

The COMMUNIQUE

FALL 2011

A Publication of the Oregon Fire District Directors Association

2011 Legislative Summary

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**Boring/Clackamas
Approve Joint
Volunteer Program**

**NFPA Regional
Resources
FEMA Grants**

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A publication of the Oregon Fire
District Directors Association.

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through the provision and coordination of timely
information, education, and legislation.



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**COVER: DUNK-A-FIREFIGHTER STATION
AT THE FAMILY FUN NIGHT, HELD AUGUST
8TH AT OAKS AMUSEMENT PARK. THIS
ANNUAL EVENT PUT ON BY STRATEGY
EVENT MANAGEMENT WAS A GREAT
SUCCESS. LOOK FOR FAMILY FUN NIGHT
NEXT AUGUST 2012.**

PHOTO BY SHELBY THATCHER



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Congratulations to Chief Wallace; Time to Register for Conference

By David Jones

Wow, can you believe summer is almost over. I am enjoying my first summer of retirement, over 6,000 miles on my motorhome since June, five States and two Providences. When did I ever have time to work?

On behalf of OFDDA, I wish to recognize and congratulate Mark Wallace on his appointment as Oregon's new State Fire Marshal. Chief Wallace took the helm on July 1st and was officially sworn in at the State Capitol on August 30th. Your OFDDA staff along with Vice President

Bob Reeves, and me, as your President, represented all you fire district directors at the ceremony and following reception. During my 12 year tenure as a State deputy, I served under four different State Fire Marshals, and, now I offer my personal congratulations and best wishes to Chief Wallace...and welcome to Oregon.

Your fire district should have now received the registration brochure about our upcoming 2011 Joint Conference. This year we will be in Seaside the first weekend of November, a week earlier than



David Jones,
OFDDA President Elect 2011

last year. This year's conference committee worked hard to provide you with a diverse line up of speakers and make this a great conference. Get your registration and lodging reservations in as soon as possible. See you all in Seaside. ♦

NAEFO Update

*By Mark Kreutzer,
President, NAEFO*

I was in Washington D.C. the first week of April and was able to attend the Congressional Fire Service Institute Caucus (CFSI) and dinner, I must say what an experience. Washington D.C. is normally a very busy and exciting atmosphere. This year it was literally the proverbial "zoo". The looming government shutdown only added to the drama. Appointments with Representatives were put on hold as floor votes were continually occurring. The theatrical speeches on the floor only added to the drama. Impromptu news conferences were all over Capitol Hill as representatives were giving their opinions on the budget dilemma.

This year again I worked with the Western Fire Chiefs Association to meet with members of the Oregon delegation in Washington D.C. The main focus this year was the dedication of the 20MGZ of radio frequency for public safety, D Block. The

D Block is the equivalent of the interstate highway system for radio frequencies. Public safety agencies will have access to the super highway for critical radio communications. Other issues discussed were the full funding of the SAFER and FIRE Grants to 405 million dollars each. I also met with staff members of Missouri Congresswomen Hartzler as well Co Chair of the CFSI Caucus, Washington Representative Echart to discuss NAEFO and our goals. It was very beneficial to speak with Representative from our State Associations and acknowledge the importance that NAEFO has on State and National issues.

With the recent debt ceiling debate that has concluded in Washington D.C., it is a fair assumption that full funding for fire service related interests will be a challenge, but we are hopeful.



Mark Kreutzer
NAEFO President

D block

It has been over 10 years since the D block debate began. D block would authorize an additional 10MHz for public safety use. A good analogy of D block is it would be the equivalent for radio communication across the country to the interstate highway system is for vehicles. Local jurisdiction would have the ability to access the "highway" for better communications. The Obama Administration shifted its position on D block and now is behind the legislation. The D block legislation, S-911 cleared the Senate Commerce Committee and awaits action in the full Senate. ♦

Boring and Clackamas Fire Districts Approve Joint Volunteer Program

In an unprecedented unanimous vote of support, on June 14th and June 20th, 2011, the Boring Fire District #59 and Clackamas Fire District #1 Board of Directors both unanimously authorized the signing of a comprehensive Intergovernmental Agreement to establish a joint volunteer program and share other collaborative joint services that will begin July 1st.

Beginning in November, 2010 a joint ad hoc committee was formed between Boring Fire District and Clackamas Fire District to research and evaluate ways that the two District's could work together in the administration of their volunteer programs and be more efficient. The committee was formed and created an initial "Joint Volunteer Program Feasibility Report" followed by a formal "Joint Volunteer Program Proposal" that was presented to the two Board of Directors and the two Volunteer Associations at their May meetings. A formal IGA (attached) was then presented and approved at the June Board meetings. The program proposal was the result of an outstanding collaborative effort of numerous individuals from Boring Fire District and Clackamas Fire District which was designed based on the input and assessment from volunteers, administrative staff, career firefighters, union representatives, chief officers, and members of Board of Directors.

