

2 **SB 6023** - H COMM AMD **ADOPTED 3-2-94**
3 By Committee on State Government

4

5 Strike everything after the enacting clause and insert the
6 following:

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

9 The military department (~~(of community development)~~) shall
10 administer the comprehensive emergency management program of the state
11 of Washington as provided for in this chapter. All local
12 organizations, organized and performing emergency management functions
13 pursuant to RCW 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:

18 (1) "Emergency management" or "comprehensive emergency management"
19 means the preparation for and the carrying out of all emergency
20 functions, other than functions for which the military forces are
21 primarily responsible, to mitigate, prepare for, respond to, and
22 recover from emergencies and disasters, and to aid victims suffering
23 from injury or damage, resulting from disasters caused by all hazards,
24 whether natural or man-made, and to provide support for search and
25 rescue operations for persons and property in distress. However,
26 "emergency management" or "comprehensive emergency management" does not
27 mean preparation for emergency evacuation or relocation of residents in
28 anticipation of nuclear attack.

29 (2) "Local organization for emergency services or management" means
30 an organization created in accordance with the provisions of this
31 chapter by state or local authority to perform local emergency
32 management functions.

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

34 (4) "Emergency worker" means any person, including but not limited
35 to an architect registered under chapter 18.08 RCW or a professional

1 engineer registered under chapter 18.43 RCW, who is registered with a
2 local emergency management organization or the military department (~~of~~
3 ~~community development~~) and holds an identification card issued by the
4 local emergency management director or the military department (~~of~~
5 ~~community development~~) for the purpose of engaging in authorized
6 emergency management activities or is an employee of the state of
7 Washington or any political subdivision thereof who is called upon to
8 perform emergency management activities.

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

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

19 (b) "Emergency" as used in RCW 38.52.430 means an incident that
20 requires a normal police, coroner, fire, rescue, emergency medical
21 services, or utility response as a result of a violation of one of the
22 statutes enumerated in RCW 38.52.430.

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

30 (8) "Executive head" and "executive heads" means the county
31 executive in those charter counties with an elective office of county
32 executive, however designated, and, in the case of other counties, the
33 county legislative authority. In the case of cities and towns, it
34 means the mayor.

35 (9) "Director" means the (~~director of community development~~)
36 adjutant general.

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

1 (11) "Department" means the state military department (~~of~~
2 ~~community development~~)).

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

6 (13) "Expense of an emergency response" as used in RCW 38.52.430
7 means reasonable costs incurred by a public agency in reasonably making
8 an appropriate emergency response to the incident, but shall only
9 include those costs directly arising from the response to the
10 particular incident. Reasonable costs shall include the costs of
11 providing police, coroner, fire fighting, rescue, emergency medical
12 services, or utility response at the scene of the incident, as well as
13 the salaries of the personnel responding to the incident.

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

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

20 (1) The director of each local organization for emergency
21 management may, in collaboration with other public and private agencies
22 within this state, develop or cause to be developed mutual aid
23 arrangements for reciprocal emergency management aid and assistance in
24 case of disaster too great to be dealt with unassisted. Such
25 arrangements shall be consistent with the state emergency management
26 plan and program, and in time of emergency it shall be the duty of each
27 local organization for emergency management to render assistance in
28 accordance with the provisions of such mutual aid arrangements. The
29 (~~director of community development~~) adjutant general shall adopt and
30 distribute a standard form of contract for use by local organizations
31 in understanding and carrying out said mutual aid arrangements.

32 (2) The (~~director of community development~~) adjutant general and
33 the director of each local organization for emergency management may,
34 subject to the approval of the governor, enter into mutual aid
35 arrangements with emergency management agencies or organizations in
36 other states for reciprocal emergency management aid and assistance in
37 case of disaster too great to be dealt with unassisted. All such

1 arrangements shall be pursuant to either of the compacts contained in
2 subsection (2) (a) or (b) of this section.

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

7 INTERSTATE CIVIL DEFENSE
8 AND DISASTER COMPACT

9 The contracting States solemnly agree:

10 Article 1. The purpose of this compact is to provide mutual aid
11 among the States in meeting any emergency or disaster from enemy attack
12 or other cause (natural or otherwise) including sabotage and subversive
13 acts and direct attacks by bombs, shellfire, and atomic, radiological,
14 chemical, bacteriological means, and other weapons. The prompt, full
15 and effective utilization of the resources of the respective States,
16 including such resources as may be available from the United States
17 Government or any other source, are essential to the safety, care and
18 welfare of the people thereof in the event of enemy action or other
19 emergency, and any other resources, including personnel, equipment or
20 supplies, shall be incorporated into a plan or plans of mutual aid to
21 be developed among the civil defense agencies or similar bodies of the
22 States that are parties hereto. The Directors of Civil Defense
23 (Emergency Services) of all party States shall constitute a committee
24 to formulate plans and take all necessary steps for the implementation
25 of this compact.

