

**SUBSTITUTE SENATE BILL 5094**

**State of Washington                      54th Legislature                      1995 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Rinehart, Drew, Rasmussen, Pelz and Oke)

Read first time 02/03/95.

1            AN ACT Relating to emergency management; amending RCW 38.52.005,  
2 38.52.090, 38.52.420, 38.54.010, 38.54.020, 46.16.340, and 88.46.100;  
3 reenacting and amending RCW 38.52.010; adding a new section to chapter  
4 38.52 RCW; creating new sections; providing an effective date; and  
5 declaring an emergency.

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

7            **Sec. 1.** RCW 38.52.005 and 1986 c 266 s 22 are each amended to read  
8 as follows:

9            The department ((of ~~community development~~)) shall administer the  
10 comprehensive emergency management program of the state of Washington  
11 as provided for in this chapter. All local organizations, organized  
12 and performing emergency management functions pursuant to RCW  
13 38.52.070, may change their name and be called the . . . . .  
14 department/division of emergency management.

15            **Sec. 2.** RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are  
16 each reenacted and amended to read as follows:

17            As used in this chapter:

1 (1) "Emergency management" or "comprehensive emergency management"  
2 means the preparation for and the carrying out of all emergency  
3 functions, other than functions for which the military forces are  
4 primarily responsible, to mitigate, prepare for, respond to, and  
5 recover from emergencies and disasters, and to aid victims suffering  
6 from injury or damage, resulting from disasters caused by all hazards,  
7 whether natural or man-made, and to provide support for search and  
8 rescue operations for persons and property in distress. However,  
9 "emergency management" or "comprehensive emergency management" does not  
10 mean preparation for emergency evacuation or relocation of residents in  
11 anticipation of nuclear attack.

12 (2) "Local organization for emergency services or management" means  
13 an organization created in accordance with the provisions of this  
14 chapter by state or local authority to perform local emergency  
15 management functions.

16 (3) "Political subdivision" means any county, city or town.

17 (4) "Emergency worker" means any person, including but not limited  
18 to an architect registered under chapter 18.08 RCW or a professional  
19 engineer registered under chapter 18.43 RCW, who is registered with a  
20 local emergency management organization or the department (~~of~~  
21 ~~community development~~) and holds an identification card issued by the  
22 local emergency management director or the department (~~of community~~  
23 ~~development~~) for the purpose of engaging in authorized emergency  
24 management activities or is an employee of the state of Washington or  
25 any political subdivision thereof who is called upon to perform  
26 emergency management activities.

27 (5) "Injury" as used in this chapter shall mean and include  
28 accidental injuries and/or occupational diseases arising out of  
29 emergency management activities.

30 (6)(a) "Emergency or disaster" as used in all sections of this  
31 chapter except RCW 38.52.430 shall mean an event or set of  
32 circumstances which: (i) Demands immediate action to preserve public  
33 health, protect life, protect public property, or to provide relief to  
34 any stricken community overtaken by such occurrences, or (ii) reaches  
35 such a dimension or degree of destructiveness as to warrant the  
36 governor declaring a state of emergency pursuant to RCW 43.06.010.

37 (b) "Emergency" as used in RCW 38.52.430 means an incident that  
38 requires a normal police, coroner, fire, rescue, emergency medical

1 services, or utility response as a result of a violation of one of the  
2 statutes enumerated in RCW 38.52.430.

3 (7) "Search and rescue" means the acts of searching for, rescuing,  
4 or recovering by means of ground, marine, or air activity any person  
5 who becomes lost, injured, or is killed while outdoors or as a result  
6 of a natural or man-made disaster, including instances involving  
7 searches for downed aircraft when ground personnel are used. Nothing  
8 in this section shall affect appropriate activity by the department of  
9 transportation under chapter 47.68 RCW.

10 (8) "Executive head" and "executive heads" means the county  
11 executive in those charter counties with an elective office of county  
12 executive, however designated, and, in the case of other counties, the  
13 county legislative authority. In the case of cities and towns, it  
14 means the mayor.

15 (9) "Director" means the ~~((director of community development))~~  
16 adjutant general.

17 (10) "Local director" means the director of a local organization of  
18 emergency management or emergency services.

