

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5093

Chapter 369, Laws of 1995

(partial veto)

54th Legislature
1995 Regular Session

FIRE PROTECTION DUTIES--TRANSFER TO STATE PATROL

EFFECTIVE DATE: 7/1/95

Passed by the Senate March 8, 1995
YEAS 46 NAYS 1

JOEL PRITCHARD

President of the Senate

Passed by the House April 5, 1995
YEAS 96 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 16, 1995, with the
exception of sections 11 and 12, which
are vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the
Senate of the State of Washington,
do hereby certify that the attached
is **ENGROSSED SUBSTITUTE SENATE BILL
5093** as passed by the Senate and the
House of Representatives on the
dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 16, 1995 - 11:19 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5093

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

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

Read first time 02/08/95.

1 AN ACT Relating to fire protection; amending RCW 4.24.400,
2 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 19.27A.110,
3 28A.305.130, 38.54.010, 38.54.030, 38.54.050, 43.43.710, 43.63A.300,
4 43.63A.310, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.350, 43.63A.360,
5 43.63A.370, 43.63A.377, 46.37.467, 48.05.320, 48.48.030, 48.48.040,
6 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090,
7 48.48.110, 48.48.140, 48.48.150, 48.50.020, 48.50.040, 48.53.020,
8 48.53.060, 70.41.080, 70.75.020, 70.75.030, 70.75.040, 70.77.170,
9 70.77.250, 70.77.305, 70.77.315, 70.77.330, 70.77.360, 70.77.365,
10 70.77.375, 70.77.415, 70.77.430, 70.77.455, 70.77.460, 70.77.465,
11 70.77.575, 70.77.580, 70.108.040, 70.160.060, 71.12.485, 74.15.050,
12 74.15.080, and 52.12.031; adding a new section to chapter 43.10 RCW;
13 adding new sections to chapter 43.43 RCW; creating new sections;
14 recodifying RCW 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.330,
15 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375, 43.63A.377,
16 and 43.63A.380; repealing RCW 48.48.120; providing an effective date;
17 and declaring an emergency.

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

1 NEW SECTION. **Sec. 1.** (1) All powers, duties, and functions of the
2 department of community development or the department of community,
3 trade, and economic development pertaining to fire protection are
4 transferred to the Washington state patrol. All references to the
5 director or the department of community development or the department
6 of community, trade, and economic development in the Revised Code of
7 Washington shall be construed to mean the chief of the Washington state
8 patrol or the Washington state patrol when referring to the functions
9 transferred in this section.

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

23 (b) Any appropriations made to the department of community
24 development or the department of community, trade, and economic
25 development for carrying out the powers, functions, and duties
26 transferred shall, on the effective date of this section, be
27 transferred and credited to the Washington state patrol to carry out
28 the responsibilities of the fire protection policy board and the
29 director of fire protection.

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

36 (3) All employees of the department of community development or the
37 department of community, trade, and economic development engaged in
38 performing the powers, functions, and duties transferred are
39 transferred to the jurisdiction of the Washington state patrol. All

1 employees classified under chapter 41.06 RCW, the state civil service
2 law, are assigned to the Washington state patrol to perform their usual
3 duties upon the same terms as formerly, without any loss of rights,
4 subject to any action that may be appropriate thereafter in accordance
5 with the laws and rules governing state civil service.

6 (4) All rules and all pending business before the department of
7 community development or the department of community, trade, and
8 economic development pertaining to the powers, functions, and duties
9 transferred shall be continued and acted upon by the Washington state
10 patrol. All existing contracts and obligations shall remain in full
11 force and shall be performed by the Washington state patrol.

12 (5) The transfer of the powers, duties, functions, and personnel of
13 the department of community development or the department of community,
14 trade, and economic development shall not affect the validity of any
15 act performed before the effective date of this section.

16 (6) If apportionments of budgeted funds are required because of the
17 transfers directed by this section, the director of financial
18 management shall certify the apportionments to the agencies affected,
19 the state auditor, and the state treasurer. Each of these shall make
20 the appropriate transfer and adjustments in funds and appropriation
21 accounts and equipment records in accordance with the certification.