26 Article 2. It shall be the duty of each party State to formulate
27 civil defense plans and programs for application within such State.
28 There shall be frequent consultation between the representatives of the
29 States and with the United States Government and the free exchange of
30 information and plans, including inventories of any materials and
31 equipment available for civil defense. In carrying out such civil
32 defense plans and programs the party States shall so far as possible
33 provide and follow uniform standards, practices and rules and
34 regulations including:

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

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

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

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

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

7 (f) All materials or equipment used or to be used for civil defense
8 purposes in order to assure that such materials and equipment will be
9 easily and freely interchangeable when used in or by any other party
10 State;

11 (g) The conduct of civilians and the movement and cessation of
12 movement of pedestrians and vehicular traffic, prior, during, and
13 subsequent to drills or attacks;

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

15 (i) Mobile support units.

16 Article 3. Any party State requested to render mutual aid shall
17 take such action as is necessary to provide and make available the
18 resources covered by this compact in accordance with the terms hereof;
19 provided that it is understood that the State rendering aid may
20 withhold resources to the extent necessary to provide reasonable
21 protection for such State. Each party State shall extend to the civil
22 defense forces of any other party State, while operating within its
23 State limits under the terms and conditions of this compact, the same
24 powers (except that of arrest unless specifically authorized by the
25 receiving State), duties, rights, privileges and immunities as if they
26 were performing their duties in the State in which normally employed or
27 rendering services. Civil defense forces will continue under the
28 command and control of their regular leaders but the organizational
29 units will come under the operational control of the civil defense
30 authorities of the State receiving assistance.

31 Article 4. Whenever any person holds a license, certificate or
32 other permit issued by any State evidencing the meeting of
33 qualifications for professional, mechanical or other skills, such
34 person may render aid involving such skill in any party State to meet
35 an emergency or disaster and such State shall give due recognition to
36 such license, certificate or other permit as if issued in the State in
37 which aid is rendered.

38 Article 5. No party State or its officers or employees rendering
39 aid in another State pursuant to this compact shall be liable on

1 account of any act or omission in good faith on the part of such forces
2 while so engaged, or on account of the maintenance or use of any
3 equipment or supplies in connection therewith.

4 Article 6. Inasmuch as it is probable that the pattern and detail
5 of the machinery for mutual aid among two or more states may differ
6 from that appropriate among other States party hereto, this instrument
7 contains elements of a broad base common to all States, and nothing
8 herein contained shall preclude any State from entering into
9 supplementary agreements with another State or States. Such
10 supplementary agreements may comprehend, but shall not be limited to,
11 provisions for evacuation and reception of injured and other persons,
12 and the exchange of medical, fire, police, public utility,
13 reconnaissance, welfare, transportation and communications personnel,
14 equipment and supplies.

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

21 Article 8. Any party State rendering aid in another State pursuant
22 to this compact shall be reimbursed by the party State receiving such
23 aid for any loss or damage to, or expense incurred in the operation of
24 any equipment answering a request for aid, and for the cost incurred in
25 connection with such requests; provided, that any aiding State may
26 assume in whole or in part such loss, damage, expense, or other cost,
27 or may loan such equipment or donate such services to the receiving
28 party State without charge or cost; and provided further that any two
29 or more party States may enter into supplementary agreements
30 establishing a different allocation of costs as among those States.
31 The United States Government may relieve the party State receiving aid
32 from any liability and reimburse the party State supplying civil
33 defense forces for the compensation paid to and the transportation,
34 subsistence and maintenance expenses of such forces during the time of
35 the rendition of such aid or assistance outside the State and may also
36 pay fair and reasonable compensation for the use or utilization of the
37 supplies, materials, equipment or facilities so utilized or consumed.

