



# Washington Fire Chiefs Legislative Report

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## **2023 Session Review & Interim Preview**

The 2023 Legislature adjourned *Sine Die* a couple of hours before midnight on Sunday, April 23, the final day of the 105-day legislative session. The Legislature finalized its Operating, Capital, and Transportation Budgets, and worked until the final hours on a potential response to the *Blake* decision regarding the criminalization of drug possession (SB 5536). Ultimately, lawmakers were unable to reach agreement on the criminal standard (simple vs. gross misdemeanor) and certain local preemption issues, and thus they adjourned without establishing any criminal penalties for drug possession as of July 1. Some are hoping for a special session to address this issue, but it is unclear at the time of this writing whether any compromise can be reached.

Despite the lack of a long-term agreement on the *Blake* issue, the Legislature passed a number of high-profile issues this session. A bi-partisan bill to amend the vehicular pursuit law (SB 5352) passed, allowing greater flexibility to law enforcement in pursuing certain criminals. Additionally, housing density and affordability was at the forefront, with a number of significant measures passing, including HB 1110 concerning middle housing, HB 1293 streamlining the permitting process for affordable housing projects, and SB 5412 altering the SEPA process for certain infill developments.

Beyond the housing and public safety issues, which largely had bipartisan (if mixed) support, the Legislature also passed a number of controversial bills, often with several Democrats voting no alongside all Republicans. The size of the Democrat majorities, however, allowed for passage even with several Democrats voting in opposition. Gun control legislation in the form of a ban on “assault weapons” (HB 1240) and a requirement for proof of completion of a recognized firearm safety training program (HB 1143) each passed despite unanimous opposition from Republicans alongside several Democrats. Similarly, a controversial measure passed on a party-line vote to allow shelters and host homes to house youth without parental permission if a youth is seeking or receiving protected health care services, including gender-related treatment and reproductive treatment (SB 5599).

As always, a number of high-profile proposals failed to make it over the finish line. Among them were bills to prohibit new natural gas hookups after June 30, 2023 (HB 1589), legislation to increase the real estate excise tax for both the state and local governments (HB 1628), and efforts to raise the property tax growth limit (HB 1670, SB 5770). Other revenue proposals to create a “wealth tax” (HB 1473 & SB 5486) failed to advance this session, but may preview future efforts to reform the tax structure of Washington State.



Attention has already turned to the looming 2024 elections. Although legislative and state executive offices are not on the ballot until November 2024, a number of campaigns will be kicking off this interim. Governor Inslee is expected to make an announcement on his future intentions sometime in May, with gubernatorial hopefuls like Attorney General Bob Ferguson waiting to see if the Governor will run for an unprecedented fourth term before announcing their own intentions.

At the legislative level, several current members have hinted that they may be seeking alternative offices (either state or local), which could have ramifications heading into the 2024 legislative session. Already of note is the resignation of House Republican Leader J.T. Wilcox (R-2, Yelm) and Deputy Leader Joel Kretz (R-7, Wauconda) from their leadership positions. House Republicans met shortly after the end of session and named Rep. Drew Stokesbary (R-31, Auburn) as the new Leader, and Rep. Mike Steele (R-12, Chelan) as the Deputy Leader.

### **Operating Budget**

Lawmakers finalized a new biennial Operating Budget prior to adjourning for the year. The \$69.2 billion budget adds approximately \$4.7 billion in new spending, while leaving a total of \$3 billion in reserve accounts. The budget does not include any new tax increases, but also does not contain any tax relief for Washington residents, something Republicans had pushed for. Of note, the Operating Budget prioritizes spending on the state's education system, including increases in spending for special education, school counselors, and nurses. The budget also includes significant investments to attract new state workers to fill staffing shortages, allocating \$2.2 billion in pay increases for state workers and school employees.

A number of items of specific interest to the fire service were included in this year's budget:

- Fire Service Delivery Workgroup – Chaired by WA Fire Chiefs Exec Director, and consisting of additional representatives from the Washington State Council of Firefighter, the Washington Fire Commissioners Association, and the Washington State Firefighters Association, the workgroup is tasked with evaluating existing funding and service delivery models of fire service functions currently provided by the Washington State Fire Marshal's Office within the State Patrol. An allocation of \$50,000 was provided to Dept. of Commerce for assistance with the workgroup and the development of a final report to the legislature, which is due December 1, 2023.
- \$1,000,000 is provided for the JATC program from the Fire Service Training Account.
- In addition to the normal placeholder amount of \$8,000,000 for the all-hazard mobilization plan, an additional \$500,000 is provided for a pilot program on prepositioning of mobilization resources ahead of a mobilization event.
- \$1,000,000 per year is provided for behavioral health co-responder services with nonlaw enforcement emergency medical response teams.