22 (7) Nothing contained in this section may be construed to alter any
23 existing collective bargaining unit or the provisions of any existing
24 collective bargaining agreement until the agreement has expired or
25 until the bargaining unit has been modified by action of the personnel
26 board as provided by law.

27 **Sec. 2.** RCW 4.24.400 and 1986 c 266 s 79 are each amended to read
28 as follows:

29 No building warden, who acts in good faith, with or without
30 compensation, shall be personally liable for civil damages arising from
31 his or her negligent acts or omissions during the course of assigned
32 duties in assisting others to evacuate industrial, commercial,
33 governmental or multi-unit residential buildings or in attempting to
34 control or alleviate a hazard to the building or its occupants caused
35 by fire, earthquake or other threat to life or limb. The term
36 "building warden" means an individual who is assigned to take charge of
37 the occupants on a floor or in an area of a building during an
38 emergency in accordance with a predetermined fire safety or evacuation

1 plan; and/or an individual selected by a municipal fire chief or the
2 (~~director of community development~~) chief of the Washington state
3 patrol, through the director of fire protection, after an emergency is
4 in progress to assist in evacuating the occupants of such a building or
5 providing for their safety. This section shall not apply to any acts
6 or omissions constituting gross negligence or wilful or wanton
7 misconduct.

8 **Sec. 3.** RCW 9.40.100 and 1990 c 177 s 1 are each amended to read
9 as follows:

10 (1) Any person who willfully and without cause tampers with,
11 molests, injures or breaks any public or private fire alarm apparatus,
12 emergency phone, radio, or other wire or signal, or any fire fighting
13 equipment, or who willfully and without having reasonable grounds for
14 believing a fire exists, sends, gives, transmits, or sounds any false
15 alarm of fire, by shouting in a public place or by means of any public
16 or private fire alarm system or signal, or by telephone, is guilty of
17 a misdemeanor. This provision shall not prohibit the testing of fire
18 alarm systems by persons authorized to do so, by a fire department or
19 the (~~director of community development~~) chief of the Washington state
20 patrol, through the director of fire protection.

21 (2) Any person who willfully and without cause tampers with,
22 molests, injures, or breaks any public or private fire alarm apparatus,
23 emergency phone, radio, or other wire or signal, or any fire fighting
24 equipment with the intent to commit arson, is guilty of a felony.

25 **Sec. 4.** RCW 18.20.130 and 1986 c 266 s 81 are each amended to read
26 as follows:

27 Standards for fire protection and the enforcement thereof, with
28 respect to all boarding homes to be licensed hereunder, shall be the
29 responsibility of the (~~director of community development~~) chief of
30 the Washington state patrol, through the director of fire protection,
31 who shall adopt such recognized standards as may be applicable to
32 boarding homes for the protection of life against the cause and spread
33 of fire and fire hazards. The department upon receipt of an
34 application for a license, shall submit to the (~~director of community~~
35 ~~development~~) chief of the Washington state patrol, through the
36 director of fire protection, in writing, a request for an inspection,
37 giving the applicant's name and the location of the premises to be

1 licensed. Upon receipt of such a request, the (~~director of community~~
2 ~~development~~) chief of the Washington state patrol, through the
3 director of fire protection, or his or her deputy, shall make an
4 inspection of the boarding home to be licensed, and if it is found that
5 the premises do not comply with the required safety standards and fire
6 regulations as promulgated by the (~~director of community development~~)
7 chief of the Washington state patrol, through the director of fire
8 protection, he or she shall promptly make a written report to the
9 boarding home and the department or authorized department as to the
10 manner and time allowed in which the premises must qualify for a
11 license and set forth the conditions to be remedied with respect to
12 fire regulations. The department, authorized department, applicant or
13 licensee shall notify the (~~director of community development~~) chief
14 of the Washington state patrol, through the director of fire
15 protection, upon completion of any requirements made by him or her, and
16 the (~~director of community development~~) chief of the Washington state
17 patrol, through the director of fire protection, or his or her deputy,
18 shall make a reinspection of such premises. Whenever the boarding home
19 to be licensed meets with the approval of the (~~director of community~~
20 ~~development~~) chief of the Washington state patrol, through the
21 director of fire protection, he or she shall submit to the department
22 or authorized department, a written report approving same with respect
23 to fire protection before a full license can be issued. The (~~director~~
24 ~~of community development~~) chief of the Washington state patrol,
25 through the director of fire protection, shall make or cause to be made
26 inspections of such homes at least annually.

