

HOUSE BILL REPORT

SHB 2937

As Passed Legislature

Title: An act relating to fire protection contracts.

Brief Description: Modifying requirements for fire protection contracts.

Sponsor(s): By House Committee on Appropriations (originally sponsored by Representatives Belcher and Bowman; by request of Department of Community Development).

Brief History:

Reported by House Committee on:
Appropriations, February 10, 1992, DPS;
Passed House, February 17, 1992, 97-0;
Amended by Senate;
Passed Legislature.

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 28 members: Representatives Locke, Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Carlson; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Lisk; May; Mielke; Nealey; Peery; Pruitt; Rust; D. Sommers; H. Sommers; Sprenkle; Valle; Vance; and Wang.

Staff: Nancy Stevenson (7137).

Background: Under current statute, the state is required to contract with local jurisdictions for fire protection services when a state owned facility lies within a local jurisdiction's boundaries. The Department of Community Development (DCD) is required to present in each budget request how much is needed to cover these contracts.

Prior to 1991, funds were appropriated to DCD and passed through to local jurisdictions. In fiscal year 1990, nearly 90 cities received \$437,000 in funds ranging from \$100 to \$191,000. Funds were allocated on a square footage basis.

The governor's proposed budget for the 1991-93 biennium did not include pass-through funding and assumed passage of

legislation to repeal the requirement for fire service contracts. The legislation did not pass. Instead, the Legislature appropriated \$500,000 to DCD to provide funding to communities which had 15 percent or more of their assessed valuation in state owned property. Five communities: Bellingham, Electric City, Ellensburg, Olympia and Walla Walla would have received funding.

The 1992 governor's supplemental budget and the House budget strike the \$500,000 appropriation to DCD as a part of the 2.5 percent across-the-board allotment plan reductions.

In 1989, the city of Ellensburg sued claiming the state had failed to provide sufficient money for necessary fire protection services. The trial court ruled in favor of Ellensburg, indicating the state should pay \$1.1 million in "back pay" plus allocations per the court's formula in the future. This amounts to \$318,000 for fiscal year 1991. The state appealed the case to the Supreme Court. A decision is expected in three to nine months.

Responsibility for fire control is divided among local fire departments, the Fire Protection Services Division of the Department of Community Development, and the Division of Fire Control in the Department of Natural Resources (DNR). While there are some mutual aid agreements in place among local jurisdictions to provide for the sharing of resources, there is no statewide plan in place for the mobilization of firefighting resources on a larger scale.

Summary of Bill: A process is established for state agencies to negotiate fire protection service contracts with local jurisdictions. Specifically, in cities or towns where the estimated value of state owned facilities constitutes 10 percent or more of the total assessed property valuation, the agency owning such a facility is required to contract with the city or town to provide a negotiated share of the cost of fire protection services. The contract must provide for payments to the city or town.

DCD is required to adopt valuation procedures. Cities and towns must notify DCD and the appropriate state agency regarding their intent to negotiate fire protection contracts based upon the valuation procedures.

In negotiating contracts, if the local jurisdiction and the state agency cannot reach an agreement, the director of DCD recommends a resolution.

If the parties reject the resolution and the impasse continues, the matter goes to arbitration and a neutral arbitrator is chosen. The arbitrator is empowered to chose

the final offer of one of the parties or the resolution offered by the Director of DCD. The decision of the arbitrator is final and nonappealable.

A state agency may contract for fire protection services in circumstances where state agencies do not make up 10 percent of the assessed property valuation. Contracts negotiated prior to the effective date of the bill are not affected.

For the purposes of this act, the state is divided into seven regions, and a regional fire defense board is created within each region. Each regional board is to develop a regional fire service plan that includes provisions for organized fire agencies to respond to fires or other disasters across municipal, county, or regional boundaries. Each regional plan is to be consistent with the incident command system, the state fire services mobilization plan, and other regional response plans already adopted and in use in the state. Counties within the regions and DNR select the members of the regional fire defense boards; these members serve in a voluntary capacity and are not eligible for reimbursement from the state for meeting-related expenses.

A state fire defense board is created, comprised of the state fire marshal, a representative from DNR, and a representative from each of the regional fire defense boards. The state board is to develop the Washington state fire services mobilization plan, which shall include the procedures to be used during fire emergencies for coordinating local, regional, and state fire jurisdiction resources. The state board will also approve each regional fire service plan. Members serving on the state board also do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses.

The director of the Department of Community Development is to review the state fire services mobilization plan, recommend any necessary changes, and then approve the fire services plan for inclusion in the state's comprehensive emergency management plan. The director has the responsibility to mobilize jurisdictions under the state fire services mobilization plan.

The Department of Community Development in consultation with the Office of Financial Management is to develop procedures to facilitate reimbursement to jurisdictions from appropriate federal and state funds when the director mobilizes jurisdictions under the state fire services plan.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The bill is needed to protect the state against future claims. The state and various cities need to be able to negotiate fire service contracts. Concerns were expressed regarding a neutral third party being provided to arbitrate disputes arising from the negotiation process.

Testimony Against: None.

Witnesses: Meg Van Schoorl, DCD (pro); Doug Williams, City of Ellensburg (pro with concerns); Charles Kindt, Medical Lake (pro with concerns); Dick Cushing, City of Olympia (pro with concerns); and Jim Reinhold, City of Cheney (pro with concerns).