19 (11) "Department" means the state military department ~~((of  
20 community development))~~.

21 (12) "Emergency response" as used in RCW 38.52.430 means a public  
22 agency's use of emergency services during an emergency or disaster as  
23 defined in subsection (6)(b) of this section.

24 (13) "Expense of an emergency response" as used in RCW 38.52.430  
25 means reasonable costs incurred by a public agency in reasonably making  
26 an appropriate emergency response to the incident, but shall only  
27 include those costs directly arising from the response to the  
28 particular incident. Reasonable costs shall include the costs of  
29 providing police, coroner, fire fighting, rescue, emergency medical  
30 services, or utility response at the scene of the incident, as well as  
31 the salaries of the personnel responding to the incident.

32 (14) "Public agency" means the state, and a city, county, municipal  
33 corporation, district, or public authority located, in whole or in  
34 part, within this state which provides or may provide fire fighting,  
35 police, ambulance, medical, or other emergency services.

36 **Sec. 3.** RCW 38.52.090 and 1987 c 185 s 6 are each amended to read  
37 as follows:

1 (1) The director of each local organization for emergency  
2 management may, in collaboration with other public and private agencies  
3 within this state, develop or cause to be developed mutual aid  
4 arrangements for reciprocal emergency management aid and assistance in  
5 case of disaster too great to be dealt with unassisted. Such  
6 arrangements shall be consistent with the state emergency management  
7 plan and program, and in time of emergency it shall be the duty of each  
8 local organization for emergency management to render assistance in  
9 accordance with the provisions of such mutual aid arrangements. The  
10 (~~director of community development~~) adjutant general shall adopt and  
11 distribute a standard form of contract for use by local organizations  
12 in understanding and carrying out said mutual aid arrangements.

13 (2) The (~~director of community development~~) adjutant general and  
14 the director of each local organization for emergency management may,  
15 subject to the approval of the governor, enter into mutual aid  
16 arrangements with emergency management agencies or organizations in  
17 other states for reciprocal emergency management aid and assistance in  
18 case of disaster too great to be dealt with unassisted. All such  
19 arrangements shall be pursuant to either of the compacts contained in  
20 subsection (2) (a) or (b) of this section.

21 (a) The legislature recognizes that the compact language contained  
22 in this subsection is inadequate to meet many forms of emergencies.  
23 For this reason, after June 7, 1984, the state may not enter into any  
24 additional compacts under this subsection (2)(a).

25 INTERSTATE CIVIL DEFENSE  
26 AND DISASTER COMPACT

27 The contracting States solemnly agree:

28 Article 1. The purpose of this compact is to provide mutual aid  
29 among the States in meeting any emergency or disaster from enemy attack  
30 or other cause (natural or otherwise) including sabotage and subversive  
31 acts and direct attacks by bombs, shellfire, and atomic, radiological,  
32 chemical, bacteriological means, and other weapons. The prompt, full  
33 and effective utilization of the resources of the respective States,  
34 including such resources as may be available from the United States  
35 Government or any other source, are essential to the safety, care and  
36 welfare of the people thereof in the event of enemy action or other  
37 emergency, and any other resources, including personnel, equipment or  
38 supplies, shall be incorporated into a plan or plans of mutual aid to

1 be developed among the civil defense agencies or similar bodies of the  
2 States that are parties hereto. The Directors of Civil Defense  
3 (Emergency Services) of all party States shall constitute a committee  
4 to formulate plans and take all necessary steps for the implementation  
5 of this compact.

6 Article 2. It shall be the duty of each party State to formulate  
7 civil defense plans and programs for application within such State.  
8 There shall be frequent consultation between the representatives of the  
9 States and with the United States Government and the free exchange of  
10 information and plans, including inventories of any materials and  
11 equipment available for civil defense. In carrying out such civil  
12 defense plans and programs the party States shall so far as possible  
13 provide and follow uniform standards, practices and rules and  
14 regulations including:

15 (a) Insignia, arm bands and any other distinctive articles to  
16 designate and distinguish the different civil defense services;

17 (b) Blackouts and practice blackouts, air raid drills, mobilization  
18 of civil defense forces and other tests and exercises;

19 (c) Warnings and signals for drills or attacks and the mechanical  
20 devices to be used in connection therewith;