27 In cities which have in force a comprehensive building code, the
28 provisions of which are determined by the (~~director of community~~
29 ~~development~~) chief of the Washington state patrol, through the
30 director of fire protection, to be equal to the minimum standards of
31 the code for boarding homes adopted by the (~~director of community~~
32 ~~development~~) chief of the Washington state patrol, through the
33 director of fire protection, the chief of the fire department, provided
34 the latter is a paid chief of a paid fire department, shall make the
35 inspection with the (~~director of community development~~) chief of the
36 Washington state patrol, through the director of fire protection, or
37 his or her deputy and they shall jointly approve the premises before a
38 full license can be issued.

1 **Sec. 5.** RCW 18.46.110 and 1986 c 266 s 82 are each amended to read
2 as follows:

3 Fire protection with respect to all maternity homes to be licensed
4 hereunder, shall be the responsibility of the (~~director of community~~
5 ~~development~~) chief of the Washington state patrol, through the
6 director of fire protection, who shall adopt by reference, such
7 recognized standards as may be applicable to nursing homes, places of
8 refuge, and maternity homes for the protection of life against the
9 cause and spread of fire and fire hazards. The department upon receipt
10 of an application for a license, shall submit to the (~~director of~~
11 ~~community development~~) chief of the Washington state patrol, through
12 the director of fire protection, in writing, a request for an
13 inspection, giving the applicant's name and the location of the
14 premises to be licensed. Upon receipt of such a request, the
15 (~~director of community development~~) chief of the Washington state
16 patrol, through the director of fire protection, or his or her deputy,
17 shall make an inspection of the maternity home to be licensed, and if
18 it is found that the premises do not comply with the required safety
19 standards and fire regulations as promulgated by the (~~director of~~
20 ~~community development~~) chief of the Washington state patrol, through
21 the director of fire protection, he or she shall promptly make a
22 written report to the department as to the manner in which the premises
23 may qualify for a license and set forth the conditions to be remedied
24 with respect to fire regulations. The department, applicant or
25 licensee shall notify the (~~director of community development~~) chief
26 of the Washington state patrol, through the director of fire
27 protection, upon completion of any requirements made by him or her, and
28 the (~~director of community development~~) chief of the Washington state
29 patrol, through the director of fire protection, or his or her deputy,
30 shall make a reinspection of such premises. Whenever the maternity
31 home to be licensed meets with the approval of the (~~director of~~
32 ~~community development~~) chief of the Washington state patrol, through
33 the director of fire protection, he or she shall submit to the
34 department, a written report approving same with respect to fire
35 protection before a license can be issued. The (~~director of community~~
36 ~~development~~) chief of the Washington state patrol, through the
37 director of fire protection, shall make or cause to be made such
38 inspection of such maternity homes as he or she deems necessary.

1 In cities which have in force a comprehensive building code, the
2 regulation of which is equal to the minimum standards of the code for
3 maternity homes adopted by the (~~director of community development~~)
4 chief of the Washington state patrol, through the director of fire
5 protection, the building inspector and the chief of the fire
6 department, provided the latter is a paid chief of a paid fire
7 department, shall make the inspection and shall approve the premises
8 before a license can be issued.