At the beginning of the process, the committee developed a purpose statement that was a critical element that was used throughout the development of the joint program that read:

"To look at both Volunteer programs and research and evaluate what we may be able to do together to enhance our volunteer programs, avoid duplicating services, create



Volunteers from Boring Fire District and Clackamas Fire District 1 unite in a collaborative and innovative new program.

new opportunities for volunteers from both agencies, and share resources in order to create a joint volunteer force to provide exceptional service to the citizens of both agencies."

The joint program creates a joint volunteer force that will be used by both Fire District's that will consist of 168 total volunteer members. Currently, Boring Fire District is the #1 sized volunteer agency in the State of Oregon with volunteer members totaling 90. Clackamas Fire District is #3 in Oregon with a total of 78 volunteer members. The #2 volunteer organization in Oregon is Lane County Fire District #1 near Eugene with 81 total members. This new joint volunteer force will be over double the size of any other Fire Department in Oregon and according to the Oregon Volunteer Firefighter's Association may be the largest volunteer force in the Western United States.

The joint volunteer program is unique and will be a first of its type for the State of Oregon. It is ground breaking and will

be trend setting. The volunteers will in essence be members of both Fire District's and will be used equally by both District's. The Clackamas Fire District Volunteer Association will dissolve and join the Boring Association under a new joint name. Utilizing the shared values of both districts members, including teamwork, determination, and a passion for excellence in customer service, the joint program will be very dynamic with many moving and interrelated parts.

One of the main elements of the joint program will be the creation of a joint volunteer division office in which each agency will provide one full time employee consisting of a Volunteer Coordinator and an Administrative Assistant. Clackamas Fire District will contract with Boring Fire District for the overall administration of the volunteer program coordination and in return, Boring Fire will contract other services from Clackamas Fire. The joint volunteer members will share duty crew shifts in 5 of the joint Fire Stations within each District, as well emergency responses

for both support and suppression responses. In addition, the two Fire District's will share joint wellness services, joint IT services, joint EMS service coordination, joint physician advisor services, joint civil service commissions and firefighter testing, joint training for volunteers and career crews, joint recruiting, a joint volunteer academy to begin in January 2012, and other potential joint services and collaboration. In addition, the two Fire District's will also jointly staff the Pleasant Valley Fire Station beginning July 1st in which Clackamas will provide personnel for 2 shifts and Boring will provide 1 shift. The committee and two Fire Districts are confident that this program will be successful and believe in the character and abilities of each district's members to work together to make the new joint program successful.

The IGA as approved by the two Board of Directors, will begin the implementation on July 1st, 2011 starting with the creation of the volunteer division office and coordination, joint training, joint recruitment, joint health and wellness, joint physician advisor services, and will be followed by the other joint services as they are implemented over the Summer and Fall with the full joint implementation taking affect on January 1st, 2012.

As other Fire District's and volunteer agencies across the State and the Nation are losing members and having difficulty with recruiting and retention, Boring Fire District and Clackamas Fire District have found ways in which their volunteer crews complement and enhance their career crews and our volunteer membership is increasing and drawing applications at a record setting number. The existence of economic forces, an excellent working relationship between the two District's, and a positive attitude amongst the volunteers and staff of both District's makes for a solid foundation. The joint program will avoid the duplication of efforts, create financial savings for both Fire Districts, and the most significant aspect of the joint program will be the consistently higher level of customer service that each Fire District will be able to provide to its citizens. ♦

NFPA Regional Resources

*By Crosby Grindle,
Northwest Regional Director, NFPA*

The National Fire Protection Association (NFPA) has worked for over one hundred years to reduce the burden of fire and other hazards on the quality of life by providing and advocating for consensus codes and standards, research, training and education. One of the ways NFPA accomplishes this mission is through Field Operations and Education. Within this department, the regional operations staff represent NFPA at a state and local level. Having regional field staff to carry out the mission of the organization, and perhaps more importantly, to report regional issues and ideas back to NFPA leadership has proven to be an effective way to maintain NFPA as a leader in fire and life safety.

At the core of the regional operations program are the regional directors who represent NFPA at a state and local level. Oregon is served by the Northwest regional director (author of this article). The Northwest region includes nine states (from Alaska to Nebraska) but the regional office is located in Bend, Oregon. Any and all NFPA related questions and requests may be directed to this office (Crosby Grindle, (541) 948-3146, cgrindle@nfpa.org).

NFPA has been committed to public education for decades and this effort is facilitated through regional public education advisors. These advisors coordinate public education at the state level through the "education network," made up of local fire and life safety educators who share ideas, consistent messaging, and NFPA resources with their state. Resources include "Fire Prevention Week", "Risk Watch", "Remembering When" and "Learn Not To Burn". The Northwest regional public education advisor is Monica Colby (801-915-9655, mcutah@gmail.com) and the Oregon network representative is Stephanie Stafford with the State Fire Marshals Office (503-934-8245, stephanie.stafford@state.or.us). Monica and Stephanie are excellent contacts for any public safety related questions or needs.