21 (d) The effective screening or extinguishing of all lights and  
22 lighting devices and appliances;

23 (e) Shutting off water mains, gas mains, electric power connections  
24 and the suspension of all other utility services;

25 (f) All materials or equipment used or to be used for civil defense  
26 purposes in order to assure that such materials and equipment will be  
27 easily and freely interchangeable when used in or by any other party  
28 State;

29 (g) The conduct of civilians and the movement and cessation of  
30 movement of pedestrians and vehicular traffic, prior, during, and  
31 subsequent to drills or attacks;

32 (h) The safety of public meetings or gatherings; and

33 (i) Mobile support units.

34 Article 3. Any party State requested to render mutual aid shall  
35 take such action as is necessary to provide and make available the  
36 resources covered by this compact in accordance with the terms hereof;  
37 provided that it is understood that the State rendering aid may  
38 withhold resources to the extent necessary to provide reasonable  
39 protection for such State. Each party State shall extend to the civil

1 defense forces of any other party State, while operating within its  
2 State limits under the terms and conditions of this compact, the same  
3 powers (except that of arrest unless specifically authorized by the  
4 receiving State), duties, rights, privileges and immunities as if they  
5 were performing their duties in the State in which normally employed or  
6 rendering services. Civil defense forces will continue under the  
7 command and control of their regular leaders but the organizational  
8 units will come under the operational control of the civil defense  
9 authorities of the State receiving assistance.

10 Article 4. Whenever any person holds a license, certificate or  
11 other permit issued by any State evidencing the meeting of  
12 qualifications for professional, mechanical or other skills, such  
13 person may render aid involving such skill in any party State to meet  
14 an emergency or disaster and such State shall give due recognition to  
15 such license, certificate or other permit as if issued in the State in  
16 which aid is rendered.

17 Article 5. No party State or its officers or employees rendering  
18 aid in another State pursuant to this compact shall be liable on  
19 account of any act or omission in good faith on the part of such forces  
20 while so engaged, or on account of the maintenance or use of any  
21 equipment or supplies in connection therewith.

22 Article 6. Inasmuch as it is probable that the pattern and detail  
23 of the machinery for mutual aid among two or more states may differ  
24 from that appropriate among other States party hereto, this instrument  
25 contains elements of a broad base common to all States, and nothing  
26 herein contained shall preclude any State from entering into  
27 supplementary agreements with another State or States. Such  
28 supplementary agreements may comprehend, but shall not be limited to,  
29 provisions for evacuation and reception of injured and other persons,  
30 and the exchange of medical, fire, police, public utility,  
31 reconnaissance, welfare, transportation and communications personnel,  
32 equipment and supplies.

33 Article 7. Each party State shall provide for the payment of  
34 compensation and death benefits to injured members of the civil defense  
35 forces of that State and the representatives of deceased members of  
36 such forces in case such members sustain injuries or are killed while  
37 rendering aid pursuant to this compact, in the same manner and on the  
38 same terms as if the injury or death were sustained within such State.

1 Article 8. Any party State rendering aid in another State pursuant  
2 to this compact shall be reimbursed by the party State receiving such  
3 aid for any loss or damage to, or expense incurred in the operation of  
4 any equipment answering a request for aid, and for the cost incurred in  
5 connection with such requests; provided, that any aiding State may  
6 assume in whole or in part such loss, damage, expense, or other cost,  
7 or may loan such equipment or donate such services to the receiving  
8 party State without charge or cost; and provided further that any two  
9 or more party States may enter into supplementary agreements  
10 establishing a different allocation of costs as among those States.  
11 The United States Government may relieve the party State receiving aid  
12 from any liability and reimburse the party State supplying civil  
13 defense forces for the compensation paid to and the transportation,  
14 subsistence and maintenance expenses of such forces during the time of  
15 the rendition of such aid or assistance outside the State and may also  
16 pay fair and reasonable compensation for the use or utilization of the  
17 supplies, materials, equipment or facilities so utilized or consumed.