9 In cities where such building codes are in force, the (~~director of
10 community development~~) chief of the Washington state patrol, through
11 the director of fire protection, may, upon request by the chief fire
12 official, or the local governing body, or of a taxpayer of such city,
13 assist in the enforcement of any such code pertaining to maternity
14 homes.

15 **Sec. 6.** RCW 18.51.140 and 1986 c 266 s 83 are each amended to read
16 as follows:

17 Standards for fire protection and the enforcement thereof, with
18 respect to all nursing homes to be licensed hereunder, shall be the
19 responsibility of the (~~director of community development~~) chief of
20 the Washington state patrol, through the director of fire protection,
21 who shall adopt such recognized standards as may be applicable to
22 nursing homes for the protection of life against the cause and spread
23 of fire and fire hazards. The department upon receipt of an
24 application for a license, shall submit to the (~~director of community
25 development~~) chief of the Washington state patrol, through the
26 director of fire protection, in writing, a request for an inspection,
27 giving the applicant's name and the location of the premises to be
28 licensed. Upon receipt of such a request, the (~~director of community
29 development~~) chief of the Washington state patrol, through the
30 director of fire protection, or his or her deputy, shall make an
31 inspection of the nursing home to be licensed, and if it is found that
32 the premises do not comply with the required safety standards and fire
33 regulations as promulgated by the (~~director of community development~~)
34 chief of the Washington state patrol, through the director of fire
35 protection, he or she shall promptly make a written report to the
36 nursing home and the department as to the manner and time allowed in
37 which the premises must qualify for a license and set forth the
38 conditions to be remedied with respect to fire regulations. The

1 department, applicant or licensee shall notify the (~~director of~~
2 ~~community development~~) chief of the Washington state patrol, through
3 the director of fire protection, upon completion of any requirements
4 made by him or her, and the (~~director of community development~~) chief
5 of the Washington state patrol, through the director of fire
6 protection, or his or her deputy, shall make a reinspection of such
7 premises. Whenever the nursing home to be licensed meets with the
8 approval of the (~~director of community development~~) chief of the
9 Washington state patrol, through the director of fire protection, he or
10 she shall submit to the department, a written report approving same
11 with respect to fire protection before a full license can be issued.
12 The (~~director of community development~~) chief of the Washington state
13 patrol, through the director of fire protection, shall make or cause to
14 be made inspections of such nursing homes at least annually.

15 In cities which have in force a comprehensive building code, the
16 provisions of which are determined by the (~~director of community~~
17 ~~development~~) chief of the Washington state patrol, through the
18 director of fire protection, to be equal to the minimum standards of
19 the code for nursing homes adopted by the (~~director of community~~
20 ~~development~~) chief of the Washington state patrol, through the
21 director of fire protection, the chief of the fire department, provided
22 the latter is a paid chief of a paid fire department, shall make the
23 inspection with the (~~director of community development~~) chief of the
24 Washington state patrol, through the director of fire protection, or
25 his or her deputy and they shall jointly approve the premises before a
26 full license can be issued.

27 **Sec. 7.** RCW 18.51.145 and 1986 c 266 s 84 are each amended to read
28 as follows:

29 Inspections of nursing homes by local authorities shall be
30 consistent with the requirements of chapter 19.27 RCW, the state
31 building code. Findings of a serious nature shall be coordinated with
32 the department and the (~~director of community development~~) chief of
33 the Washington state patrol, through the director of fire protection,
34 for determination of appropriate actions to ensure a safe environment
35 for nursing home residents. The (~~director of community development~~)
36 chief of the Washington state patrol, through the director of fire
37 protection, shall have exclusive authority to determine appropriate
38 corrective action under this section.

1 **Sec. 8.** RCW 19.27A.110 and 1986 c 266 s 85 are each amended to
2 read as follows:

3 The (~~director of community development~~) chief of the Washington
4 state patrol, through the director of fire protection, is the only
5 authority having jurisdiction over the approval of portable oil-fueled
6 heaters. The sale and use of portable oil-fueled heaters is governed
7 exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED, That
8 cities and counties may adopt local standards as provided in RCW
9 19.27.040.