- \$100,000 is provided for the State Building Code Council to implement a technical advisory group related to smoke control systems and smoke/fire dampers. The TAG must review current laws and rules and provide a report by June 30, 2024, on any recommendations or changes that may be appropriate.

### **Capital Budget**

In addition to the Operating Budget, the Legislature completed a bipartisan Capital Budget prior to adjourning. The budget authorizes total expenditures of \$9.0 billion for the 2023-25 fiscal biennium. Of this amount, \$4.7 billion is financed with general obligation bonds. The remaining \$4.3 billion consists of the following:

- \$670 million from Water Pollution Control Accounts;
- \$745 million in other federal funds;
- \$717 million in Climate Commitment Act (CCA) Accounts;
- \$405 million in Public Works Assistance Account;
- \$328 million in Model Toxic Control Accounts (MTCA);
- \$317 million in non-appropriated higher education funding;
- \$295 million in alternative financing authorizations;
- \$278 million in Common School Construction Accounts; and
- \$559 billion in other funds.

\$95.4 million in bond capacity is reserved for a supplemental capital budget.

Several items of note for specific fire service agencies include:

- Central Whidbey Fire & Rescue Station 53 – \$2.75 million
- Conconully Service Complex/Fire Hall – \$2.05 million
- Seattle Fire Panel Replacement & Integration – \$294,000
- High Prairie Fire District 14 Emergency Preparedness (Lyle) – \$248,000
- ICOM 911 Microwave Radio Broadband System (Oak Harbor) – \$500,000
- Manson Fire Station Training Room & Living Quarters – \$206,000
- South Thurston Fire & EMS New Fire Station (Tenino) – \$3.05 million
- Town of Elmer City Fire Station Improvements – \$537,000
- Yakima County Fire Emergency Responder Radio System – \$139,000
- Yakima County Fire District 12 Wildfire Response – \$38,000
- DNR – Ahtanum Fire Camp Relocation or Renovation – \$426,000
- DNR – Eatonville Work Center & Fire Station – \$880,000
- WSP – Fire Training Academy Roof Replacement – \$572,000
- Bates Technical College – Fire Service Training Center – \$40.937 million



Additionally, \$250,000 was included for the Evergreen State College institute of public policy to study and report on the costs and benefits to public construction projects of transitioning to a six-year code cycle. A report is due by July 1, 2024, and must include an analysis of the impact to the state's operating, transportation, and capital budgets of moving to a six-year code cycle, as well as an analysis of the staffing needs for the State Building Code Council if such a change is made.

### **Transportation Budget**

The Legislature also finalized a bipartisan Transportation Budget prior to adjourning. The \$13.5 billion budget eliminates delays on major highway projects, investing \$5.4 billion in highway improvements and preservation, including the Puget Sound Gateway program that extends SR 167 from Puyallup to the Port of Tacoma, the US 395 North Spokane Corridor, and the I-5 Bridge Replacement Project between Washington and Oregon. An additional \$1 billion is allocated to the fish passage barrier program, while roughly \$1.3 billion will be invested in the state's ferry system, both for fleet construction and maintenance as well as workforce development via recruitment and training of new officers. Traffic safety measures were also a focus of this year's budget, with funding provided for the installation of speed safety cameras in active work zones, implementation of a young driver safety program, bicycle and pedestrian projects and improvements, and \$2.6 billion to improve recruitment and retention efforts at the Washington State Patrol.

### **2023 Legislation of Interest**

The 2023 Legislature was a busy year for the fire service as a whole, and the Fire Chiefs Association in specific. A number of bills were heavily worked, including some that did not make it across the finish line but that will be alive again in the 2024 session. A short list of key legislation from 2023 is below, with a full list of bills passing the Legislature attached to this report.

*Local Property Tax Growth Limit* – HB 1670 (Springer), SB 5618 (Kuderer), SB 5770 (Pedersen). The local property tax growth limit received more attention in 2023 than any recent legislative session. Legislation was introduced in both the House and Senate that would have eliminated the 1% cap, tying increases to inflation and population growth, with a new cap of 3%. These bills were alive until the final days of the session, but despite support from the fire service and other local government partners, they ultimately failed to pass as the Legislature chose not to act on any new revenue options in 2023. Several positive came from the discussions, however, including a better understanding of pressure points from Republicans and Democrats alike. While many on the political right will be hard-pressed to support efforts that would result in increased property taxes, many on the political left expressed concerns regarding the potential impact on low-income taxpayers, including renters. Efforts to tie this legislation to exemptions or tax relief for seniors and low-income residents were discussed, and may provide a blueprint for future efforts.