18 Article 9. Plans for the orderly evacuation and reception of the  
19 civilian population as the result of an emergency or disaster shall be  
20 worked out from time to time between representatives of the party  
21 States and the various local civil defense areas thereof. Such plans  
22 shall include the manner of transporting such evacuees, the number of  
23 evacuees to be received in different areas, the manner in which food,  
24 clothing, housing, and medical care will be provided, the registration  
25 of the evacuees, the providing of facilities for the notification of  
26 relatives or friends and the forwarding of such evacuees to other areas  
27 or the bringing in of additional materials, supplies, and all other  
28 relevant factors. Such plans shall provide that the party State  
29 receiving evacuees shall be reimbursed generally for the out-of-pocket  
30 expenses incurred in receiving and caring for such evacuees, for  
31 expenditures for transportation, food, clothing, medicines and medical  
32 care and like items. Such expenditures shall be reimbursed by the  
33 party State of which the evacuees are residents, or by the United  
34 States Government under plans approved by it. After the termination of  
35 the emergency or disaster the party State of which the evacuees are  
36 resident shall assume the responsibility for the ultimate support or  
37 repatriation of such evacuees.

38 Article 10. This compact shall be available to any State,  
39 territory or possession of the United States, and the District of

1 Columbia. The term "State" may also include any neighboring foreign  
2 country or province or state thereof.

3 Article 11. The committee established pursuant to Article 1 of  
4 this compact may request the Civil Defense Agency of the United States  
5 Government to act as an informational and coordinating body under this  
6 compact, and representatives of such agency of the United States  
7 Government may attend meetings of such committee.

8 Article 12. This compact shall become operative immediately upon  
9 its ratification by any State as between it and any other State or  
10 States so ratifying and shall be subject to approval by Congress unless  
11 prior Congressional approval has been given. Duly authenticated copies  
12 of this compact and of such supplementary agreements as may be entered  
13 into shall, at the time of their approval, be deposited with each of  
14 the party States and with the Civil Defense Agency and other  
15 appropriate agencies of the United States Government.

16 Article 13. This compact shall continue in force and remain  
17 binding on each party State until the legislature or the Governor of  
18 such party State takes action to withdraw therefrom. Such action shall  
19 not be effective until 30 days after notice thereof has been sent by  
20 the Governor of the party State desiring to withdraw to the Governors  
21 of all other party States.

22 Article 14. This compact shall be construed to effectuate the  
23 purposes stated in Article 1 hereof. If any provision of this compact  
24 is declared unconstitutional, or the applicability thereof to any  
25 person or circumstance is held invalid, the constitutionality of the  
26 remainder of this compact and the applicability thereof to other  
27 persons and circumstances shall not be effected thereby.

28 Article 15. (a) This Article shall be in effect only as among  
29 those states which have enacted it into law or in which the Governors  
30 have adopted it pursuant to constitutional or statutory authority  
31 sufficient to give it the force of law as part of this compact.  
32 Nothing contained in this Article or in any supplementary agreement  
33 made in implementation thereof shall be construed to abridge, impair or  
34 supersede any other provision of this compact or any obligation  
35 undertaken by a State pursuant thereto, except that if its terms so  
36 provide, a supplementary agreement in implementation of this Article  
37 may modify, expand or add to any such obligation as among the parties  
38 to the supplementary agreement.



1 (b) In addition to the occurrences, circumstances and subject  
2 matters to which preceding articles of this compact make it applicable,  
3 this compact and the authorizations, entitlements and procedures  
4 thereof shall apply to:

5 1. Searches for and rescue of person who are lost, marooned, or  
6 otherwise in danger.

7 2. Action useful in coping with disasters arising from any cause  
8 or designed to increase the capability to cope with any such disasters.

9 3. Incidents, or the imminence thereof, which endanger the health  
10 or safety of the public and which require the use of special equipment,  
11 trained personnel or personnel in larger numbers than are locally  
12 available in order to reduce, counteract or remove the danger.

13 4. The giving and receiving of aid by subdivisions of party  
14 States.

15 5. Exercises, drills or other training or practice activities  
16 designed to aid personnel to prepare for, cope with or prevent any  
17 disaster or other emergency to which this compact applies.

18 (c) Except as expressly limited by this compact or a supplementary  
19 agreement in force pursuant thereto, any aid authorized by this compact  
20 or such supplementary agreement may be furnished by any agency of a  
21 party State, a subdivision of such State, or by a joint agency  
22 providing such aid shall be entitled to reimbursement therefor to the  
23 same extent and in the same manner as a State. The personnel of such  
24 a joint agency, when rendering aid pursuant to this compact shall have  
25 the same rights, authority and immunity as personnel of party States.