38 Article 9. Plans for the orderly evacuation and reception of the
39 civilian population as the result of an emergency or disaster shall be

1 worked out from time to time between representatives of the party
2 States and the various local civil defense areas thereof. Such plans
3 shall include the manner of transporting such evacuees, the number of
4 evacuees to be received in different areas, the manner in which food,
5 clothing, housing, and medical care will be provided, the registration
6 of the evacuees, the providing of facilities for the notification of
7 relatives or friends and the forwarding of such evacuees to other areas
8 or the bringing in of additional materials, supplies, and all other
9 relevant factors. Such plans shall provide that the party State
10 receiving evacuees shall be reimbursed generally for the out-of-pocket
11 expenses incurred in receiving and caring for such evacuees, for
12 expenditures for transportation, food, clothing, medicines and medical
13 care and like items. Such expenditures shall be reimbursed by the
14 party State of which the evacuees are residents, or by the United
15 States Government under plans approved by it. After the termination of
16 the emergency or disaster the party State of which the evacuees are
17 resident shall assume the responsibility for the ultimate support or
18 repatriation of such evacuees.

19 Article 10. This compact shall be available to any State,
20 territory or possession of the United States, and the District of
21 Columbia. The term "State" may also include any neighboring foreign
22 country or province or state thereof.

23 Article 11. The committee established pursuant to Article 1 of
24 this compact may request the Civil Defense Agency of the United States
25 Government to act as an informational and coordinating body under this
26 compact, and representatives of such agency of the United States
27 Government may attend meetings of such committee.

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

36 Article 13. This compact shall continue in force and remain
37 binding on each party State until the legislature or the Governor of
38 such party State takes action to withdraw therefrom. Such action shall
39 not be effective until 30 days after notice thereof has been sent by

1 the Governor of the party State desiring to withdraw to the Governors
2 of all other party States.

3 Article 14. This compact shall be construed to effectuate the
4 purposes stated in Article 1 hereof. If any provision of this compact
5 is declared unconstitutional, or the applicability thereof to any
6 person or circumstance is held invalid, the constitutionality of the
7 remainder of this compact and the applicability thereof to other
8 persons and circumstances shall not be effected thereby.

9 Article 15. (a) This Article shall be in effect only as among
10 those states which have enacted it into law or in which the Governors
11 have adopted it pursuant to constitutional or statutory authority
12 sufficient to give it the force of law as part of this compact.
13 Nothing contained in this Article or in any supplementary agreement
14 made in implementation thereof shall be construed to abridge, impair or
15 supersede any other provision of this compact or any obligation
16 undertaken by a State pursuant thereto, except that if its terms so
17 provide, a supplementary agreement in implementation of this Article
18 may modify, expand or add to any such obligation as among the parties
19 to the supplementary agreement.

20 (b) In addition to the occurrences, circumstances and subject
21 matters to which preceding articles of this compact make it applicable,
22 this compact and the authorizations, entitlements and procedures
23 thereof shall apply to:

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

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

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

32 4. The giving and receiving of aid by subdivisions of party
33 States.

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

37 (c) Except as expressly limited by this compact or a supplementary
38 agreement in force pursuant thereto, any aid authorized by this compact
39 or such supplementary agreement may be furnished by any agency of a

1 party State, a subdivision of such State, or by a joint agency
2 providing such aid shall be entitled to reimbursement therefor to the
3 same extent and in the same manner as a State. The personnel of such
4 a joint agency, when rendering aid pursuant to this compact shall have
5 the same rights, authority and immunity as personnel of party States.

6 (d) Nothing in this Article shall be construed to exclude from the
7 coverage of Articles 1-15 of this compact any matter which, in the
8 absence of this Article, could reasonably be construed to be covered
9 thereby.

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

13 INTERSTATE MUTUAL AID COMPACT

14 Purpose

15 The purpose of this Compact is to provide voluntary assistance among
16 participating states in responding to any disaster or imminent
17 disaster, that over extends the ability of local and state governments
18 to reduce, counteract or remove the danger. Assistance may include,
19 but not be limited to, rescue, fire, police, medical, communication,
20 transportation services and facilities to cope with problems which
21 require use of special equipment, trained personnel or personnel in
22 large numbers not locally available.

23 Authorization

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

31 Implementation

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

34 1. Participating states through their designated officials are
35 authorized to request and to receive assistance from a participating
36 state. Requests will be granted only if the requesting state is

1 committed to the mitigation of the emergency, and other resources are
2 not immediately available.

3 2. Requests for assistance may be verbal or in writing. If the
4 request is made by other than written communication, it shall be
5 confirmed in writing as soon as practical after the request. A written
6 request shall provide an itemization of equipment and operators, types
7 of expertise, personnel or other resources needed. Each request must
8 be signed by an authorized official.