The current priority fire safety advocacy program for NFPA is the Fire Sprinkler



Crosby Grindle,
Northwest Regional Director, NFPA

Initiative. Regional fire sprinkler specialists have been hired to work full time on this effort. They advocate for the adoption of residential sprinkler requirements and provide education on residential sprinklers to help overcome the myths and misconceptions of this critical life safety feature now required in all national model codes. The vast majority of all fire deaths occur in the home and we are seeing dramatic evidence that newer homes and their contents are burning faster and hotter. You are 82% less likely to die in a home fire when residential sprinklers are present. The western regional fire sprinkler specialist is Dennis Mathisen in Roseville, CA (916-742-5554, dmathisen@nfpa.org).

More regional staff positions are currently being filled. As NFPA continues to increase focus on wildland and wildland urban interface it has significantly increased funding to the "Firewise Communities" program which is a partnership with the National Forest Service. This program together NFPA wildland and urban interface codes provide a foundation for this critical aspect of fire prevention. Regional Firewise advisor positions are now being filled to work directly with state and local officials. NFPA is also actively recruiting regional staff to serve as regional electrical code specialists. These positions will assist with the adoption and use of NFPA 70 which is the National Electrical Code used in all 50 states.

NFPA and their Fire Protection Research
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FEMA Fire Act Grants – *More than Apparatus and Equipment*

*By Eriks Gabliks, Director,
Department of Public Safety
Standards and Training*

The Assistance to Firefighters Grant (AFG) Program is celebrating its tenth anniversary this year. The AFG Program is an excellent example of shared stewardship as the nation's major fire service organizations (IAFF, IAFC, NVFC, ISFSI, NAFTD, and others) provide on-going feedback and input to the staff that administers this program. Each year, fire service representatives from across the nation are selected to serve on peer review panels to look at the thousands of grant requests that are submitted. Over the past decade, this program, which is part of the Federal Emergency Management Agency (FEMA), has provided millions of dollars to our nation's fire service through competitive grants.

There are three categories of grants. The first is the Assistance to Firefighters Grant which provides funds for fire vehicle acquisition, operations and safety, and regional projects (communications, equipment, etc.). The second is the Staffing for Adequate Fire and Emergency Response (SAFER), which provides funds to help hire and retain career firefighters and assist volunteer and mostly-volunteer fire departments hire new positions. The third is Fire Prevention and Firefighter Safety Research and Development (FP&S). There have been many articles written in our various fire service trade journals about these grant, but what you may not realize is that Oregon has greatly benefited from this program.

For starters, a fire department applying for AFG grants will be asked if it provides training to its members. Specifically, the fire department must indicate the percentage of active firefighters that are trained to the National Fire Protection Association (NFPA) 1001 Professional Qualifications Standard. Fire departments with less than 100% must

explain their plan to meet this standard. Applicants will find this same question in other program areas. This is in place because the advisory group set the goal that all career and volunteer firefighters in the United States should meet NFPA 1001. This is similar to actions taken by the Oregon fire service through standards in place for firefighter training and certification with the Oregon Department of Public Safety Standards and Training (DPSST). If your community struggles with training resources, your organization's grant request can include funds to provide training to your members.

The same type of situation will be found in other areas. If your department submits a grant request for SCBA, you can request funds to train your members on how to use them. The same is true of other equipment that your department may request a grant for. No one places equipment in service without training members how to use it. The AFG Program understands this and will allow funds to provide the training.

If your department submits a grant request for a fire truck (engine, tender, etc.) you will be asked if your members will be trained to NFPA 1002 (Driver/Apparatus Operator), and equally important, if they will be trained to operate the new apparatus if you are awarded a grant. The AFG Program Staff have received lots of calls about this requirement but the reason is simple and supported by the AFG Advisory Committee. No fire department should ever place a fire engine or tender in service without providing training to all of the personnel who will be operating it. This training should include both driving the vehicle as well as operating it. Your grant request can include funds to provide this training to your members. If your organization does not have the ability to offer this class in-house, you may request funds to be included in your grant to allow you to bring in a qualified instructor from your regional fire training association or a nearby fire agency to deliver the training to your members.

Since the AFG Program began, more than 70 million dollars has been awarded to more than 600 fire agencies in Oregon. Grants have been awarded for fire apparatus, turn-out gear, SCBA, operations, and safety. The list spans every region of the state and includes Banks, Echo, Halsey-Shedd, McKenzie, Sisters-Camp Sherman, and many, many more.

Many people think SAFER grants are used just to hire and retain career firefighters. While a large portion of the SAFER funds are used for this purpose, a separate pot of money is available to only volunteer fire agencies. Volunteer and mostly-volunteer fire departments might want to look at SAFER grants to address training concerns. Some of the things most often heard at volunteer fire departments is that training takes time, needs coordination, involves paperwork, is either loved or hated, and seems to be something that a committee is responsible for. If your volunteer department does not have a training officer, you might want to consider applying for a SAFER grant. The position you request should be able to respond to emergency calls as their primary duty but could also perform secondary duties, such as that of training officer. In many cases, the SAFER firefighter could be the department's first paid employee. Under the volunteer category, the SAFER firefighter needs to be assigned to a 40-hour work week, not a shift schedule. For volunteer fire departments, this grant could be the solution to many of your training concerns. This employee could establish a training library, create training schedules, complete the pesky paperwork, and ensure that your department is meeting state and national standards. The end result would be an organization that has an established and verifiable training program and also has a dedicated responder to calls 40 hours per week. More than three dozen Oregon fire agencies have received SAFER grants and the amount exceeds 10 million dollars.

