

HOUSE BILL REPORT

2ESSB 6013

As Reported By House Committee On:
State Government
Revenue

Title: An act relating to fire protection services.

Brief Description: Changing provisions relating to fire protection services.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Skratek, Vognild, Snyder, Sheldon, McAuliffe and Ludwig).

Brief History:

Reported by House Committee on:
State Government, February 24, 1994, DP;
Revenue, February 28, 1994, DPA.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; L. Thomas, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King and Pruitt.

Staff: Bonnie Austin (786-7135).

Background: Over the past few years, problems have surfaced regarding the funding and provision of local fire services. In 1993, HB 1874 was introduced. The bill would have transferred the functions of the Division of Emergency Management and the Division of Fire Protection Services within the Department of Community Development into a new Department of Emergency Management. Funding would have come from a premium tax on insurance policies sold in the state.

During the 1993 interim, the Senate Government Operations Committee organized a Fire Study Work Group. This group has made recommendations in six areas: (1) gathering and reporting fire statistics; (2) fire service training; (3) fire service inspection; (4) fire investigation; (5) governance; and (6) funding.

Summary of Bill:

GOVERNANCE: The 10-member state Fire Protection Policy Board is reduced to eight members. Multiple representation on the board is eliminated; existing members will serve out the remainder of their terms. A representative of the fire control programs of the Department of Natural Resources is added to the board.

The Governor, rather than the director of the Department of Community, Trade, and Economic Development (CTED) will appoint the director of fire protection. The director of fire protection, rather than the director of CTED through the director of fire protection, continues to have the same responsibilities.

FIRE TRAINING: The Legislature finds that the paramount duty of the state in fire protection services is to enhance local training capacity. The new state priority on training is emphasized by reordering the prior sections on training in the Fire Protection Policy Board's duties. The board is specifically authorized to include within the master education and training plan agreements with community and technical colleges and other higher education institutions to provide programs directly. Training standards adopted by the board are minimum requirements; local fire agencies may have more stringent standards. The master plan must encourage cross training in law enforcement skills for fire investigations.

The director of fire protection is authorized to negotiate agreements with the State Board for Community and Technical Colleges, the Higher Education Coordinating Board, and the state colleges and universities. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and utilizing existing instructional personnel and facilities.

Monies from the fire services trust fund may be expended to lease facilities, as well as to construct them.

REGIONALISM: The Fire Protection Policy Board must give particular attention to the appropriate roles for both state agencies and local governments with fire protection responsibilities. To the extent possible, the board must encourage development of suitable regional organizations, taking such variables as geography, population, economic characteristics, and relative fire risk. The regions may reinforce coordination among state and local efforts, identify areas of special need in jurisdictions with limited resources, assist the state in its monitoring functions, identify funding needs and options, and provide models for building local capacity.

GATHERING AND REPORTING FIRE STATISTICS: In addition to the data gathering and reporting functions already required of the director of fire protection, specific authority is added to allow the Fire Protection Policy Board to contract with a qualified individual or organization to perform the duties. Such a contract may be let under the sole source provisions of the personal services contracting statute. The information provided must meet the needs of both state and local fire reporting agencies.

The date by which the director of fire protection must distribute an annual copy of fire statistics to each chief fire official in the state is moved from January 31 to June 30.

An obsolete statute which required that all forms, instruction, and similar documents for fire statistics reporting be furnished at state expense is repealed.

A separate state arson investigation information system is established in the Office of the Attorney General. The state arson investigation information system is to be developed in consultation with state and local fire investigators. All insurers required to file insurance claims must cooperate fully with any requests from the Attorney General in developing and maintaining this system. Confidentiality requirements are protected.

FIRE INSPECTION AND INVESTIGATION: The Fire Protection Policy Board must develop objectives and priorities in the following areas to improve the state's fire protection: (1) the comprehensiveness of state and local fire and life safety inspections; (2) the level of skills and training of inspectors; and (3) the efforts of local, regional, and state inspection agencies to improve coordination and reduce duplication.