26 (d) Nothing in this Article shall be construed to exclude from the  
27 coverage of Articles 1-15 of this compact any matter which, in the  
28 absence of this Article, could reasonably be construed to be covered  
29 thereby.

30 (b) The compact language contained in this subsection (2)(b) is  
31 intended to deal comprehensively with emergencies requiring assistance  
32 from other states.

33 INTERSTATE MUTUAL AID COMPACT

34 Purpose

35 The purpose of this Compact is to provide voluntary assistance among  
36 participating states in responding to any disaster or imminent  
37 disaster, that over extends the ability of local and state governments  
38 to reduce, counteract or remove the danger. Assistance may include,

1 but not be limited to, rescue, fire, police, medical, communication,  
2 transportation services and facilities to cope with problems which  
3 require use of special equipment, trained personnel or personnel in  
4 large numbers not locally available.

5 Authorization

6 Article I, Section 10 of the Constitution of the United States permits  
7 a state to enter into an agreement or compact with another state,  
8 subject to the consent of Congress. Congress, through enactment of  
9 Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by  
10 issuance of Executive Orders No. 10186 of December 1, 1950, encourages  
11 the states to enter into emergency, disaster and civil defense mutual  
12 aid agreements or pacts.

13 Implementation

14 It is agreed by participating states that the following conditions will  
15 guide implementation of the Compact:

16 1. Participating states through their designated officials are  
17 authorized to request and to receive assistance from a participating  
18 state. Requests will be granted only if the requesting state is  
19 committed to the mitigation of the emergency, and other resources are  
20 not immediately available.

21 2. Requests for assistance may be verbal or in writing. If the  
22 request is made by other than written communication, it shall be  
23 confirmed in writing as soon as practical after the request. A written  
24 request shall provide an itemization of equipment and operators, types  
25 of expertise, personnel or other resources needed. Each request must  
26 be signed by an authorized official.

27 3. Personnel and equipment of the aiding party made available to  
28 the requesting party shall, whenever possible, remain under the control  
29 and direction of the aiding party. The activities of personnel and  
30 equipment of the aiding party must be coordinated by the requesting  
31 party.

32 4. An aiding state shall have the right to withdraw some or all of  
33 their personnel and/or equipment whenever the personnel or equipment  
34 are needed by that state. Notice of intention to withdraw should be  
35 communicated to the requesting party as soon as possible.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

General Fiscal Provisions

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and on the same terms as if the injury or death were sustained within such state.

Privileges and Immunities

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

2. All privileges and immunities from liability, exemptions from law, ordinances, and rules, workers' compensation and other benefits which apply to duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits, shall apply to the same degree and extent while performing their functions extra-territorially under the provisions of this Agreement. Volunteers may include, but not be limited to, physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.

3. The signatory states, their political subdivisions, municipal corporations and other public agencies shall hold harmless the

1 corresponding entities and personnel thereof from the other state with  
2 respect to the acts and omissions of its own agents and employees that  
3 occur while providing assistance pursuant to the common plan.

4 4. Nothing in this arrangement shall be construed as repealing or  
5 impairing any existing Interstate Mutual Aid Agreements.

6 5. Upon enactment of this Agreement by two or more states, and by  
7 January 1, annually thereafter, the participating states will exchange  
8 with each other the names of officials designated to request and/or  
9 provide services under this arrangement. In accordance with the  
10 cooperative nature of this arrangement, it shall be permissible and  
11 desirable for the parties to exchange operational procedures to be  
12 followed in requesting assistance and reimbursing expenses.

13 6. This compact shall enter into force and become effective and  
14 binding upon the states so acting when it has been enacted into law by  
15 any two states. Thereafter, this compact shall enter into force and  
16 become effective and binding as to any other of said states upon  
17 similar action by such state.