The Fire Prevention and Safety Grants (FP&S) are part of the Assistance to Firefighters Grants (AFG). FP&S Grants support projects that enhance the safety of the public and firefighters from fire and related hazards. The primary goal is to target high-risk populations and reduce injury and prevent death. In 2005, Congress reauthorized funding for FP&S and expanded the eligible uses of funds to include Firefighter Safety Research and Development. More than 14 million dollars in the FP&S category has been awarded to more than 100 fire agencies in Oregon since 2004.

In closing, I encourage you to be aware of this program and be active in your department's grant application process. If you are interested in additional information on the Fire Act Grants, you can find a lot of information online at: <http://www.fema.gov/firegrants/>. ♦

2011 Legislative Summary

By Genoa Ingram,
OFDDA Executive Director

Oregon House Co-Speakers Arnie Roblan (D-Coos Bay), left, and Bruce Hanna (R-Roseburg).



The Oregon Legislature convened on February 1, 2011 with an attitude of cooperation and genuine partnership. For the first time in Oregon history, the House was split 30-30 between Democrats and Republicans and presided over by two Co-Speakers.

Democrats and Republicans shared committee chairmanships and the 30-30 split provided the assurance that no legislative proposal would pass out of the legislature unless there is broad based support. The arrangement proved effective in preventing unwanted legislation from passing.

Legislators were also successful in reaching compromise on legislative redistricting.

The plan will guarantee some “safe seats” for both Democrats and Republicans. Republican lawmakers agreed to the compromise because they felt it would be more favorable for the Party than if the legislature had not reached agreement and the districts would have been drawn by the Secretary of State. Democrats agreed because, according to some, it was an opportunity to show that the legislature could accomplish its task and not punt to the Secretary of State.

This article summarizes the most significant pieces of public safety legislation passed and reviews some of the more significant proposals that were defeated. For a listing of ALL bills monitored by OFDDA, see the August Final Bill Tracking, posted on the OFDDA website. The document contains live links to final copies of all legislation.

SB 69 – FIREWORKS

Effective date: Did Not Pass Chapter: N/A

The State Fire Marshal introduced SB 69 in response to citizen complaints about illegal fireworks, lack of statutory clarity for enforcement, and an increase in adjudication of cases relating to fireworks. The bill sought to amend and clean up ORS 480 with the primary intent of decreasing illegal fireworks use. The bill also attempted to provide

statutory clarity for law enforcement and courts adjudicating fireworks cases and bring clarity for retail display, agricultural fireworks, and the fireworks industry. Key points of the bill were as follows:

Changes the penalty for less than 50 pounds gross weight of illegal fireworks, will now be a Class A violation; for 50 pounds or more, a Class A misdemeanor;

Lengthens retail permit application deadlines from 15 days prior to sale to 30 days prior to sale;

Allows additional businesses, such as golf courses, to use pyrotechnic control devices to protect their property from damage by birds and other animals.

SB 234 (SB 106 and HB 3667) – EMS CONFORMANCE

Effective date: January 1, 2012

Chapter: 703, (2011 Laws)

SB 106, as introduced, would have conformed statutory language relating to Emergency Medical Service (EMS) to federal statutes and would have provided for additional oversight by the Oregon Health Authority (OHA) of public safety entities that transport patients. The bill provided for an assessment by the OHA of non-transport and all-volunteer entities would be assessed additional fees to support the program. Due to the additional fees, the bill was opposed by several fire service entities and did not pass.

After some collaborative meetings with all affected parties, the conformance language was introduced into HB 3667 and, eventually, into SB 234. As amended, SB 234 conforms Oregon's EMS statutes with federal statutes and language adopted by the Oregon Medical Board, and to enable reciprocity of personnel across state lines by insuring that the various EMT levels match the national standards. The bill also directs the Oregon Health Authority to establish levels of licensure for emergency medical services providers. The bill passed and becomes effective January 1, 2012.

SB 277 – VETERAN PREFERENCE FOR CIVIL SERVICE

Effective Date - May 19, 2011

Chapter: 82, (2011 laws)

The Oregon Department of Veterans' Affairs requested Senate Bill 277 to clarify that all public employers are subject to the hiring and promotion preference for veterans and disabled veterans. Oregon Revised Statute 408.230 requires public employers to give a preference to veterans or disabled veterans in hiring and promotion decisions related to civil service positions. The statute provides a framework for giving veterans and disabled veterans additional points in scoring during the hiring and promotion process. The preference does not guarantee that a veteran will be hired or promoted. The 2009 Legislative Assembly amended ORS 408.230, clarifying the definition of civil service and removing a provision limiting the veterans' preference to positions for which application was made within 15 years of discharge or release from service. Some public employers, however, relied on the 2009 amendments to claim they no longer needed to give a hiring or salary promotion preference to veterans or disabled veterans because the law did not apply to them. (See also: HB 3207)

SB 346 – RELEASE OF 9-1-1 CALLS

Effective Date: Did Not Pass Chapter: N/A

SB 346 would have exempted audio recordings of 9-1-1 calls from disclosure under Oregon's public records law. The intent of the bill was to respond to concerns that the use of such recordings was traumatic to victims and was used primarily to further sensationalize the event.