Local officials responsible for investigating the cause and origin of fires shall document the extent of damage, rather than the extent of loss, of all fires. The contracting out provisions for fire protection districts are amended to include authority to contract for investigation services.

FURTHER STUDIES

The Association of Fire Commissioners, the Washington State Association of Counties and the Association of Washington Cities must submit a report on achieving greater efficiencies in the delivery of fire protection services to the Government Operations Committee of the Senate and the Local Government Committee of the House of Representatives by December 31, 1994.

The state Fire Protection Policy Board shall conduct a study on the overlapping and confusing jurisdiction and responsibilities of local governments concerning fire investigation. The board shall make recommendations to the Government Operations Committee of the Senate and the Local Government Committee of the House of Representatives on or before December 31, 1994.

The Fire Commissioners Association and the Department of Natural Resources shall submit reports on the feasibility of providing fire protection for lands not currently protected.

FUNDING: A 2 cent statewide property tax levy dedicated to state fire protection responsibilities within the Department of Community, Trade, and Economic Development is authorized. Classified and designated forest land is exempt. If the property tax limitation under RCW 84.52.050 is exceeded as a result of this 2 cent levy, a special pro rata provision affecting fire districts and cities is put into effect to compensate for a levy reduction.

Revenue: A 2 cent statewide property tax.

Fiscal Note: Available.

Effective Date: The bill contains a referendum clause and shall be submitted to the people at the next succeeding general election (November 1994).

Testimony For: This issue has been thoroughly studied by all of the affected parties. These consensus recommendations are necessary to forestall a crisis in local communities. Although there have been organizational problems, the major problem has been lack of funding. The property tax has traditionally been used to fund fire services in this state, thus it is an appropriate tax. This tax will be submitted to the people for their approval or rejection. The state has not adequately funded these areas in response to federal cuts. Of the fire fighters, 75 percent are volunteers. Money is needed for both training and arson investigation. This does not create a new bureaucracy but uses existing systems. There has been a deterioration of arson investigations in recent years.

Testimony Against: There should be a citizen representative on the Fire Protection Policy Board.

Witnesses: Senator Haugen, prime sponsor (pro); Senator Winsley (pro); Pete Spiller, Washington Fire Commission Association (pro); Gordon Walgren, Washington State Association of Fire Chiefs (pro); and Jack Avril (con).

HOUSE COMMITTEE ON REVENUE

Majority Report: Do pass as amended. Signed by 14 members: Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Caver; Cothorn; Leonard; Romero; Rust; Silver; Talcott; Thibaudeau and Wang.

Minority Report: Do not pass. Signed by 2 members: Representatives Fuhrman, Assistant Ranking Minority Member; and Van Luven.

Staff: Rick Peterson (786-7150).

Summary of Recommendation of Committee on Revenue Compared to Recommendation of Committee on State Government: The Revenue Committee striking amendment retains all the provisions of the substitute bill but delays the vote of the people from November 1994 to November 1995. In addition, it places the tax proceeds in a dedicated fund rather than the general fund.

Fiscal Note: Available.

Effective Date of Amended Bill: Thirty days after an affirmative vote of the people on the November 1995 ballot.

Testimony For: Seventy-five percent of the firefighters are volunteers. The state used to pay for training for volunteer firefighters but not any longer. The fire training center is deteriorating. Many areas can no longer adequately train firefighters locally. The fire training center is essential. Additional fire arson investigators are needed. The bill will allow local data on arson fires to be placed into the Attorney General's arson database. New programs need new funding sources and we need to be honest about priorities.

Testimony Against: None.

Witnesses: Senator Mary Margaret Haugen, prime sponsor; Senator Shirley Winsley, sponsor; Pete Spiller, Fire Districts; Gordon Walgren, Fire Chiefs; Ron Haworth, Fire Protection Policy Board; Mike Kapphan Farmers Insurance Group; and T. J. Nedrow, Washington State Fire Fighters Association.