

# The Firehouse Lawyer

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## Inside this Issue

1. Bills of Interest

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### Upcoming Municipal Roundtable on Issues with Leave Use and Abuse

Please join us for our first *virtual* Municipal Roundtable, in which we will be discussing issues pertaining to use (and abuse) of various types of leave/benefits under state and federal law, such as sick leave, paid family and medical leave, and L&I time loss, to name a few. We welcome our readers to this free discussion forum. This discussion forum permits administrators and policymakers to have an open discussion regarding the issues. This *virtual* Municipal Roundtable will take place on March 25, 2022, from 9 AM to 11 AM.

Join our Municipal Roundtable, via Zoom, here:

[https://us06web.zoom.us/j/87920157449?pwd=R\\_Gwzakovb3BiSk16b1RkcFBYcjI2UT09](https://us06web.zoom.us/j/87920157449?pwd=R_Gwzakovb3BiSk16b1RkcFBYcjI2UT09)

### PENDING BILLS

The following bills in the legislature may be of interest to our readers, although it is early in the session and too soon to tell if they will be enacted into law this year:

ESHB 1329: This bill relates to changes in the Open Public Meetings Act—Chapter 42.30 RCW—to ensure public participation in the meetings of governing bodies of local government agencies. The only real significant change that we see here is that public comment periods *must*

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be included in all regular meetings at which any final action is taken. Since any motion, resolution, or other decision of the body constitutes “final action” (even the approval of the minutes of last meeting) we believe this requirement is rather universal. It does not apply to special meetings, however, but we stress that it has been our recommendation for years that it is always advisable to include public comment periods in all meetings of the governing body.

SHB 1727: This bill would end elections in the odd-numbered years. Obviously, this law would affect fire district commissioner elections, which have always been scheduled in the odd-numbered years. That is required now by statute. It seems that this bill would force them into the even-numbered years, which would have the salutary effect of saving election costs for fire districts and RFAs, because election costs are directly related to how many measures are on the ballot. Unfortunately, it would constrain the other ballot measures such as elections on lid lifts, excess levies, benefit charges, and EMS levies, so it is not clear yet whether this change would help or harm chances of passage. Perhaps it would make conflicts with school districts and other local election measures more unavoidable.

SHB 1735: After the outcry by law enforcement and others about the issues created by last year’s “police reform” laws (see the Firehouse Lawyer article about “1310”), the legislature has realized that this legislation needs to be revisited and clarified. The statute created great ambiguity and uncertainty about the reasonable use of force. These proposed amendments seek to resolve ambiguities about use of physical force, for example, in taking a person into custody, transporting them for evaluation or treatment, or providing other assistance under certain laws, including the mental health statutes. While not

comprehensive, these amendments look like a step in the right direction.

HB 1826: This bill would make it a crime to interfere with an emergency responder such as an EMT or paramedic. We have had experience with assault charges against a woman who was driving under the influence and attacked an EMT during a call. Sometimes these abusive patients need to be charged. There seems to be an increase in incivility during the pandemic so this bill should be supported.

SB 5565: This bill would amend a few sections in chapter 52.16 RCW, which already allows fire districts of certain sizes (based on annual operating budget) to issue their own warrants, but using the county treasurer as the treasurer of the fire district. The practical effect of this bill only affects districts with annual revenues of more than 10 million dollars in each of the last three years. Those qualified districts may appoint their own treasurer instead of using the county treasurer as the treasurer of the district. It has already been approved in the senate chamber.

SSB 5649: This bill would modify the Washington family and medical leave act in several respects. The amended law would allow benefits during a 7-day period following the death of a newborn child or newly-adopted child, or if the employee would have qualified for “family bonding leave.” It also specifies that leave taken in the first six weeks after the birth must be medical leave, unless the chooses to use family leave. The original PFMLA law exempted collective bargaining agreements in effect prior to the law’s enactment, but this bill makes it clear that the exemption expires on December 31, 2023. After that date, all applicable employers will have to comply with the provisions of FMLA or adopt voluntary plans. The bill also requires the

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Employment Security Department to list all voluntary plan employers on its website.

SB 5803: The original bill would have created a presumption of liability for wildfires caused by electric utility equipment. It appears, however, that the substitute bill has no such provision. Instead it sets up a committee and best practices for studying the causes of wildland fires.

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