SB 372 – REIMBURSEMENT FOR AMBULANCE SERVICE UNDER PIP

Effective date: September 1, 2011

Chapter: 707, (2011 Laws)

ORS 724.525 ties reimbursement rates for personal injury protection (PIP) benefits to the workers' compensation fee schedule.

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2011 Legislative Summary

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SB 372 removes ambulance services from the list of fee schedules used to calculate provider charges for personal injury protection benefits. The new Oregon workers' compensation fee schedule provides an 80 percent reimbursement rate for ambulance service charges. This bill decouples ambulance service billings for PIP benefits from the workers' compensation fee schedule, which means that ambulance service charges for PIP will be paid as billed.

SB 640 – DIVISION OF EFU LAND FOR FIRE STATIONS

Effective date: May 24, 2011

Chapter: 135, (2011 Laws)

SB 640 was introduced at the request of Aurora Rural Fire Protection District but will apply to all fire districts statewide. The bill allows fire districts to subdivide land zoned for Exclusive Farm Use (EFU), as is allowed for parks, churches and cemeteries, for the purpose of building additional fire stations.

SB 840 & HB 3038 – FIRE SPRINKLERS

Effective Date: Did Not Pass Chapter: N/A

Identical bills were introduced in both the House and Senate by the Oregon Fire Chiefs Association to cap assessments of "upcharges" or standby charges for a water meter of higher capacity (usually from 5/8 inch to 1 inch) to accommodate fire sprinkler systems in one- or two-family homes. Amendments were prepared reflecting a compromise brokered by SDAO between the proponents of the bill and the water purveyors which included a provision relating to immunity from liability and allowing water purveyors to recoup the discounted amount in the event of a change of use.

However, the entire fire service was not united in support of the bills and they did not receive a recommendation of support from the Joint Fire Legislative Committee. Both bills remained in committee upon adjournment.

SB 5529 & SB 5530 – OREGON HEALTH AUTHORITY FEES

Effective date, July 1, 2011

Chapter: 581, 2011 Laws

One of the budget bills for the Oregon Health Authority, SB 5530 ratifies fee changes adopted administratively by the Oregon Health Authority and approved by the

Department of Administrative Services during the 2009-11 interim. Fees were established or adjusted for the Medical Marijuana program, the Lead Based Paint program, the Radiation Protection program, and the Drinking Water program.

One of the original fee proposals presented to Ways and Means which was later removed, represented significant increases in the EMT licensure program as follows:

	Current	Proposed
1st Responder	\$15.00	\$120.00
Basic	\$40.00	\$230.00
Intermediate.....	\$65.00	\$260.00
Paramedic.....	\$120.00	\$346.00

SB 5537 – STATE POLICE BUDGET

Effective date, July 6, 2011

Chapter: 635, (2011 Laws)

The budget for the State Fire Marshal resides within the State Police budget. While the State Fire Marshal relies primarily on the fire insurance premium tax (FIPT) for over 50 percent of its budget, there are some programs that are supported through General Fund dollars. The 2011 legislature approved a budget of \$327,303,351 which represents a loss of \$1,387,559, and resulted in the loss of four positions in the OSFM's Community Right to Know (CR2K) unit. Although all programs will continue under the proposed bill, the OSP budget was reduced by 72 positions (including the four OSFM positions).

SB 5541 – DPSST BUDGET

Effective Date: July 1, 2011

Chapter: 586, (2011 Laws)

The fire service relies heavily on the Department of Public Safety Standards and Training for grants for conferences and assistance in training personnel. SB 5541 represents the Department's budget for the 2011-2013 biennium. The DPSST programs funded by dedicated taxes or fees (Fire Training, Traffic Safety, 9-1-1 Training, and Private Security) were not significantly affected by reductions. The legislature also approved the Private Security Program fee increase (Senate Bill 5555). However, the budget includes reductions in programs funded by the Criminal Fines and Assessments Account (CFAA) which some in the legislature consider a "different color" of general fund dollars.

Following is a recap of personnel changes for 2011-2013:

- Loss of 13 positions/12.33 FTE
7 Management/Executive Service

positions;

- 6 Represented positions
- Loss of two Basic Police Courses
15 down to 13 with permission to return if additional classes are needed
- Director's Office:
Loss of Deputy Director (currently vacant)
Loss of Executive Assistant (currently vacant)
- Human Resources Impact:
Loss of HR Analyst 3 (layoff)
Loss of one background Investigator 3 (layoff)
- Training Division Impact:
Loss of Administrative Supervisor (currently vacant),
Student Worker (vacant),
2 PSTS-1 positions (filled with part-time instructors),
Range Master/Armorer (layoff),
Regional/Adv Supervisor (Layoff),
Office Specialist 2 (vacant),
Office Specialist 1 (used for custodian),
Academy Operations Supervisor (layoff),
Two 16-week Basic Police classes.
- Private Security/Private Investigators: No reductions of personnel or services.
- Fire Training & Fire Certification: No reductions of personnel or services.
- 9-1-1 Program: No reductions of personnel or services.
- Note: Four full-time permanent positions are added for custodians. Net loss will be 9 positions/8.33 FTE.