18 7. This compact shall continue in force and remain binding upon a  
19 party state until it shall have enacted a statute repealing the same  
20 and providing for the sending of formal written notice of withdrawal  
21 from the compact to the appropriate official of all other party states.  
22 An actual withdrawal shall not take effect until the thirtieth  
23 consecutive day after the notice provided in the statute has been sent.  
24 Such withdrawal shall not relieve the withdrawing state from its  
25 obligations assumed hereunder prior to the effective date of  
26 withdrawal.

27 **Sec. 4.** RCW 38.52.420 and 1994 c 264 s 11 are each amended to read  
28 as follows:

29 (1) The department ((of community, trade, and economic  
30 development)), in consultation with appropriate federal agencies, the  
31 departments of natural resources, fish and wildlife, and ecology,  
32 representatives of local government, and any other person the director  
33 may deem appropriate, shall develop a model contingency plan,  
34 consistent with other plans required for hazardous materials by federal  
35 and state law, to serve as a draft plan for local governments which may  
36 be incorporated into the state and local emergency management plans.

37 (2) The model contingency plan shall:

1 (a) Include specific recommendations for pollution control  
2 facilities which are deemed to be most appropriate for the control,  
3 collection, storage, treatment, disposal, and recycling of oil and  
4 other spilled material and furthering the prevention and mitigation of  
5 such pollution;

6 (b) Include recommendations for the training of local personnel  
7 consistent with other training proposed, funded, or required by federal  
8 or state laws for hazardous materials;

9 (c) Suggest cooperative training exercises between the public and  
10 private sector consistent with other training proposed, funded, or  
11 required by federal or state laws for hazardous materials;

12 (d) Identify federal and state laws requiring contingency or  
13 management plans applicable or related to prevention of pollution,  
14 emergency response capabilities, and hazardous waste management,  
15 together with a list of funding sources that local governments may use  
16 in development of their specific plans;

17 (e) Promote formal agreements between the department (~~of~~  
18 ~~community, trade, and economic development~~) and local entities for  
19 effective spill response; and

20 (f) Develop policies and procedures for the augmentation of  
21 emergency services and agency spill response personnel through the use  
22 of volunteers: PROVIDED, That no contingency plan may require the use  
23 of volunteers by a responding responsible party without that party's  
24 consent.

25 **Sec. 5.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read  
26 as follows:

27 Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout this chapter.

29 (1) "Department" means the department of community, trade, and  
30 economic development.

31 (2) "Director" means the director of the department of community,  
32 trade, and economic development.

33 (3) "State fire marshal" means the assistant director of the  
34 division of fire protection services in the department of community,  
35 trade, and economic development.

36 (4) "Fire chief" includes the chief officer of a statutorily  
37 authorized fire agency, or the fire chief's authorized representative.

1 Also included are the department of natural resources fire control  
2 chief, and the department of natural resources regional managers.

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

6 (6) "Mobilization" means that fire fighting resources beyond those  
7 available through existing agreements will be requested and, when  
8 available, sent (~~(to fight a fire)~~) in response to an emergency or  
9 disaster situation that has (~~(or soon will exceed)~~) exceeded the  
10 capabilities of available local resources. During a large scale  
11 (~~(fire)~~) emergency, mobilization includes the redistribution of  
12 regional or state-wide fire fighting resources to either direct (~~(fire~~  
13 ~~fighting)~~) emergency incident assignments or to assignment in  
14 communities where fire fighting resources are needed.

15 When mobilization is declared and authorized as provided in this  
16 chapter, all fire fighting resources except those of the host fire  
17 protection authorities, i.e. incident jurisdiction, shall be deemed as  
18 mobilized under this chapter, including those that responded earlier  
19 under existing mutual aid or other agreement. All nonhost fire  
20 protection authorities providing fire fighting resources in response to  
21 a mobilization declaration shall be eligible for expense reimbursement  
22 as provided by this chapter from the time of the mobilization  
23 declaration.

24 This chapter shall not reduce or suspend the authority or  
25 responsibility of the department of natural resources under chapter  
26 76.04 RCW.

27 (7) "Mutual aid" means emergency interagency assistance provided  
28 without compensation under (~~(and [an])~~) an agreement between  
29 jurisdictions under chapter 39.34 RCW.