9 3. Personnel and equipment of the aiding party made available to
10 the requesting party shall, whenever possible, remain under the control
11 and direction of the aiding party. The activities of personnel and
12 equipment of the aiding party must be coordinated by the requesting
13 party.

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

18 General Fiscal Provisions

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

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

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

Privileges and Immunities

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

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

19 3. The signatory states, their political subdivisions, municipal
20 corporations and other public agencies shall hold harmless the
21 corresponding entities and personnel thereof from the other state with
22 respect to the acts and omissions of its own agents and employees that
23 occur while providing assistance pursuant to the common plan.

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

26 5. Upon enactment of this Agreement by two or more states, and by
27 January 1, annually thereafter, the participating states will exchange
28 with each other the names of officials designated to request and/or
29 provide services under this arrangement. In accordance with the
30 cooperative nature of this arrangement, it shall be permissible and
31 desirable for the parties to exchange operational procedures to be
32 followed in requesting assistance and reimbursing expenses.

33 6. This compact shall enter into force and become effective and
34 binding upon the states so acting when it has been enacted into law by
35 any two states. Thereafter, this compact shall enter into force and
36 become effective and binding as to any other of said states upon
37 similar action by such state.

38 7. This compact shall continue in force and remain binding upon a
39 party state until it shall have enacted a statute repealing the same

1 and providing for the sending of formal written notice of withdrawal
2 from the compact to the appropriate official of all other party states.
3 An actual withdrawal shall not take effect until the thirtieth
4 consecutive day after the notice provided in the statute has been sent.
5 Such withdrawal shall not relieve the withdrawing state from its
6 obligations assumed hereunder prior to the effective date of
7 withdrawal.

8 **Sec. 4.** RCW 38.52.420 and 1988 c 36 s 11 are each amended to read
9 as follows:

10 (1) The military department (~~(of community development)~~), in
11 consultation with appropriate federal agencies, the departments of
12 natural resources, wildlife, fisheries, and ecology, representatives of
13 local government, and any other person the director may deem
14 appropriate, shall develop a model contingency plan, consistent with
15 other plans required for hazardous materials by federal and state law,
16 to serve as a draft plan for local governments which may be
17 incorporated into the state and local emergency management plans.

18 (2) The model contingency plan shall:

19 (a) Include specific recommendations for pollution control
20 facilities which are deemed to be most appropriate for the control,
21 collection, storage, treatment, disposal, and recycling of oil and
22 other spilled material and furthering the prevention and mitigation of
23 such pollution;

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

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

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

35 (e) Promote formal agreements between the military department (~~(of~~
36 ~~community development)~~) and local entities for effective spill
37 response; and

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

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

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

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

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

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

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

21 (5) "Jurisdiction" means state, county, city, fire district, or
22 port district (~~{fire}~~) fire fighting units, or other units covered by
23 this chapter.

24 (6) "Mobilization" means that fire fighting resources beyond those
25 available through existing agreements will be requested and, when
26 available, sent (~~{to fight a fire}~~) in response to an emergency or
27 disaster situation that has (~~{or soon will exceed}~~) exceeded the
28 capabilities of available local resources. During a large scale
29 (~~{fire}~~) emergency, mobilization includes the redistribution of
30 regional or state-wide fire fighting resources to either direct (~~{fire~~
31 ~~fighting}~~) emergency incident assignments or to assignment in
32 communities where fire fighting resources are needed.

33 When mobilization is declared and authorized as provided in this
34 chapter, all fire fighting resources except those of the host fire
35 protection authorities, i.e. incident jurisdiction, shall be deemed as
36 mobilized under this chapter, including those that responded earlier
37 under existing mutual aid or other agreement. All nonhost fire
38 protection authorities providing fire fighting resources in response to

1 a mobilization declaration shall be eligible for expense reimbursement
2 as provided by this chapter from the time of the mobilization
3 declaration.

4 This chapter shall not reduce or suspend the authority or
5 responsibility of the department of natural resources under chapter
6 76.04 RCW.

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

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

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

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

23 (2) Confer upon the director of the department of community, trade,
24 and economic development the powers provided herein; and

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

28 It is the intent of the legislature that mutual aid and other
29 interlocal agreements providing for enhanced emergency response be
30 encouraged as essential to the public peace, safety, health, and
31 welfare, and for the protection of the lives and property of the people
32 of the state of Washington. If possible, mutual aid agreements should
33 be without stated limitations as to resources available, time, or area.
34 Nothing in this chapter shall be construed or interpreted to limit the
35 eligibility of any nonhost fire protection authority for reimbursement

1 of expenses incurred in providing fire fighting resources for
2 mobilization.

