

# SENATE BILL REPORT

## SB 5093

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As Reported By Senate Committee On:  
Government Operations, February 7, 1995

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

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

**Sponsors:** Senators Haugen, Winsley, Rasmussen and Drew.

**Brief History:**

**Committee Activity:** Government Operations: 1/26/95, 2/7/95 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** That Substitute Senate Bill No. 5093 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

**Staff:** Eugene Green (786-7405)

**Background:** During the 1993 session of the Legislature, representatives of the state fire service community asked that a legislative study be undertaken to identify and make recommendations concerning (1) the state's role in providing fire services, and (2) the relationship between the state and local providers in assuring an adequate and efficient delivery of fire services. A Fire Study Work Group was appointed under the auspices of the Senate Committee on Government Operations. The Fire Study Work Group met throughout the 1993 interim and analyzed and made recommendations in six areas: gathering and reporting fire statistics; fire service training; fire service inspection; fire investigation; governance; and funding.

Because the powers of local fire units and the state Fire Protection Policy Board are already so broad, revisions change the emphasis or priority of the Board and make the statutes clearer and more specific.

**Summary of Substitute Bill:** Governance: In order to promote efficiency and effectiveness, the ten-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.

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 an officer, who is known as the Director

of Fire Protection. The Director of Fire Protection continues to: carry out all the duties of the state Fire Protection Policy Board; prepare a biennial budget after consulting with the Board; administer the policies of the Board, and continues to carry out all the duties of the former state Fire Marshal.

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 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.

Regionalism: The state 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 reenforce 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.

Fire Training: The new state priority on training is emphasized by reordering the prior sections on training in the state Fire Protection Policy Board's duties, and bringing them closer together. 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, which would allow local fire agencies to make them more rigorous. The Board is to assure a continuing assessment of skill and encourage cross training in law enforcement skills for fire investigations.

In performing the necessary administrative duties, 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. (This authority complements the provision that the state Fire Protection Policy Board's master training plan allow for contracting with the higher education agencies.)

The Fire Study Work Group emphasized the need to continue supporting the Fire Service Training Center at North Bend and also considered the need for other centers in the future. Toward that end, the power to lease facilities as well as construct them was added to the statute authorizing expenditures from the fire service trust fund.

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 state 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.

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 State Patrol. (The Fire Study Work Group concluded that this system could readily be coordinated with the Homicide Investigation Training System (HITS)). 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 State Patrol in developing and maintaining this system. Confidentiality requirements are protected.

Fire Inspection: Language is added to the monitoring responsibilities of the Fire Protection Policy Board specifying the following objectives and priorities: (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: To more clearly reflect actual practice, local officials responsible for investigating the cause and origin of fires shall document the extent of damage, rather than loss, of all fires.

The contracting out provisions for fire protection districts are amended to include authority to contract for investigation services as well as for fire prevention, fire suppression, and emergency medical services.

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.

Funding: A two-cent statewide property tax levy dedicated to state fire protection responsibilities is authorized by a proposed constitutional amendment. Classified and designated forest land is exempt. This property tax levy is outside the 1 percent constitutional limitation.

It is estimated that this tax would raise approximately \$14,000,000 over the next two calendar years.

Nonapplicability: This act does not apply to forest fire service personnel and programs.

**Substitute Bill Compared to Original Bill:** Drafting errors are corrected.

A separate arson investigation information system is established in the State Patrol, rather than the Office of the Attorney General.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on July 1, 1995.

**Testimony For:** State fire protection is in disarray. Training, inspections, and investigations are barely existent in some parts of the state. Arson is continuing to grow as a problem.

**Testimony Against:** State fire protection services should remain with DCTED. The department has gone a long way to correct past problems.

**Testified:** PRO: Rick Jensen, WA State Patrol Trooper's Assoc.; Bruce Holloway, Spokane County FD 3; Pat Humphries, WA State Assn. of Fire Chiefs; Ron Haworth, Fire Protection Policy Board; Dick Landis, President, WA Fire Commission's Assn.; Otto Jensen, WA State Assn. of Fire Chiefs; CON: Andrew Lofton, Dick Small, CTED.