*Hospital Staffing Standards* – SB 5236 (Robinson). A multi-year discussion between nurses and hospital management resulted in compromise legislation regarding hospital staffing standards. Although the WFC supported many of the long-term goals of the bill, including better working conditions for nurses, the WFC also supported efforts by the hospitals to avoid ratio requirements that could have led to increased wait times to transfer patients to ERs. Ultimately, the compromise legislation makes numerous changes to nurse staffing committees and staffing plan requirements, including requiring hospitals to report noncompliance, requiring the Department of Health and Department of Labor and Industries to establish a formal agreement on oversight and enforcement roles, and creating a hospital staffing advisory committee. The bill also amends the meal and rest break provisions, including requiring reporting noncompliance, and amends overtime provisions for health care employees. The bill passed the Senate 35-13 and the House 92-6, and was signed into law by the Governor. It takes effect July 1, 2024.

*Fire Service Policy Board* – SB 5520 (Lias). Legislation was introduced this year to transfer the operations of the Washington State Fire Marshal’s Office out of the State Patrol and into a newly-created subcabinet agency directed by a Fire Service Policy Board, consisting of five members appointed by the Governor. The bill passed the Senate State Government & Elections Committee before being converted into a study that was included in this year’s Operating Budget. Efforts will continue this interim between all interested stakeholders to identify whether moving some or all of the State Fire Marshal’s Office duties to a stand-alone agency would be beneficial for the fire service.

*Wildland Aviation Resources* – HB 1498 (Dye). After years of discussion, a four-year pilot program was established this year that directs the Department of Natural Resources (DNR) to use wildfire suppression funding to assist local fire departments with aerial fire response capabilities during the initial attack phase of fighting a wildland fire, subject to certain specified requirements. Additionally, it requires DNR to consult with the State Fire Defense Committee, fire service representatives, and the State Fire Marshal’s Office annually to review aviation program performance and determine aviation needs for the following fire year, and requires DNR to convene a work group composed of wildfire aviation subject matter experts, wildfire aviation contractors, fire service representatives, wildland fire management staff, and other partners to evaluate and provide findings regarding the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression. A critical tie-in with the existing fire mobilization process is also required, with coordinating agencies needing to notify the director of fire protection (or designee) of any request in order to ensure operational knowledge of a potential future request for mobilization. The act expires July 1, 2027, absent legislation to extend it.

*Volunteer Firefighter Pension* – HB 1336 (Stokesbary). Culminating several years of work, the Legislature passed HB 1336, which divides the Volunteer Firefighters' and Reserve Officers' Relief and Pension System into two separate plans, one for volunteer firefighters and one for



reserve officers, and allows rate increases and benefit enhancements enacted in 2020 to go into effect. The bill was signed into law and takes effect July 23, 2023.

*Community Wildland Fire Preparedness* – HB 1578 (Springer). Legislation passed unanimously this session that requires the Department of Natural Resources (DNR) to complete decadal assessments of areas at significant risk of wildfire, beginning with the decade between July 1, 2027, and July 1, 2037. Additionally, it requires DNR to cooperate with and provide support to various local entities to develop public safety evacuation strategies for incorporation into local emergency response plans. Further, it requires DNR to take certain actions to expand its community resilience programming within the wildland urban interface in areas of Western Washington where DNR determines that risk of wildfires and smoke exposure exist. Finally, it requires DNR to implement a Post-Wildfire Debris Flow Program by July 1, 2028, and establish a structure for a state-sponsored burned area emergency stabilization and response team by December 30, 2027. It will take effect July 23, 2023.

*Wildfire/Electric Utility Planning* – HB 1032 (Dent). Another multi-year effort passed in 2023 that directs the Department of Natural Resources, in consultation with the Energy Resilience and Emergency Management Office, to contract with a consultant to recommend an electric utility wildfire mitigation plan (plan) format and identify a list of elements to be included in the plans by April 1, 2024. The bill requires each electric utility to review, revise, and adopt its plan by October 31, 2024, and every three years thereafter, and directs the Utility Wildland Fire Prevention Advisory Committee to meet at least twice a year; provide updates on required tasks; develop recommendations for strengthening state agency coordination of wildland fire risk reduction, prevention, and suppression; and host electric utility plans on its website. The bill takes effect July 23, 2023.

*Crisis Relief Centers* – SB 5120 (Cleveland). Legislation directing the Department of Health to license or certify 23-Hour Crisis Relief Centers (CRCs) passed unanimously this session. The bill creates a new type of crisis diversion facility to serve people regardless of behavioral health acuity. CRCs are defined as facilities open 24 hours a day, seven days a week, which offer access to behavioral health care to adults for no more than 23 hours 59 minutes at a time per patient, and accept all behavioral health walk-ins and drop-offs from ambulance, fire, police, designated crisis responders, mobile rapid response crisis teams, fire department mobile integrated health and CARES teams, and individuals referred through the 988 system regardless of behavioral health acuity. The WFC has clarified that transport to these facilities would be eligible for reimbursement. The bill will take effect July 23, 2023.

