

HOUSE BILL REPORT

SB 6078

As Passed House:
March 5, 2020

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: Senator Mullet.

Brief History:

Committee Activity:

Consumer Protection & Business: 2/25/20, 2/26/20 [DP].

Floor Activity:

Passed House: 3/5/20, 97-0.

Brief Summary of Bill

- Entitles fire protection districts, regional fire protection service authorities, and municipal fire departments to recover the actual costs associated with cleanup or removal of hazardous waste and other hazardous materials from insurers.

HOUSE COMMITTEE ON CONSUMER PROTECTION & BUSINESS

Majority Report: Do pass. Signed by 12 members: Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis, Blake, Duerr, Johnson, J., Ryu, Santos, Volz, Walen and Ybarra.

Minority Report: Without recommendation. Signed by 1 member: Representative Dufault.

Staff: Robbi Kesler (786-7153).

Background:

Fire Protection Districts.

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.

Fire protection districts (fire districts) are a type of special purpose district created to provide fire prevention, fire suppression, and emergency medical services within a district's boundaries. Generally, districts serve residents outside of cities or towns, except when cities and towns have been annexed into a district or when the district continues to provide service to a newly incorporated area. A fire district may be established through election or a petition signed by 60 percent of voters. Fire districts are governed by a board of three, five, or seven elected fire commissioners.

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.

Regional Fire Protection Service Authority.

Regional fire protection service authorities (RFAs) are municipal corporations established to provide regional fire protection and emergency services within their jurisdictional boundaries. An RFA is formed through merging two or more fire protection jurisdictions located within a reasonable proximity of each other, including fire districts, cities, towns, port districts, municipal airports, and Indian tribes.

Hazardous Materials Incident Liability.

Any person transporting hazardous materials, other than the operating employees of a transportation company, is liable to the state, a municipal fire department, a fire district, or any political subdivision for extraordinary costs incurred in the course of protecting the public from actual or threatened harm resulting from a hazardous materials incident.

Summary of Bill:

Fire districts, RFAs, and municipal fire departments (fire service jurisdictions) are entitled to recover, from any liable party, the actual costs associated with cleanup or removal of hazardous waste and other hazardous materials when responding to an incident only when coverage is found within a liable party's insurance policy.

The liable party may submit the actual costs from the fire service jurisdiction to any insurer that provides coverage for property damage. The liable party is legally obligated or responsible if coverage is found within a liable party's insurance policy. If there are multiple liable parties involved in an incident, fire service jurisdictions may only recover the proportional amount of liability legally determined for each party.

Appropriation: None.

Fiscal Note: Preliminary 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) This bill allows fire service jurisdictions to recover actual costs from road clean-up when insurance is available. Fire protection districts keep the roads safe and help protect the environment. Some insurance companies already reimburse these costs, but adding certainty and a process for handling these claims is necessary to ensure reimbursements are handled uniformly. Fire service jurisdictions will be allowed to recover for activities that go above and beyond the regular type of work they do, and it is important to note that the only reimbursement will be for actual costs, not for expenses related to administration or other costs not tied to the actual cost of a hazardous clean-up.

(Opposed) None.

(Other) The bill is carefully drafted, but there is uncertainty about if it is even necessary. Some bigger issues contained in previous versions of this bill have been worked out, so at this point we are neutral.

Persons Testifying: (In support) Senator Mullet, prime sponsor; and Dylan Doty, Washington Fire Chiefs Association.

(Other) Jean Leonard, National Association of Mutual Insurance Companies; and Dan McGrady, Public Employees Mutual Insurance Company.

Persons Signed In To Testify But Not Testifying: None.