

SENATE BILL REPORT

SB 6445

As Reported By Senate Committee On:
Government Operations & Elections, January 31, 2008

Title: An act relating to cost recovery for fire protection and public safety services rendered on navigable waters of the state to commercial vessels by fire protection agencies.

Brief Description: Allowing cost recovery for fire protection and public safety services rendered on navigable waters of the state to commercial vessels by fire protection agencies.

Sponsors: Senator Pridemore.

Brief History:

Committee Activity: Government Operations & Elections: 1/28/08, 1/31/08 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6445 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline, McDermott, Pridemore and Swecker.

Staff: Khalia Gibson (786-7460)

Background: According to RCW 52.33.030, every fire protection district and regional fire protection service authority is required to maintain a written statement or policy that establishes the services that the fire department is required to provide, and functions that the fire department's employees are expected to perform.

Fire protection districts and regional fire protection service authorities are also required to include service delivery objectives in the written statement or policy, including specific response time objectives for marine rescue and fire fighting.

When a fire or public safety incident occurs either inside, or outside the limits of a district, and help is asked of the district, no current law exists that provides for the cost recovery of services. Most commercial vessels carry insurance to respond to firefighting cost claims. Vessels are also required by existing state and federal law to have oil spill contingency plans that include consideration of response to marine vessel fires.

If a commercial vessel is located outside of the district boundary, the district's services may be considered voluntary. Although a salvage claim is possible under maritime law, salvage claim reimbursement is uncertain. If the vessel is within a district boundary, the service would likely

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be considered part of the firefighting agency's general duties in the district and not a voluntary service.

Summary of Bill: The bill as referred to committee was not considered.

SUMMARY OF BILL (Recommended Substitute): When a fire or public safety incident involving a commercial vessel occurs on navigable waters, within or outside of the territorial limits of any fire protection district, city, town, or regional fire protection service authority, the responding fire protection agency may receive reimbursement from the person or vessel receiving the marine rescue and firefighting services. The fire protection agency is entitled to recover the contract or reasonable value of equipment use, personnel costs, and other incidental costs related to the incident.

The original bill was not considered because of a minor citation error within the bill, and the clarification of a defined term.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute Bill: PRO: This bill is in response to the Vancouver shipboard fire which occurred. There were many crews there and there was more than \$50,000 in costs in which reimbursement requests were denied for failure to cite a legal basis for the claim. After submitting a salvage claim, funds were reimbursed after approximately six months. The funds to pay for these claims will come from the commercial entity who is responsible for the vessel. This bill will give agencies the option to seek reimbursement for costs, where they usually did not seek reimbursement in the past. Oregon has a similar law in place, but their law goes beyond a marine focus. Commercial vessel is already a defined term under Washington law in relation to contingency planning. Commercial vessels are required to carry liability insurance to cover these types of incidences.

CON: There was no contact made with the seafood processors before submitting this bill. A major shift in tax policy is required to implement these changes. Basic fire services should not be shifted to a retail level. There is no sound public policy to support this bill.

Persons Testifying: PRO: Senator Craig Pridemore, prime sponsor; Don Bivins, Washington Fire Chiefs; Liz Wainwright, Maritime Fire & Safety Association.

CON: Clif Finch, Seafood Processors.