*Implementing the 988 System* – HB 1134 (Orwall). Also passing this year was legislation to continue the implementation of the 988 system. HB 1134 establishes enhanced case rates and development grants for mobile rapid response crisis teams and community-based crisis teams which earn an endorsement from the Health Care Authority (HCA), or are working towards an endorsement, based on meeting staffing, vehicle, and training standards. It requires behavioral



health agencies and the Department of Health to publicize and develop promotional materials related to the 988 crisis hotline. It creates new requirements for designated 988 crisis call centers related to training, 988 promotion, and coordination with 911. Further, it directs HCA and behavioral health administrative services organizations to collaborate with stakeholders to standardize crisis system practices and protocols, develop a needs assessment for behavioral health crisis system trainings, and develop a regional crisis system training collaborative. Provides liability protection to crisis system workers. Lastly, it provides liability protection to crisis system workers. The bill passed with bipartisan support and takes effect July 23, 2023.

*Public Safety Telecommunicator Pensions* – HB 1055 (Stokesbary). HB 1055 passed the Legislature and adds individuals who are members of the Public Employees' Retirement System Plans 2 and 3, and whose primary responsibility is to respond and process 911 emergency calls for law enforcement, fire, medical, or other public safety services to the Public Safety Employees' Retirement System. It takes effect June 1, 2024.

*Duties of Self-Insured Employers and Third-Party Administrators* – HB 1521 (Bronoske). Priority legislation from the WSCFF, legislation addressing self-insured employers passed on the next-to-last-day of the session. The bill specifies that self-insured municipal employers and self-insured private sector firefighter employers and their third-party administrators have a duty of good faith and fair dealing to workers with respect to all aspects of workers' compensation. It requires the Department of Labor and Industries (L&I) to enforce the duty of good faith and fair dealing and provides penalties for violations of the duty. Finally, it allows the withdrawal of a self-insured municipal employer's certification as a self-insurer if the employer violates the self-insurer's duty of good faith and fair dealing three times within a three-year period. The bill will take effect on July 1, 2024.

*Ambulance Staffing Standards* – HB 1588 (Bronoske). A request of the WSCFF, legislation failed to pass that would require that the driver of an ambulance providing advanced life support must be an emergency medical technician. Further, it would establish that an ambulance service in a rural area may use a driver without any medical or first aid training for an ambulance that is not providing advanced life support, if certain criteria are met. The WFC, along with the volunteer firefighters, expressed concern and worked with the prime sponsor and proponents on alternative measures short of legislation. This will be a topic of conversation in the interim.

*Public Records Act Requests* – HB 1597 (Springer) & SB 5571 (Rivers). Legislation to limit frivolous claims by modifying administrative and judicial review processes for public records requests was introduced in both the House and Senate in 2023, but failed to receive a hearing in either chamber. The bill would define a request as an “improper purpose” when the request to inspect or copy a public record or to bring a civil action pursuant to this section is made primarily: To harass; to cause an unreasonable or a frivolous increase in the cost of government operations or delay in government action; in pursuit of an award of statutory fees, costs, or other



monetary award; to cause a violation of this chapter; or for any other frivolous purpose. The topic will be alive again 2024.

*Fire Sprinkler Contractor Licenses* – SB 5425 (Salomon). Legislation was passed this session to increase both the licensing fees for fire protection sprinkler system contractors, as well as the fines the State Fire Marshal’s Office may impose on contractors. The bill creates the Fire Protection Compliance Account for fines collected by the State Director of Fire Protection. Further, it requires direct supervision of sprinkler fitter trainees and establishes a supervision ratio of trainees to certified sprinkler fitters. Finally, it directs the State Director of Fire Protection to investigate alleged violations of the laws and rules related to fire protection sprinkler fitters. Supported by WSAFM, this bill will take effect on July 23, 2023.

*Residential Building Exits* – SB 5491 (Salomon). One of many pieces of legislation dealing with increased density, SB 5491 was passed after a good amount of input from WSAFM. The bill directs the State Building Code Council to convene a technical advisory group for the purpose of recommending modifications and limitations to the International Building Code (IBC) that would allow for a single exit stairway to serve multifamily residential structures up to six stories above grade plane. The recommendations must include: considerations for adequate and available water supply; the presence and response time of a professional fire department; and any other provisions necessary to ensure public health, safety, and general welfare. The TAG must provide its recommendations to the SBCC in time for the council to adopt or amend rules or codes for implementation in the 2024 IBC. The SBCC must adopt additions and amendments to rules or codes as necessary by July 1, 2026. The bill takes effect July 23, 2023.