HB 2073 – SUPPRESSION COST RECOVERY

Effective date: January 1, 2012

Chapter: 49, (2011 Laws)

HB 2073 codifies current practice by officially establishing the State Forester as the Governor's authorized representative for administering Federal Emergency Management Agency Fire Management Assistance Grants. While the department of Forestry has coordinated suppression cost recovery for over ten years, the statutes have not specifically granted the agency authority to do so. HB 2073 corrects that oversight.

HB 2075 – 9-1-1 ASSESSMENT ON PRE-PAID WIRELESS

Effective date: Did Not Pass Chapter: N/A

A surcharge of 75 cents is assessed on every telephone line in Oregon for the purpose of supporting 9-1-1 service, including Enhanced 9-1-1 service. The way the current statute is

written has resulted in an exception. Pre-paid wireless subscribers currently are not required to pay the tax despite the fact that 9-1-1 service is accessible to them. In recent years, consumer trends have gravitated away from land lines and traditional contract-based wireless plans in favor of prepaid cell service. As the use of prepaid cell service grows, so does the negative funding impact on 9-1-1 funding.

HB 2075 would have provided two options for prepaid cell service providers to collect the 9-1-1 tax from their subscribers. The proposal was met with resistance from the wireless providers who argued that since Oregon is one of four states without a sales tax and other states with sales taxes can easily enact the tax the issue should be studied prior to enacting the tax on pre-paid cell phones and cards. However, the primary obstacle was a reversal of opinion by Legislative Counsel (the Legislature's lawyers) that enactment of this tax on pre-paid cell phones was a new tax and therefore, required approval by a three-fifths majority of the Legislature.

The bill did not pass but legislators have committed to passage of the bill in February 2012. Providers have until then to agree on how to collect the tax; Representative Vicki Berger (R-Salem) has formed an interim workgroup to examine collection methods and options. (See also HB 2692)

HB 2076 – MULTI-LINE TELEPHONE SYSTEMS

Effective date: Did Not Pass Chapter: N/A

HB 2076 would have amended the definition of a "provider" of telecommunication services to include those who utilize multi-line telephone systems (MLTS), enabling

9-1-1 call centers to accurately pinpoint the location of the origination of a distress call. The bill passed the House unanimously but failed in the Senate. Senator Alan Olsen (D-Canby) is leading an interim workgroup that will examine the bill's implications and affected entities' objections.

HB 2078 – FIRE ESCAPES

Effective date: January 1, 2012

Chapter: 97, (2011 Laws)

Introduced at the request of the Office of State Fire Marshal, HB 2078 streamlines ORS Chapter: 479, relating to fire escapes and other fire safety requirements, by deleting language that has been established as outdated, redundant or in conflict with state's current adopted fire and building codes. The bill deletes statutory specifications regarding

water supply availability for fire protection for public buildings and requires the State Fire Marshal to establish fire protection water supply requirements. The bill, which was drafted with input from interested parties representing the fire service and building codes, also expands the types of buildings and structures that are subject to closure for occupancy limit violations.

HB 2079 – SMOKE ALARMS

Effective date: Did Not Pass Chapter: N/A

There are two types of smoke alarms: ionization and photoelectric. Ionization smoke alarms are quicker at sensing flaming, fast moving fires while photoelectric smoke alarms are quicker at sensing smoldering fires. Both operate either as hardwired (110V), with a battery back-up, or solely battery operated. Language in ORS 479.297 (1) & (2) applies to ionization alarms only and specifies only ionization smoke alarms, that are solely battery powered, must be sold with a ten-year long life battery. HB 2079 would have specified required design features in an ionization smoke alarm when a seller is transferring a dwelling unit or lodging house.

HB 2123 – FIREFIGHTER DEFENSE FUND

Effective date: January 1, 2012

Chapter: 218, (2011 Laws)

HB 2123 authorizes the State Forester to approve payment of costs and reasonable attorney fees of any firefighter alleged to have committed a misdemeanor or felony while engaged in fire suppression activities. The bill authorizes the State Forester to determine whether the firefighter was engaged in fire suppression activities, was acting under the State Forester's direction and whether his actions were reasonable. Under the bill, the firefighter does not have the right to a hearing or an appeal regarding the State Forester's determinations.

HB 2183 – FALSE CHILD ABUSE REPORTS

Effective date: January 1, 2012

Chapter: 606, (2011 Laws)

HB 2183 creates the offense of making a false report of child abuse. The new offense will be classified as a Class A violation and carry a maximum fine of \$720. The bill is limited to those instances where an individual acts with intent to influence custody, parenting time, visitation or child support decision.

HB 2349 – HEPATITIS C PRESUMPTION

Effective date: Did Not Pass Chapter: N/A

HB 2349 would have established an occupational presumption that death, disability or impairment of a public safety officer was caused by hepatitis C, human immunodeficiency virus or methicillin-resistant *Staphylococcus aureus*, was an "occupational disease" for the purpose of workers' compensation law. The public safety officer must have been on the job for five or more years and the bill would have only applied to paid firefighters.

