

SENATE BILL REPORT

ESB 6462

As Passed Senate, February 15, 2010

Title: An act relating to firefighter duties.

Brief Description: Addressing the duties of a firefighter at the scene of a wildfire beyond the boundaries of the firefighter's district.

Sponsors: Senators Honeyford, Hewitt, Schoesler, Holmquist, Stevens, Morton, Delvin, King, Roach, Becker and Swecker.

Brief History:

Committee Activity: Government Operations & Elections: 1/28/10 [DP].
Passed Senate: 2/15/10, 47-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

Staff: Edward Redmond (786-7471)

Background: Fire protection districts are created to provide fire prevention, fire suppression, and emergency services within a district's boundaries. A fire protection district may be established through voter approval and financed by imposing regular property taxes, excess voter-approved property tax levies, and benefit charges. Currently, firefighters are not required to engage in fire suppression efforts if the fire occurs outside the boundaries of their fire protection district.

Summary of Engrossed Bill: A firefighter present at the scene of a wildfire has a duty to undertake fire-suppressing efforts if the fire poses a danger to human life or structures. This duty extends to wildfires beyond the boundaries of the firefighter's district. No such duty, however, is required when a firefighter does not have the equipment or manpower at the scene to fight the fire in a safe or reasonable manner. The priorities and methods to fight such fires are determined by the chain of command within the pertinent agency. If no such chain of command has been established, the firefighting priorities and methods will be determined by the most senior firefighter on the engine.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

State and municipal firefighters, both paid and volunteer, are immune from civil liability under the following circumstances: (1) when engaging in firefighting efforts outside their jurisdiction; and (2) when providing emergency care, rescue, assistance, or recovery services at the scene of an emergency. This immunity does not include acts or omissions constituting gross negligence or willful or wanton misconduct.

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 Original Bill: PRO: Last summer our community experienced a very large wild fire call the Dry Creek Complex fire, or the Silver Dollar fire, which consumed about 49,000 acres. The fire was in no man's land, which is land that does not have any fire protection service. People in this area are too far away to be annexed into a fire protection district. There are many areas in this state that lack this protection. When the Silver Dollar Cafe burnt down, there were firefighters present on the scene but none of them warned us or offered to help. This bill is referred to as the good Samaritan bill because if you have the equipment and manpower to help, you should.

Persons Testifying: PRO: Senator Honeyford, prime sponsor; Chuck Dowsey, Benton Rural Electric Association; Martha Lounsbery, Silver Dollar Cafe.