

# HOUSE BILL REPORT

## ESSB 5093

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**As Passed House:**

April 5, 1995

**Title:** An act relating to fire protection.

**Brief Description:** Changing provisions relating to fire protection.

**Sponsors:** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Rasmussen and Drew).

**Brief History:**

**Committee Activity:**

Government Operations: 3/24/95, 3/29/95 [DP].

**Floor Activity:**

Passed House: 4/5/95, 96-0.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass. Signed by 15 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

**Staff:** Bonnie Austin (786-7135).

**Background:** In 1985, the Legislature created the State Fire Protection Policy Board (board). The board assumed the duties of the former Office of the State Fire Marshal and the Fire Services Training Division in the Commission for Vocational Education. In 1986, the Legislature merged the State Fire Protection Policy Board, as well as other agencies, into the Department of Community Development. In 1993, the Legislature merged the Department of Community Development and the Department of Trade and Economic Development.

The Division of Fire Protection Services in the Department of Community, Trade, and Economic Development is headed by the director of Fire Protection (State Fire Marshall). The director is responsible for implementing the policies of the board, as well as the statutory functions of the State Fire Marshall, relating to fire service planning, training, inspections, investigations, and data collection and dissemination.

During the 1993 legislative session, representatives of the fire services community requested that a legislative study be undertaken to identify and make recommendations regarding the provision of fire services. A fire study work group was convened by the Senate Committee on Government Operations during the 1993 interim. This group made recommendations regarding governance, fire training, regionalism, fire statistics, fire inspection, and fire investigation that were reflected in SB 6013, which was considered during the 1994 legislative session.

**Summary of Bill: Reorganization:** All powers, duties, and functions of the Department of Community, Trade, and Economic Development pertaining to fire protection are transferred to the Washington State Patrol. The Chief of the Washington State Patrol appoints the director of Fire Protection. The director of Fire Protection continues to implement the policies of the Fire Protection Policy Board and carry out all the duties of the former State Fire Marshall.

The 10 member state Fire Protection Policy Board is reduced to eight members. Multiple representation on the board is eliminated. Two representatives of fire chiefs and one full-time, paid career fire fighter are eliminated upon expiration of their terms. A representative of the fire control programs of the Department of Natural Resources is added to the board.

**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 state 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 rigorous standards. The board is to assure a continuing assessment of skill and 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 fire training centers.

**Regionalism:** The Fire Protection Policy Board, to the extent possible, 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 purchase such information from a qualified individual or organization. The information provided must meet the diverse needs of 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 May 1.

A statute which requires 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 State Patrol. 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 Washington State Patrol in developing and maintaining this system. Confidentiality requirements are protected.

Fire Inspection: The Fire Protection Policy Board must develop objectives and priorities to improve fire protection in the following areas: (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.

Fire Investigation: 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.

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 Government Operations Committee of the House of Representatives on or before December 31, 1995.

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 Government Operations Committee of the House of Representatives on or before December 31, 1995.

The State Fire Protection Policy Board, with the cooperation and assistance of the Fire Commissioners Association and the Department of Natural Resources shall submit a report on the feasibility of providing fire protection for lands not currently protected to the Government Operations Committee of the Senate and the Government Operations Committee of the House of Representatives on or before December 31, 1995.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 1995.

**Testimony For:** The forced marriage of fire protection services and DCD/DCTED has not worked. Fire protection is the lowest priority in the agency. Merging fire services with the State Patrol is a better match. Both the fire services division and the Washington State Patrol respond to emergencies, both conduct investigations, and their philosophies and activities are more compatible. Washington State Patrol facilities are located throughout the state. There is an anticipation that the two will share current State Patrol housing. On the local level, merging fire services with the sheriff's office in Pierce County has worked very well.

Public safety is the primary responsibility of government. Over the past few years, the state fire marshal's role has dwindled due to budget cuts. There has been a steady erosion of services, especially in the areas of arson investigation and training. Over 80 percent of the fire fighters in this state are volunteers, and yet funding for training is not available. Do we really expect unpaid volunteers to pay for their own training? There is almost no training for fire fighters in rural areas. The state needs to step up to its responsibility in this area. The fire marshal's responsibilities relating to inspections and construction plan review have also been neglected. As a result, schools, day care centers, and hospitals have been built with code violations. One recently built school in Chelan has almost 100 fire code violations. This bill has the unanimous support of the members of the state Fire Protection Policy Board.

**Testimony Against:** None.

**Testified:** Senators Haugen and Winsley, prime sponsors; Greg Canova, Washington State Attorney General's Office; Dick Landis, Washington Fire Commissioners Association; Ron Halworth and Claude Harris, Fire Protection Policy Board; and Wayne Wienholz, Washington Fire Marshalls Association.