HB 2564 – TAX CHECK-OFF FOR VOLUNTEER FIREFIGHTER BENEFITS

Effective date: Did Not Pass Chapter: N/A

Oregon's Tax Check-off program allows taxpayers to make contributions to approved charities from their tax refunds. In order to become eligible, charitable organizations must collect 10,000 signatures and show a gross income of at least \$1 million for the year prior to making application. Several entities, including the Oregon Veterans' Home, the Alzheimer's Disease Research Fund, and the Oregon Military Emergency Financial Assistance Fund, have been allowed through statute to waive the \$1 million threshold.

HB 2564 would have added the Oregon Volunteer Firefighters Association to the list of charities excused from the \$1 million threshold, allowing the Association to accept donations to pay scholarships, equipment grants, and death and hardship benefits to volunteer firefighters. The bill received a hearing but was opposed by one of the Co-Chairs of the House Revenue Committee and did not pass.

HB 2679 – FIRE INSURANCE PREMIUM TAX

Effective date: September 1, 2012

Chapter 660 (2011 Laws)

HB 2679 conforms the Oregon surplus lines insurance law to the federal Non-admitted and Reinsurance Reform Act of 2010, adding independently procured insurance policies for property and liability insurance to those policies for which the two percent Fire Insurance Premium Tax (FIPT) may be collected. The FIPT accounts for more than 50 percent of the budget for the Office of State Fire Marshal.

HB 2726 – REGULATION OF SMOKE SHOPS

Effective date: June 30, 2011

Chapter 601 (2011 Laws)

Oregon's Indoor Clean Air Act prohibits smoking in almost all public places and indoor workplaces except cigar bars and smoke shops that are certified by the Oregon Tobacco Prevention and Education Program (TPEP). Since passage of the Act, TPEP has received a number of applications for smoke shop exemption, primarily from "hookah" lounges. HB 2726 directs Oregon Health Authority to establish a certification system for smoke shops to be renewed every five years, instead of annually as previously required. The bill modifies the definition of smoke shop in relation to the Oregon Indoor Clean Air Act and specifies regulations on smoke shops with regard to change of ownership and moving locations. The final result will be that the State's 20 hookah lounges and retail smoke shops will be allowed to continue operation, but will have limited growth.

HB 2741 – PROTECTION OF 9-1-1 FUNDS

Effective date: Did Not Pass Chapter: N/A

HB 2741 would have prevented legislative "raids" on 9-1-1 funds (the Emergency Communications Account) by the legislature and required that the funds, derived by the \$.75 monthly surcharge on telephone lines, be used for their intended purpose. Legislators have diverted the funds several times in recent years in order to balance the State budget resulting in a loss of over \$14 million dollars over the last decade.

HB 2897 – SUBTRACTION OF MILEAGE FOR VOLUNTEERS

Effective date: Did Not Pass Chapter: N/A

HB 2897 would have allowed volunteers to deduct ten cents per mile for the use of a personal vehicle for the purpose of providing volunteer services. The bill received no hearings.

HB 3141 – MOTORCYCLE HELMET REPEAL

Effective date: Did Not Pass Chapter: N/A

HB 3141 would have essentially repealed Oregon's helmet law by requiring only those persons under 21 years of age to wear a helmet while riding on or operating a motorcycle. The bill received one hearing and remained in committee until adjournment.

HB 3186 – USE OF CELL PHONES WHILE DRIVING

Effective date: January 2, 2012

Chapter: 530 (2011 Laws)

Legislation passed in 2009 prohibited the use of cell phones while driving but included exceptions for public safety and for use of a phone in the scope of one's employment. Judges continued to prosecute for use of cell phones in the scope of one's employment, saying that the law was unclear as to the parameters of such use. HB 3186 removes the "scope of employment" exemption altogether. Another bill, HB 2822, would have allowed citations to be issued for cell phone usage only if the driver had been stopped for a separate infraction. That bill did not pass.

HB 3207 – VETERAN PREFERENCE FOR CIVIL SERVICE

Effective date January 1, 2012

Chapter: 484 (2011 Laws)

HB 3207 requires public employers to interview veterans if the interview is part of the selection process and the employer determines the veteran meets minimum and special qualifications for the position and if the employer determines the veteran has transferable skills. The bill was amended to provide an exemption for public employers who conduct interviews of candidates chosen solely from an eligibility list. Another bill, SB 277, clarifies that all public employers are subject to the hiring and promotion preference for veterans and disabled veterans.

HB 3466 – OWIN

Effective date: January 1, 2012

Chapter: 402 (2011 Laws)

In response to the terrorist attacks in September 2011, the 2005 legislature passed HB 2101, creating the Oregon Wireless Interoperability Network (OWIN) to consolidate the state's four existing major radio networks and create a statewide "system of systems" for mission-critical public safety communications. At the same time, the Federal Communications Commission (FCC) mandated that states abandon wideband and convert all public safety radio systems to narrowband by 2012.

