

2 **SHB 1017** - S COMM AMD
3 By Committee on Government Operations

4 ADOPTED AS AMENDED 4/5/95

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 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:

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 department (~~of~~
3 ~~community development~~) and holds an identification card issued by the
4 local emergency management director or the department (~~of community~~
5 ~~development~~) for the purpose of engaging in authorized emergency
6 management activities or is an employee of the state of Washington or
7 any political subdivision thereof who is called upon to perform
8 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.

39 (11) "Department" means the state military department (~~of~~

1 ~~community development~~)).

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

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

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

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

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

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

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

5 INTERSTATE CIVIL DEFENSE
6 AND DISASTER COMPACT

7 The contracting States solemnly agree:

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

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

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

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

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

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

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

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

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

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

13 (i) Mobile support units.

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

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

36 Article 5. No party State or its officers or employees rendering
37 aid in another State pursuant to this compact shall be liable on
38 account of any act or omission in good faith on the part of such forces
39 while so engaged, or on account of the maintenance or use of any

1 equipment or supplies in connection therewith.

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

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

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

36 Article 9. Plans for the orderly evacuation and reception of the
37 civilian population as the result of an emergency or disaster shall be
38 worked out from time to time between representatives of the party
39 States and the various local civil defense areas thereof. Such plans

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

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

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

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

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

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

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

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

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

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

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

30 4. The giving and receiving of aid by subdivisions of party
31 States.

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

35 (c) Except as expressly limited by this compact or a supplementary
36 agreement in force pursuant thereto, any aid authorized by this compact
37 or such supplementary agreement may be furnished by any agency of a
38 party State, a subdivision of such State, or by a joint agency
39 providing such aid shall be entitled to reimbursement therefor to the

1 same extent and in the same manner as a State. The personnel of such
2 a joint agency, when rendering aid pursuant to this compact shall have
3 the same rights, authority and immunity as personnel of party States.

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

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

11 INTERSTATE MUTUAL AID COMPACT

12 Purpose

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

21 Authorization

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

29 Implementation

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

32 1. Participating states through their designated officials are
33 authorized to request and to receive assistance from a participating
34 state. Requests will be granted only if the requesting state is
35 committed to the mitigation of the emergency, and other resources are
36 not immediately available.

1 officers, agents, or employees when performing their respective
2 functions within the territorial limits of their respective political
3 subdivisions, shall apply to them to the same degree and extent while
4 engaged in the performance of any of their functions and duties extra-
5 territorially under the provisions of this Agreement.

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

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

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

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

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

34 7. This compact shall continue in force and remain binding upon a
35 party state until it shall have enacted a statute repealing the same
36 and providing for the sending of formal written notice of withdrawal
37 from the compact to the appropriate official of all other party states.
38 An actual withdrawal shall not take effect until the thirtieth
39 consecutive day after the notice provided in the statute has been sent.

1 Such withdrawal shall not relieve the withdrawing state from its
2 obligations assumed hereunder prior to the effective date of
3 withdrawal.

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

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

14 (2) The model contingency plan shall:

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

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

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

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

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

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

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

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

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

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

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

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

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

28 When mobilization is declared and authorized as provided in this
29 chapter, all fire fighting resources except those of the host fire
30 protection authorities, i.e. incident jurisdiction, shall be deemed as
31 mobilized under this chapter, including those that responded earlier
32 under existing mutual aid or other agreement. All nonhost fire
33 protection authorities providing fire fighting resources in response to
34 a mobilization declaration shall be eligible for expense reimbursement
35 as provided by this chapter from the time of the mobilization
36 declaration.

37 This chapter shall not reduce or suspend the authority or
38 responsibility of the department of natural resources under chapter
39 76.04 RCW.

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

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

6 Because of the possibility of the occurrence of disastrous fires or
7 other disasters of unprecedented size and destructiveness, the need to
8 insure that the state is adequately prepared to respond to such a fire
9 or disaster, the need to establish a mechanism and a procedure to
10 provide for reimbursement to fire fighting agencies that respond to
11 help others in time of need or to a host fire district that experiences
12 expenses beyond the resources of the fire district, and generally to
13 protect the public peace, health, safety, lives, and property of the
14 people of Washington, it is hereby declared necessary to:

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

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

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

23 (4) Provide for reimbursement of host district fire fighting
24 resources when the local district has: (a) Exhausted all of its
25 resources; and (b) invoked its local mutual aid network and exhausted
26 those resources. Upon implementation of state fire mobilization, the
27 host district resources shall become state fire mobilization resources
28 consistent with the fire mobilization plan.

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

1 **Sec. 7.** RCW 38.54.050 and 1992 c 117 s 13 are each amended to read
2 as follows:

3 The department (~~(of community development)~~) in consultation with
4 the office of financial management shall develop procedures to
5 facilitate reimbursement to jurisdictions from appropriate federal and
6 state funds when jurisdictions are mobilized by the director under the
7 Washington state fire services mobilization plan. The department shall
8 ensure that these procedures provide reimbursement to the host district
9 in as timely a manner as possible.