30 **Sec. 6.** RCW 38.54.020 and 1992 c 117 s 10 are each amended to read  
31 as follows:

32 Because of the possibility of the occurrence of disastrous fires or  
33 other disasters of unprecedented size and destructiveness, the need to  
34 insure that the state is adequately prepared to respond to such a fire  
35 or disaster, the need to establish a mechanism and a procedure to  
36 provide for reimbursement to fire fighting agencies that respond to  
37 help others in time of need, and generally to protect the public peace,

1 health, safety, lives, and property of the people of Washington, it is  
2 hereby declared necessary to:

3 (1) Provide the policy and organizational structure for large scale  
4 mobilization of fire fighting resources in the state through creation  
5 of the Washington state fire services mobilization plan;

6 (2) Confer upon the director (~~of the department of community~~  
7 ~~development~~) the powers provided herein; and

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

11 It is the intent of the legislature that mutual aid and other  
12 interlocal agreements providing for enhanced emergency response be  
13 encouraged as essential to the public peace, safety, health, and  
14 welfare, and for the protection of the lives and property of the people  
15 of the state of Washington. If possible, mutual aid agreements should  
16 be without stated limitations as to resources available, time, or area.  
17 Nothing in this chapter shall be construed or interpreted to limit the  
18 eligibility of any nonhost fire protection authority for reimbursement  
19 of expenses incurred in providing fire fighting resources for  
20 mobilization.

21 **Sec. 7.** RCW 46.16.340 and 1986 c 266 s 49 are each amended to read  
22 as follows:

23 The director, from time to time, shall furnish the state military  
24 department, the department of community, trade, and economic  
25 development, the Washington state patrol, and all county sheriffs a  
26 list of the names, addresses, and license plate or radio station call  
27 letters of each person possessing the special amateur radio station  
28 license plates so that the facilities of such radio stations may be  
29 utilized to the fullest extent in the work of these governmental  
30 agencies.

31 **Sec. 8.** RCW 88.46.100 and 1991 c 200 s 423 are each amended to  
32 read as follows:

33 (1) In order to assist the state in identifying areas of the  
34 navigable waters of the state needing special attention, the owner or  
35 operator of a covered vessel shall notify the coast guard within one  
36 hour:

1 (a) Of the disability of the covered vessel if the disabled vessel  
2 is within twelve miles of the shore of the state; and

3 (b) Of a collision or a near miss incident within twelve miles of  
4 the shore of the state.

5 (2) The (~~division of emergency management of the~~) state military  
6 department (~~of community development~~) and the office shall request  
7 the coast guard to notify the (~~division of emergency management~~)  
8 state military department as soon as possible after the coast guard  
9 receives notice of a disabled covered vessel or of a collision or near  
10 miss incident within twelve miles of the shore of the state. The  
11 office shall negotiate an agreement with the coast guard governing  
12 procedures for coast guard notification to the state regarding disabled  
13 covered vessels and collisions and near miss incidents.

14 (3) The office shall prepare a summary of the information collected  
15 under this section and provide the summary to the regional marine  
16 safety committees, the coast guard, and others in order to identify  
17 problems with the marine transportation system.

18 (4) For the purposes of this section:

19 (a) A tank vessel or cargo vessel is considered disabled if any of  
20 the following occur:

21 (i) Any accidental or intentional grounding;

22 (ii) The total or partial failure of the main propulsion or primary  
23 steering or any component or control system that causes a reduction in  
24 the maneuvering capabilities of the vessel;

25 (iii) An occurrence materially and adversely affecting the vessel's  
26 seaworthiness or fitness for service, including but not limited to,  
27 fire, flooding, or collision with another vessel;

28 (iv) Any other occurrence that creates the serious possibility of  
29 an oil spill or an occurrence that may result in such a spill.

30 (b) A barge is considered disabled if any of the following occur:

31 (i) The towing mechanism becomes disabled;

32 (ii) The towboat towing the barge becomes disabled through  
33 occurrences defined in (a) of this subsection.

34 (c) A near miss incident is an incident that requires the pilot or  
35 master of a covered vessel to take evasive actions or make significant  
36 course corrections in order to avoid a collision with another ship or  
37 to avoid a grounding as required by the international rules of the  
38 road.