OWIN has received criticism from legislators and others for lack of oversight, both in cost overruns and failure to meet deadlines. In a partial response to that criticism, the 2011 legislature passed HB 3466. The bill declares that the Department

of Forestry's communications infrastructure meets policies and standards mandated by the FCC and is compatible with other federal and state agencies and private departments. Therefore, the immediate conversion of the Department's communications infrastructure for compatibility with OWIN is not necessary at this time.

HB 3476 – SCHOLARSHIPS FOR CHILDREN OF PUBLIC SAFETY OFFICERS

Effective date: Did Not Pass Chapter: N/A

HB 3476 would have expanded the scholarship program for children of public safety officers killed or injured in line of duty to include children of reserve police officers and volunteer firefighters killed or injured in line of duty. The bill received no hearings.

HB 3490 – SEARCH AND RESCUE VOLUNTEERS

Effective date: June 17, 2011

Chapter: 403 (2011 Laws)

HB 3490 clarifies that the county in which the search and rescue volunteer is registered is required to provide workers' compensation coverage even if the volunteer serves in another county.

Also related to search and rescue, HB 2844 would have made any violation of ORS 404.250 an unlawful employment practice, allowing employees to file complaints with the Bureau of Labor and Industries or to bring civil suits. (ORS 404.250 sets the guidelines for granting leaves of absence for employees who are search and rescue volunteers.) HB 2844 did not pass.

HB 3672 – TAX CREDIT FOR FIPT TRANSACTIONS

Effective date: September 29, 2011

Chapter: 730 (2011 Laws)

In an effort to reduce costs, the legislature took close scrutiny of approximately twenty tax credits, including a credit to insurers providing fire insurance, among others. Those transactions impact the Fire Insurance Premium Tax (FIPT), which comprises over 50 percent of the funding for the Office of State Fire Marshal. Ultimately, ten of the tax credits under review were allowed to sunset; however, the FIPT tax credit was extended through January 1, 2018. (Note: Provisions from SB 686 and HB 2525 were incorporated into HB 3672.)

HB 2930 – PENALTIES FOR TAX EXEMPT ENTITIES

Effective date: Did Not Pass Chapter: N/A

Several bills were introduced that would have penalized tax exempt and charitable entities if it was determined that the level of charitable activity was inadequate. HB 2930 would have made tax-exempt charitable organizations subject to corporate excise taxes if the organizations' expenditures on charitable activities did not exceed 30 percent of the sum of charitable contributions received.

Both HB 3216 and SB 40 would have allowed the Attorney General to disqualify charitable organizations from receiving tax deductible contributions if the organizations failed to expend at least 30 percent of their total annual expenses on charitable program services (averaged over the previous three years.)

The bills were introduced in response to the repeal of laws prohibiting charities from soliciting donations if their overhead costs were disproportionate to the funds spent on charitable programs. The repeal followed a 1980 U.S. Supreme Court ruling in *Schaumburg v. Citizens for a Better Environment* that government attempts to restrict a charity's ability to solicit donations violated the first amendment. ♦

NAEFO NEWS

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Foundation regularly publish new fire and life safety related research and reports. These documents are available through your regional staff or on the NFPA website (www.nfpa.org). Also, one of the largest fire science libraries in the world is housed at NFPA. The Charles S. Morgan library may be accessed through the NFPA website as well. There is a vast amount of training and educational material, programs and media available through NFPA and much of it is available at no cost. Remember your regional NFPA staff when it comes to fire and life safety advocacy, education, codes and standards – we are there for you! ♦

The Oregon Fire District Directors Association (OFDDA) was organized in 1950 to serve elected directors of fire districts of all sizes throughout Oregon.

Driver Training

By Dave Campbell – WHA Insurance retired

Yes, driver training is something you did in high school but it is also something that fire districts should do for all their response personnel.

Most of you know — whether it is an engine, brush rig, tender or rescue unit — driving a fire district truck has different handling characteristics than a private automobile or pickup. Fire apparatus often has a higher center of gravity due to the increasing loads of water and equipment. Drivers need to have an understanding of how to handle the weight load effects in all weather conditions.

Rollovers of fire apparatus happen too often and sometimes have fatal results. Some of the rollovers can be traced to inexperience in handling the vehicle.

The Oregon Department of Public Safety Standards and Training (DPSST) has developed an excellent driver training course. The course has a two hour classroom presentation and a hands on driving of

a truck. The truck has been specially designed for this training with outriggers which can simulate different wet and icy road conditions.

While I do not drive response engines or tenders anymore, our fire chief at Adair Rural Fire & Rescue declared ALL personnel would take the DPSST driving course. Please let me assure you it is a whole different ride when the truck has the full icy road conditions in effect. This is a great teaching tool. Each driving session is a one hour course and up to four drivers can “do hands on” during the session. During my session there were two students so each of us got about half an hour of practice.

If your district has not used this training yet, please contact DPSST and arrange for your personnel to attend. You may contact John West, DPSST Fire Training Coordinator at 503-378-2583 or Era Horton DPSST Fire Training Specialist at 503-932-7736 for scheduling. ♦

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