10 **Sec. 8.** RCW 46.16.340 and 1986 c 266 s 49 are each amended to read
11 as follows:

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

20 **Sec. 9.** RCW 88.46.100 and 1991 c 200 s 423 are each amended to
21 read as follows:

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

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

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

30 (2) The (~~(division of emergency management of the)~~) state military
31 department (~~(of community development)~~) and the office shall request
32 the coast guard to notify the (~~(division of emergency management)~~)
33 state military department as soon as possible after the coast guard
34 receives notice of a disabled covered vessel or of a collision or near
35 miss incident within twelve miles of the shore of the state. The
36 office shall negotiate an agreement with the coast guard governing
37 procedures for coast guard notification to the state regarding disabled

1 covered vessels and collisions and near miss incidents.

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

6 (4) For the purposes of this section:

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

9 (i) Any accidental or intentional grounding;

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

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

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

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

19 (i) The towing mechanism becomes disabled;

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

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

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

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 38.52 RCW
30 to read as follows:

31 All powers, duties, and functions of the department of community,
32 trade, and economic development pertaining to emergency management are
33 transferred to the state military department. All references to the
34 director or the department of community development or the department
35 of community, trade, and economic development in the Revised Code of
36 Washington shall be construed to mean the adjutant general or the state
37 military department when referring to the functions transferred in this
38 section.

1 NEW SECTION. **Sec. 11.** All reports, documents, surveys, books,
2 records, files, papers, or written material in the possession of the
3 department of community, trade, and economic development pertaining to
4 the powers, functions, and duties transferred shall be delivered to the
5 custody of the state military department. All cabinets, furniture,
6 office equipment, motor vehicles, and other tangible property employed
7 by the department of community, trade, and economic development in
8 carrying out the powers, functions, and duties transferred shall be
9 made available to the state military department. All funds, credits,
10 or other assets held in connection with the powers, functions, and
11 duties transferred shall be assigned to the state military department.

12 Any appropriations made to the department of community, trade, and
13 economic development for carrying out the powers, functions, and duties
14 transferred shall, on the effective date of this section, be
15 transferred and credited to the state military department.

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

22 NEW SECTION. **Sec. 12.** All employees of the department of
23 community, trade, and economic development engaged in performing the
24 powers, functions, and duties transferred are transferred to the
25 jurisdiction of the state military department. All employees
26 classified under chapter 41.06 RCW, the state civil service law, are
27 assigned to the state military department to perform their usual duties
28 upon the same terms as formerly, without any loss of rights, subject to
29 any action that may be appropriate thereafter in accordance with the
30 laws and rules governing state civil service. All employees of the
31 department of community, trade, and economic development exempted under
32 chapter 41.06 RCW shall retain such exemption after transfer.

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

1 the state military department.

2 NEW SECTION. **Sec. 14.** The transfer of the powers, duties,
3 functions, and personnel of the department of community, trade, and
4 economic development shall not affect the validity of any act performed
5 prior to the effective date of this section.

6 NEW SECTION. **Sec. 15.** If apportionments of budgeted funds are
7 required because of the transfers directed by sections 11 through 14 of
8 this act, the director of financial management shall certify the
9 apportionments to the agencies affected, the state auditor, and the
10 state treasurer. Each of these shall make the appropriate transfer and
11 adjustments in funds and appropriation accounts and equipment records
12 in accordance with the certification.

13 NEW SECTION. **Sec. 16.** (1) The military department, in cooperation
14 with the Washington state patrol and the emergency management council,
15 shall by December 31, 1995, develop a strategic plan to enhance the
16 coordination and efficiency and decrease the costs of the military
17 department's emergency management programs and services. The plan
18 shall:

- 19 (a) Evaluate all current programs and services;
20 (b) Develop new and innovative techniques for the administration of
21 programs and delivery of services;
22 (c) Strengthen military department linkages with local agencies;
23 and
24 (d) Assess the use of private sector equipment, materials, and
25 services.

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

28 NEW SECTION. **Sec. 17.** Nothing contained in sections 10 through 15
29 of this act may be construed to alter any existing collective
30 bargaining unit or the provisions of any existing collective bargaining
31 agreement until the agreement has expired or until the bargaining unit
32 has been modified by action of the personnel board as provided by law.

33 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect July 1, 1995."

3 **SHB 1017** - S COMM AMD

4 By Committee on Government Operations

5 ADOPTED AS AMENDED 4/5/95

6 On page 1, line 1 of the title, after "management;" strike the
7 remainder of the title and insert "amending RCW 38.52.005, 38.52.090,
8 38.52.420, 38.54.010, 38.54.020, 38.54.050, 46.16.340, and 88.46.100;
9 reenacting and amending RCW 38.52.010; adding a new section to chapter
10 38.52 RCW; creating new sections; providing an effective date; and
11 declaring an emergency."

--- END ---