CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2937

Chapter 117, Laws of 1992
52nd Legislature
1992 Regular Session

FIRE PROTECTION CONTRACTS AND STATE FIRE SERVICES MOBILIZATION PLAN

EFFECTIVE DATE: 3/31/92

Passed by the House March 11, 1992
Yeas 97  Nays 0

JOE KING
Speaker of the House of Representatives

Passed by the Senate March 11, 1992
Yeas 44  Nays 5

JOEL PRITCHARD
President of the Senate

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2937 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

Approved March 31, 1992

FILED
March 31, 1992 - 12:10 p.m.

BOOTH GARDNER
Governor of the State of Washington

Secretary of State
State of Washington
## SUBSTITUTE HOUSE BILL 2937

**AS AMENDED BY THE SENATE**

Passed Legislature - 1992 Regular Session

<table>
<thead>
<tr>
<th>State of Washington</th>
<th>52nd Legislature</th>
<th>1992 Regular Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>By House Committee on Appropriations (originally sponsored by Representatives Belcher and Bowman; by request of Department of Community Development)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Read first time 02/11/92.

AN ACT Relating to fire protection contracts; amending RCW 28B.35.190, 28B.40.190, and 35.21.775; adding new sections to chapter 35.21 RCW; adding a new chapter to Title 38 RCW; repealing RCW 35.21.777; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 28B.35.190 and 1977 ex.s. c 169 s 49 are each amended to read as follows:

Subject to the provisions of section 6 of this act, each board of trustees of the regional universities may:

(1) Contract for such fire protection services as may be necessary for the protection and safety of the students, staff and property of the regional university;

(2) By agreement pursuant to the provisions of chapter 239, Laws of 1967 (chapter 39.34 RCW), as now or hereafter amended, join together
with other agencies or political subdivisions of the state or federal
government and otherwise share in the accomplishment of any of the
purposes of subsection (1) of this section:

PROVIDED, HOWEVER, That neither the failure of the trustees to
exercise any of its powers under this section nor anything herein shall
detract from the lawful and existing powers and duties of political
subdivisions of the state to provide the necessary fire protection
equipment and services to persons and property within their
jurisdiction.

Sec. 2. RCW 28B.40.190 and 1977 ex.s. c 169 s 69 are each amended
to read as follows:

Subject to the provisions of section 6 of this act, the board of
trustees of The Evergreen State College may:

(1) Contract for such fire protection services as may be necessary
for the protection and safety of the students, staff and property of
the college;

(2) By agreement pursuant to the provisions of chapter 239, Laws of
1967 (chapter 39.34 RCW), as now or hereafter amended, join together
with other agencies or political subdivisions of the state or federal
government and otherwise share in the accomplishment of any of the
purposes of subsection (1) of this section:

PROVIDED, HOWEVER, That neither the failure of the trustees to
exercise any of its powers under this section nor anything herein shall
detract from the lawful and existing powers and duties of political
subdivisions of the state to provide the necessary fire protection
equipment and services to persons and property within their
jurisdiction.
NEW SECTION. Sec. 3. A new section is added to chapter 35.21 RCW to read as follows:

The legislature finds that certain state-owned facilities and institutions impose a financial burden on the cities and towns responsible for providing fire protection services to those state facilities. The legislature endeavors pursuant to this act (chapter ..., Laws of 1992), to establish a process whereby cities and towns that have a significant share of their total assessed valuation taken up by state-owned facilities can enter into fire protection contracts with state agencies or institutions to provide a share of the jurisdiction’s fire protection funding.

