogue at the local level.

SB 6015 (Hasegawa)/HB 2262 (Santos), Wrongful Death –Removes the requirements that second tier beneficiaries—parents and siblings—reside in the U.S. at the time of the decedent's death and be dependent on the decedent for financial support in order to recover in a wrongful death or survival action. Expands joint and several liability to public entities.

- 6015 passed the Senate 26-21 but stalled on the House floor minutes before cutoff.

SB 6002 (Saldana), Voting Rights Act – Establishes the Washington voting rights act of 2018 to promote equal voting opportunity in certain political subdivisions and establish a cause of action to redress lack of voter opportunity.

- Passed and awaits signature by the Gov.

SB 6145 (Saldana), Civil Service Requirements – As an alternative to being a United States citizen, applicants for city firefighter, city police, and county sheriff civil service positions may be lawful permanent residents of the United States. A city police or county sheriff may reject an application if the agency deems it does not have the resources to conduct the required background investigation. Resources means materials, funding, and staff time. An applicant's rights under state antidiscrimination laws are not impaired. The background investigation for a fully commissioned peace officer or reserve officer includes verification of immigration or citizenship status as either a citizen of the United States or a lawful permanent resident. Lawful permanent resident is a person lawfully admitted for permanent residence under federal law.

- Passed and awaits signature by the Gov.



HB 2786 (Kilduff), LEOFF Membership – Adds the Department of Social and Health Services and the Department of Corrections to the definition of "employer" for the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF) when employing firefighters serving at a prison or civil commitment center on an island.

- Passed and awaits signature by the Gov.

HB 2709 (Holy), LEOFF Director Salary – Allows the law enforcement officers' and firefighters' plan 2 retirement board to hire an executive director and fix his or her salary subject to periodic review by the board.

- Passed and awaits signature by the Gov.

HB 2892 (Lovick), Mental Health Field Response – Requires the Washington Association of Sheriffs and Police Chiefs to develop and implement a mental health field response team grant program to assist local law enforcement agencies to develop and operate mental health field response team capabilities, using mental health professionals to respond to encounters involving persons with mental health issues. Requires the state Institute for Public Policy, in consultation with the Washington Association of Sheriffs and Police Chiefs, to: (1) Develop data collection and reporting guidelines for grant recipients; and (2) Conduct a study on whether the use of mental health field response improves outcomes of interactions with persons experiencing behavioral health crises.

- Passed and awaits signature by the Gov.

SB 6269 (Ranker), Oil Transportation Safety – Finds that the Department of Ecology's oil spill program faces a critical funding gap due to the lack of adequate revenue to fully fund the prevention and preparedness services required by state law, including the 2015 Oil Transportation Safety Act. Declares an intent to: (1) Provide adequate revenue to fully fund prevention and preparedness services required by state law; (2) Direct the Department of Ecology to specifically address the risks of oils submerging and sinking; and (3) More extensively coordinate with our Canadian partners in order to protect the state's economy and its shared resources. Requires the department of ecology to: (1) Establish the Salish Sea shared waters forum to address common issues in the cross-boundary waterways between Washington state and British Columbia such as: Enhancing efforts to reduce oil spill risk, addressing navigational safety, and promoting data sharing; and (2) In consultation with the Puget Sound partnership and the pilotage commission, complete a report of vessel traffic and vessel traffic safety within the Strait of Juan de Fuca, Puget Sound area that includes the San Juan archipelago, its connected waterways, Haro Strait, Boundary Pass, Rosario Strait, and the waters south of Admiralty Inlet. Provides a July 1, 2021, expiration date for the Salish Sea shared waters forum.

- Passed the Senate 42-7; passed the House 62-35; awaits action from the Gov.

I-940 & HB 3003 (Goodman), Police Use of Force – Initiative to the Legislature on police use of force, de-escalation training, and more.



- Agreement was reached the final week of session and the initiative and accompanying bill were passed, hopefully avoiding an initiative in November.