

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2937

52nd Legislature
1992 Regular Session

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

**Speaker of the
House of Representatives**

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

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

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.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2937

AS AMENDED BY THE SENATE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Belcher and Bowman; by request of Department of Community Development)

Read first time 02/11/92.

1 AN ACT Relating to fire protection contracts; amending RCW
2 28B.35.190, 28B.40.190, and 35.21.775; adding new sections to chapter
3 35.21 RCW; adding a new chapter to Title 38 RCW; repealing RCW
4 35.21.777; and declaring an emergency.

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

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

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

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

13 (2) By agreement pursuant to the provisions of chapter 239, Laws of
14 1967 (chapter 39.34 RCW), as now or hereafter amended, join together

1 with other agencies or political subdivisions of the state or federal
2 government and otherwise share in the accomplishment of any of the
3 purposes of subsection (1) of this section:

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

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

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

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

17 (2) By agreement pursuant to the provisions of chapter 239, Laws of
18 1967 (chapter 39.34 RCW), as now or hereafter amended, join together
19 with other agencies or political subdivisions of the state or federal
20 government and otherwise share in the accomplishment of any of the
21 purposes of subsection (1) of this section:

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

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
2 to read as follows:

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

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

14 Subject to the provisions of section 6 of this act, whenever a city
15 or town has located within its territorial limits ((buildings or
16 equipment)) facilities, except those leased to a nontax-exempt person
17 or organization, owned by the state or an agency or institution of the
18 state, the state or agency or institution ((shall)) owning such
19 facilities and the city or town may contract ((with the city or town))
20 for an equitable share of fire protection services ((necessary)) for
21 the protection and safety of personnel and property, pursuant to
22 chapter 39.34 RCW, as now or hereafter amended. Nothing in this
23 section shall be construed to require the state, or any state agency or
24 institution, to contract for services which are performed by the staff
25 and equipment of such an entity or by a fire protection district
26 pursuant to RCW 52.30.020. ((The director of community development
27 shall present in the budget submitted to the governor for each
28 biennium, an amount sufficient to fund any fire protection service
29 contracts negotiated under the provisions of this section.))

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.21 RCW
2 to read as follows:

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

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

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

20 (2) A city or town seeking to enter into fire protection contract
21 negotiations shall provide written notification to the department of
22 community development and the state agencies or institutions that own
23 property within the jurisdiction, of its intent to contract for fire
24 protection services. Where there are multiple state agencies located
25 within a single jurisdiction, a city may choose to notify only the
26 department of community development, which in turn shall notify the
27 agencies or institution that own property within the jurisdiction of
28 the city's intent to contract for fire protection services. Any such
29 notification shall be based on the valuation procedures, based on

1 commonly accepted standards, adopted by the department of community
2 development in consultation with the department of general
3 administration and the association of Washington cities.

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

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

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

20 (6) If the parties reject the recommendation of the director and an
21 impasse continues, the director shall direct the parties to
22 arbitration. The parties shall agree on a neutral arbitrator, and the
23 fees and expenses of the arbitrator shall be shared equally between the
24 parties. The arbitration shall be a final offer, total arbitration,
25 with the arbitrator empowered only to pick the final offer of one of
26 the parties or the recommended resolution by the director of the
27 department of community development. The decision of the arbitrator
28 shall be final, binding, and nonappealable on the parties.

1 (7) The provisions of this section shall not apply if a city or
2 town and a state agency or institution have contracted pursuant to
3 section 4 of this act.

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

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

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

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

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

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

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

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

25 (4) "Fire chief" includes the chief officer of a statutorily
26 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 fighting units, or other units covered by this chapter.

5 (6) "Mobilization" means that fire fighting resources beyond those
6 available through existing agreements will be requested and, when
7 available, sent to fight a fire that has or soon will exceed the
8 capabilities of available local resources. During a large scale fire
9 emergency, mobilization includes redistribution of regional or state-
10 wide fire fighting resources to either direct fire fighting assignments
11 or to assignment in communities where fire fighting resources are
12 needed. This chapter shall not reduce or suspend the authority or
13 responsibility of the department of natural resources under chapter
14 76.04 RCW.

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

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

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

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

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

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

16 The state fire defense board shall develop and maintain the
17 Washington state fire services mobilization plan, which shall include
18 the procedures to be used during fire emergencies for coordinating
19 local, regional, and state fire jurisdiction resources. The Washington
20 state fire services mobilization plan shall be consistent with, and
21 made part of, the Washington state comprehensive emergency management
22 plan. The director shall review the fire services mobilization plan
23 as submitted by the state fire defense board and after consultation
24 with the fire protection policy board, recommend changes that may be
25 necessary, and approve the fire services mobilization plan for
26 inclusion within the state comprehensive emergency management plan.

27 It is the responsibility of the director to mobilize jurisdictions
28 under the Washington state fire services mobilization plan. The state

1 fire marshal shall serve as the state fire resources coordinator when
2 the Washington state fire services mobilization plan is mobilized.

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

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

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

10 (3) Olympic region - Clallam and Jefferson counties;

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

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

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

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

20 Within each of these regions there is created a regional fire
21 defense board. The regional fire defense boards shall consist of two
22 members from each county in the region. One member from each county
23 shall be appointed by the county fire chiefs' association or, in the
24 event there is no such county association, by the county's legislative
25 authority. Each county's office of emergency management or, in the
26 event there is no such office, the county's legislative authority shall
27 select the second representative to the regional board. The department
28 of natural resources fire control chief shall appoint a representative
29 from each department of natural resources region to serve as a member

1 of the appropriate regional fire defense board. Members of each
2 regional board will select a chairperson and secretary as officers.
3 Members serving on the regional boards do so in a voluntary capacity
4 and are not eligible for reimbursement for meeting-related expenses
5 from the state.

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

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

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

24 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and shall take
27 effect immediately.