Sec. 4. RCW 35.21.775 and 1985 c 6 s 4 are each amended to read as follows:

Subject to the provisions of section 6 of this act, whenever a city or town has located within its territorial limits (buildings or equipment) facilities, except those leased to a nontax-exempt person or organization, owned by the state or an agency or institution of the state, the state or agency or institution (shall) owning such facilities and the city or town may contract (with the city or town) for an equitable share of fire protection services (necessary) for the protection and safety of personnel and property, pursuant to chapter 39.34 RCW, as now or hereafter amended. Nothing in this section shall be construed to require the state, or any state agency or institution, to contract for services which are performed by the staff and equipment of such an entity or by a fire protection district pursuant to RCW 52.30.020. (The director of community development shall present in the budget submitted to the governor for each biennium, an amount sufficient to fund any fire protection service contracts negotiated under the provisions of this section.)
NEW SECTION. Sec. 5. A new section is added to chapter 35.21 RCW to read as follows:

Nothing in this act (chapter ..., Laws of 1992), shall be interpreted to abrogate existing contracts for fire protection services and equipment, nor be deemed to authorize cities and towns to negotiate additional contractual provisions to apply prior to the expiration of such existing contracts. Upon expiration of contracts negotiated prior to the effective date of this act, future contracts between such cities and towns and state agencies and institutions shall be governed by the provisions of sections 4 and 6 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 35.21 RCW to read as follows:

(1) In cities or towns where the estimated value of state-owned facilities constitutes ten percent or more of the total assessed valuation, the state agency or institution owning the facilities shall contract with the city or town to pay an equitable share for fire protection services. The contract shall be negotiated as provided in subsections (2) through (6) of this section and shall provide for payment by the agency or institution to the city or town.

(2) A city or town seeking to enter into fire protection contract negotiations shall provide written notification to the department of community development and the state agencies or institutions that own property within the jurisdiction, of its intent to contract for fire protection services. Where there are multiple state agencies located within a single jurisdiction, a city may choose to notify only the department of community development, which in turn shall notify the agencies or institution that own property within the jurisdiction of the city’s intent to contract for fire protection services. Any such notification shall be based on the valuation procedures, based on
commonly accepted standards, adopted by the department of community
development in consultation with the department of general
administration and the association of Washington cities.

(3) The department of community development shall review any such
notification to ensure that the valuation procedures and results are
accurate. The department will notify each affected city or town and
state agency or institution of the results of their review within
thirty days of receipt of notification.

(4) The parties negotiating fire protection contracts under this
section shall conduct those negotiations in good faith. Whenever there
are multiple state agencies located within a single jurisdiction, every
effort shall be made by the state to consolidate negotiations on behalf
of all affected agencies.

(5) In the event of notification by one of the parties that an
agreement cannot be reached on the terms and conditions of a fire
protection contract, the director of the department of community
development shall mediate a resolution of the disagreement. In the
event of a continued impasse, the director of the department of
community development shall recommend a resolution.

(6) If the parties reject the recommendation of the director and an
impasse continues, the director shall direct the parties to
arbitration. The parties shall agree on a neutral arbitrator, and the
fees and expenses of the arbitrator shall be shared equally between the
parties. The arbitration shall be a final offer, total arbitration,
with the arbitrator empowered only to pick the final offer of one of
the parties or the recommended resolution by the director of the
department of community development. The decision of the arbitrator
shall be final, binding, and nonappealable on the parties.
The provisions of this section shall not apply if a city or town and a state agency or institution have contracted pursuant to section 4 of this act.

The provisions of this section do not apply to cities and towns not meeting the conditions in subsection (1) of this section. Cities and towns not meeting the conditions of subsection (1) of this section may enter into contracts pursuant to section 4 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 35.21 RCW to read as follows:

On or before May 1, 1992, the department of community development shall, in consultation with the association of Washington cities, adopt rules pursuant to chapter 34.05 RCW for the implementation of this act (chapter ..., Laws of 1992).

NEW SECTION. Sec. 8. RCW 35.21.777 and 1983 c 87 s 1 are each repealed.

NEW SECTION. Sec. 9. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "State fire marshal" means the assistant director of the division of fire protection services in the department of community development.

(4) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief’s authorized representative.
Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(5) "Jurisdiction" means state, county, city, fire district, or port district fighting units, or other units covered by this chapter.