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

5 The director, from time to time, shall furnish the state military
6 department, the department of community, trade, and economic
7 development, the Washington state patrol, and all county sheriffs a
8 list of the names, addresses, and license plate or radio station call
9 letters of each person possessing the special amateur radio station
10 license plates so that the facilities of such radio stations may be
11 utilized to the fullest extent in the work of these governmental
12 agencies.

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

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

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

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

23 (2) The ~~((division of emergency management of the))~~ state military
24 department ~~((of community development))~~ and the office shall request
25 the coast guard to notify the ~~((division of emergency management))~~
26 state military department as soon as possible after the coast guard
27 receives notice of a disabled covered vessel or of a collision or near
28 miss incident within twelve miles of the shore of the state. The
29 office shall negotiate an agreement with the coast guard governing
30 procedures for coast guard notification to the state regarding disabled
31 covered vessels and collisions and near miss incidents.

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

36 (4) For the purposes of this section:

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

3 (i) Any accidental or intentional grounding;

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

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

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

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

13 (i) The towing mechanism becomes disabled;

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

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

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

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

25 All powers, duties, and functions of the department of community,
26 trade, and economic development pertaining to emergency management are
27 transferred to the state military department. All references to the
28 director or the department of community development or the department
29 of community, trade, and economic development in the Revised Code of
30 Washington shall be construed to mean the adjutant general or the state
31 military department when referring to the functions transferred in this
32 section.

33 NEW SECTION. **Sec. 10.** All reports, documents, surveys, books,
34 records, files, papers, or written material in the possession of the
35 department of community, trade, and economic development pertaining to
36 the powers, functions, and duties transferred shall be delivered to the
37 custody of the state military department. All cabinets, furniture,

1 office equipment, motor vehicles, and other tangible property employed
2 by the department of community, trade, and economic development in
3 carrying out the powers, functions, and duties transferred shall be
4 made available to the state military department. All funds, credits,
5 or other assets held in connection with the powers, functions, and
6 duties transferred shall be assigned to the state military department.

7 Any appropriations made to the department of community, trade, and
8 economic development for carrying out the powers, functions, and duties
9 transferred shall, on the effective date of this section, be
10 transferred and credited to the state military department.

11 Whenever any question arises as to the transfer of any personnel,
12 funds, books, documents, records, papers, files, equipment, or other
13 tangible property used or held in the exercise of the powers and the
14 performance of the duties and functions transferred, the director of
15 financial management shall make a determination as to the proper
16 allocation and certify the same to the state agencies concerned.

17 NEW SECTION. **Sec. 11.** All employees of the department of
18 community, trade, and economic development engaged in performing the
19 powers, functions, and duties transferred are transferred to the
20 jurisdiction of the state military department. All employees
21 classified under chapter 41.06 RCW, the state civil service law, are
22 assigned to the state military department to perform their usual duties
23 upon the same terms as formerly, without any loss of rights, subject to
24 any action that may be appropriate thereafter in accordance with the
25 laws and rules governing state civil service. All employees of the
26 department of community, trade, and economic development exempted under
27 chapter 41.06 RCW shall retain such exemption after transfer.

28 NEW SECTION. **Sec. 12.** All rules and all pending business before
29 the department of community, trade, and economic development pertaining
30 to the powers, functions, and duties transferred shall be continued and
31 acted upon by the state military department. All existing contracts
32 and obligations shall remain in full force and shall be performed by
33 the state military department.

34 NEW SECTION. **Sec. 13.** The transfer of the powers, duties,
35 functions, and personnel of the department of community, trade, and

1 economic development shall not affect the validity of any act performed
2 prior to the effective date of this section.

3 NEW SECTION. **Sec. 14.** If apportionments of budgeted funds are
4 required because of the transfers directed by sections 10 through 13 of
5 this act, the director of financial management shall certify the
6 apportionments to the agencies affected, the state auditor, and the
7 state treasurer. Each of these shall make the appropriate transfer and
8 adjustments in funds and appropriation accounts and equipment records
9 in accordance with the certification.

10 NEW SECTION. **Sec. 15.** Nothing contained in sections 9 through 14
11 of this act may be construed to alter any existing collective
12 bargaining unit or the provisions of any existing collective bargaining
13 agreement until the agreement has expired or until the bargaining unit
14 has been modified by action of the personnel board as provided by law.

15 NEW SECTION. **Sec. 16.** This act shall take effect July 1, 1994."

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