1 (5) Failure of any person to make a report under this section shall  
2 not be used as the basis for the imposition of any fine or penalty.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 38.52 RCW  
4 to read as follows:

5 All powers, duties, and functions of the department of community,  
6 trade, and economic development pertaining to emergency management are  
7 transferred to the state military department. All references to the  
8 director or the department of community development or the department  
9 of community, trade, and economic development in the Revised Code of  
10 Washington shall be construed to mean the adjutant general or the state  
11 military department when referring to the functions transferred in this  
12 section.

13 NEW SECTION. **Sec. 10.** All reports, documents, surveys, books,  
14 records, files, papers, or written material in the possession of the  
15 department of community, trade, and economic development pertaining to  
16 the powers, functions, and duties transferred shall be delivered to the  
17 custody of the state military department. All cabinets, furniture,  
18 office equipment, motor vehicles, and other tangible property employed  
19 by the department of community, trade, and economic development in  
20 carrying out the powers, functions, and duties transferred shall be  
21 made available to the state military department. All funds, credits,  
22 or other assets held in connection with the powers, functions, and  
23 duties transferred shall be assigned to the state military department.

24 Any appropriations made to the department of community, trade, and  
25 economic development for carrying out the powers, functions, and duties  
26 transferred shall, on the effective date of this section, be  
27 transferred and credited to the state military department.

28 Whenever any question arises as to the transfer of any personnel,  
29 funds, books, documents, records, papers, files, equipment, or other  
30 tangible property used or held in the exercise of the powers and the  
31 performance of the duties and functions transferred, the director of  
32 financial management shall make a determination as to the proper  
33 allocation and certify the same to the state agencies concerned.

34 NEW SECTION. **Sec. 11.** All employees of the department of  
35 community, trade, and economic development engaged in performing the  
36 powers, functions, and duties transferred are transferred to the

1 jurisdiction of the state military department. All employees  
2 classified under chapter 41.06 RCW, the state civil service law, are  
3 assigned to the state military department to perform their usual duties  
4 upon the same terms as formerly, without any loss of rights, subject to  
5 any action that may be appropriate thereafter in accordance with the  
6 laws and rules governing state civil service. All employees of the  
7 department of community, trade, and economic development exempted under  
8 chapter 41.06 RCW shall retain such exemption after transfer.

9 NEW SECTION. **Sec. 12.** All rules and all pending business before  
10 the department of community, trade, and economic development pertaining  
11 to the powers, functions, and duties transferred shall be continued and  
12 acted upon by the state military department. All existing contracts  
13 and obligations shall remain in full force and shall be performed by  
14 the state military department.

15 NEW SECTION. **Sec. 13.** The transfer of the powers, duties,  
16 functions, and personnel of the department of community, trade, and  
17 economic development shall not affect the validity of any act performed  
18 prior to the effective date of this section.

19 NEW SECTION. **Sec. 14.** If apportionments of budgeted funds are  
20 required because of the transfers directed by sections 10 through 13 of  
21 this act, the director of financial management shall certify the  
22 apportionments to the agencies affected, the state auditor, and the  
23 state treasurer. Each of these shall make the appropriate transfer and  
24 adjustments in funds and appropriation accounts and equipment records  
25 in accordance with the certification.

26 NEW SECTION. **Sec. 15.** (1) The military department, in cooperation  
27 with the Washington state patrol and the emergency management council,  
28 shall by December 31, 1995, develop a strategic plan to enhance the  
29 coordination and efficiency and decrease the costs of the military  
30 department's emergency management programs and services. The plan  
31 shall:

- 32 (a) Evaluate all current programs and services;  
33 (b) Develop new and innovative techniques for the administration of  
34 programs and delivery of services;

1 (c) Strengthen military department linkages with local agencies;  
2 and

3 (d) Assess the use of private sector equipment, materials, and  
4 services.

5 (2) A summary of the strategic plan shall be delivered to the  
6 appropriate committees of the legislature no later than July 10, 1996.

7 NEW SECTION. **Sec. 16.** Nothing contained in sections 9 through 14  
8 of this act may be construed to alter any existing collective  
9 bargaining unit or the provisions of any existing collective bargaining  
10 agreement until the agreement has expired or until the bargaining unit  
11 has been modified by action of the personnel board as provided by law.

12 NEW SECTION. **Sec. 17.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and shall take  
15 effect July 1, 1995.

--- END ---