(6) "Mobilization" means that fire fighting resources beyond those available through existing agreements will be requested and, when available, sent to fight a fire that has or soon will exceed the capabilities of available local resources. During a large scale fire emergency, mobilization includes redistribution of regional or state-wide fire fighting resources to either direct fire fighting assignments or to assignment in communities where fire fighting resources are needed. This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(7) "Mutual aid" means emergency interagency assistance provided without compensation under and agreement between jurisdictions under chapter 39.34 RCW.

NEW SECTION. Sec. 10. Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to insure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to fire fighting agencies that respond to help others in time of need, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:

(1) Provide the policy and organizational structure for large scale mobilization of fire fighting resources in the state through creation of the Washington state fire services mobilization plan;
(2) Confer upon the director of the department of community development the powers provided herein; and

(3) Provide a means for reimbursement to fire jurisdictions that incur expenses when mobilized by the director under the Washington state fire services mobilization plan.

NEW SECTION. Sec. 11. There is created the state fire defense board consisting of the state fire marshal, a representative from the department of natural resources appointed by the commissioner of public lands, the assistant director of the emergency management division of the department of community development, and one representative selected by each regional fire defense board in the state. Members of the state fire defense board shall select from among themselves a chairperson. Members serving on the board do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.

The state fire defense board shall develop and maintain 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 Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The director shall review the fire services mobilization plan as submitted by the state fire defense board and after consultation with the fire protection policy board, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

It is the responsibility of the director to mobilize jurisdictions under the Washington state fire services mobilization plan. The state
fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

NEW SECTION. Sec. 12. Regions within the state are initially established as follows but may be adjusted as necessary by the director:

(1) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and Island counties;

(2) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille, Spokane, and Lincoln counties;

(3) Olympic region - Clallam and Jefferson counties;

(4) South Puget Sound region - Kitsap, Mason, King, and Pierce counties;

(5) Southeast region - Chelan, Douglas, Kittitas, Grant, Adams, Whitman, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties;

(6) Central region - Grays Harbor, Thurston, Pacific, and Lewis counties; and

(7) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania counties.

Within each of these regions there is created a regional fire defense board. The regional fire defense boards shall consist of two members from each county in the region. One member from each county shall be appointed by the county fire chiefs’ association or, in the event there is no such county association, by the county’s legislative authority. Each county’s office of emergency management or, in the event there is no such office, the county’s legislative authority shall select the second representative to the regional board. The department of natural resources fire control chief shall appoint a representative from each department of natural resources region to serve as a member.
of the appropriate regional fire defense board. Members of each
regional board will select a chairperson and secretary as officers.
Members serving on the regional boards do so in a voluntary capacity
and are not eligible for reimbursement for meeting-related expenses
from the state.

Regional defense boards shall develop regional fire service plans
that include provisions for organized fire agencies to respond across
municipal, county, or regional boundaries. Each regional plan shall be
consistent with the incident command system, the Washington state fire
services mobilization plan, and regional response plans already adopted
and in use in the state. The regional boards shall work with the
relevant local government entities to facilitate development of
intergovernmental agreements if any such agreements are required to
implement a regional fire service plan. Each regional plan shall be
approved by the state fire defense board before implementation.

NEW SECTION. Sec. 13. The department of community development
in consultation with the office of financial management shall develop
procedures to facilitate reimbursement to jurisdictions from
appropriate federal and state funds when jurisdictions are mobilized by
the director under the Washington state fire services mobilization
plan.

NEW SECTION. Sec. 14. Sections 9 through 13 of this act shall
constitute a new chapter in Title 38 RCW.

NEW SECTION. Sec. 15. This act is necessary for the immediate
preservation of the public peace, health, or safety, or support of the
state government and its existing public institutions, and shall take
effect immediately.
Passed the House March 11, 1992.
Passed the Senate March 11, 1992.
Approved by the Governor March 31, 1992.
Filed in Office of Secretary of State March 31, 1992.