

HOUSE BILL REPORT

HB 1169

As Reported by House Committee On:
Local Government

Title: An act relating to clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions.

Brief Description: Clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions.

Sponsors: Representatives Peterson, Griffey, Goodman, Ortiz-Self and Pollet.

Brief History:

Committee Activity:

Local Government: 1/23/19, 1/30/19 [DP].

Brief Summary of Bill

- Allows fire protection districts, regional fire protection service authority, and municipal fire departments to recover, from an insurer, the reasonable costs associated with the cleanup or removal of hazardous waste and other hazardous materials.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 5 members: Representatives Pollet, Chair; Peterson, Vice Chair; Appleton, Goehner and Senn.

Minority Report: Do not pass. Signed by 1 member: Representative Kraft, Ranking Minority Member.

Staff: Robbi Kesler (786-7153).

Background:

Fire Districts.

Fire protection districts are created to provide fire and emergency services to protect life and property in locations outside of cities and towns. A fire district may be established through a

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process involving a petition by the residents of a proposed district, a public hearing, and voter approval. A board of three to five elected commissioners govern fire districts.

Municipal Fire Department.

A municipal fire department is a city or town fire department responsible for firefighting actions, emergency medical services, and other special operations in a specified geographic area. The department must be composed of mostly career firefighters, not volunteers.

Liability for Damage.

One statute governing hazardous materials incidents provides liability for response costs for a person that causes a hazardous materials incident. A person transporting hazardous materials, other than the operating employees of a transportation company, is liable to the state or any political subdivision for extraordinary costs incurred in the course of protecting the public from actual or threatened harm resulting from the incident.

Extraordinary Costs.

Any other person that causes a hazardous materials incident, other than a person transporting hazardous materials or an operating employee of a company, is liable to a municipal fire department or fire district for extraordinary costs in the course of protecting the public from actual or threatened harm resulting from the incident, until the incident oversight is assumed by the Department of Ecology. Extraordinary costs means reasonable and necessary costs that exceed the normal and usual expenses anticipated, including overtime for public employees, unusual fuel consumption requirements, loss or damage to publicly owned equipment, and the purchase or lease of necessary special equipment or services.

Summary of Bill:

New sections are added to allow a fire protection district, regional fire protection service authority, and municipal fire departments to recover, from an insurer, the reasonable costs associated with the cleanup or removal of hazardous waste and other hazardous materials, including debris, or vehicle fluids of any kind, when responding to an incident on private or public property, if the incident involves an insured party. The amount of the claim shall not exceed the insured party's policy liability limit, except in cases where extraordinary costs are incurred by the fire district or department.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There is a cost burden to fire departments for cleanup, and clarifying the law to make sure those cleanup costs can be charged to the insurance companies is needed. About 75 percent of insurance companies do pay these bills, but some do not because of technical word games. The playing field needs to be leveled. Fire departments struggle to find revenue streams outside of tax revenue. An average cleanup costs about \$500. Without an affirmative statement regarding the legality of collection, insurance companies sometimes do not pay. Currently, anything that goes above and beyond the basic removal of debris, such as preventing waste from going into the waterways, is allowed to be collected, and now we would like to clarify this area of the law to be able to recover more. Fire agencies use and earmark these funds for certain programs. Examples include: physical and mental health programs, trainings, and equipment replacement to offset hard costs for responding to these incidents.

(Opposed) None.

Persons Testifying: Representative Peterson, prime sponsor; Keith Wright, Washington Fire Chiefs; Tim McKern, Central Mason Fire and EMS; and Steven Kaufman, EF Recovery, LLC.

Persons Signed In To Testify But Not Testifying: None.