10 **Sec. 9.** RCW 28A.305.130 and 1991 c 116 s 11 are each amended to
11 read as follows:

12 In addition to any other powers and duties as provided by law, the
13 state board of education shall:

14 (1) Approve or disapprove the program of courses leading to
15 teacher, school administrator, and school specialized personnel
16 certification offered by all institutions of higher education within
17 the state which may be accredited and whose graduates may become
18 entitled to receive such certification.

19 (2) Conduct every five years a review of the program approval
20 standards, including the minimum standards for teachers,
21 administrators, and educational staff associates, to reflect research
22 findings and assure continued improvement of preparation programs for
23 teachers, administrators, and educational staff associates.

24 (3) Investigate the character of the work required to be performed
25 as a condition of entrance to and graduation from any institution of
26 higher education in this state relative to such certification as
27 provided for in subsection (1) above, and prepare a list of accredited
28 institutions of higher education of this and other states whose
29 graduates may be awarded such certificates.

30 (4)(a) The state board of education shall adopt rules to allow a
31 teacher certification candidate to fulfill, in part, teacher
32 preparation program requirements through work experience as a
33 noncertificated teacher's aide in a public school or private school
34 meeting the requirements of RCW 28A.195.010. The rules shall include,
35 but are not limited to, limitations based upon the recency of the
36 teacher preparation candidate's teacher aide work experience, and
37 limitations based on the amount of work experience that may apply
38 toward teacher preparation program requirements under this chapter.

1 (b) The state board of education shall require that at the time of
2 the individual's enrollment in a teacher preparation program, the
3 supervising teacher and the building principal shall jointly provide to
4 the teacher preparation program of the higher education institution at
5 which the teacher candidate is enrolled, a written assessment of the
6 performance of the teacher candidate. The assessment shall contain
7 such information as determined by the state board of education and
8 shall include: Evidence that at least fifty percent of the candidate's
9 work as a noncertificated teacher's aide was involved in instructional
10 activities with children under the supervision of a certificated
11 teacher and that the candidate worked a minimum of six hundred thirty
12 hours for one school year; the type of work performed by the candidate;
13 and a recommendation of whether the candidate's work experience as a
14 noncertificated teacher's aide should be substituted for teacher
15 preparation program requirements. In compliance with such rules as may
16 be established by the state board of education under this section, the
17 teacher preparation programs of the higher education institution where
18 the candidate is enrolled shall make the final determination as to what
19 teacher preparation program requirements may be fulfilled by teacher
20 aide work experience.

21 (5) Supervise the issuance of such certificates as provided for in
22 subsection (1) above and specify the types and kinds of certificates
23 necessary for the several departments of the common schools by rule or
24 regulation in accordance with RCW 28A.410.010.

25 (6) Accredite, subject to such accreditation standards and
26 procedures as may be established by the state board of education, all
27 schools that apply for accreditation, and approve, subject to the
28 provisions of RCW 28A.195.010, private schools carrying out a program
29 for any or all of the grades one through twelve: PROVIDED, That no
30 public or private schools shall be placed upon the list of accredited
31 schools so long as secret societies are knowingly allowed to exist
32 among its students by school officials: PROVIDED FURTHER, That the
33 state board may elect to require all or certain classifications of the
34 public schools to conduct and participate in such pre-accreditation
35 examination and evaluation processes as may now or hereafter be
36 established by the board.

37 (7) Make rules and regulations governing the establishment in any
38 existing nonhigh school district of any secondary program or any new
39 grades in grades nine through twelve. Before any such program or any

1 new grades are established the district must obtain prior approval of
2 the state board.

3 (8) Prepare such outline of study for the common schools as the
4 board shall deem necessary, and prescribe such rules for the general
5 government of the common schools, as shall seek to secure regularity of
6 attendance, prevent truancy, secure efficiency, and promote the true
7 interest of the common schools.

8 (9) Continuously reevaluate courses and adopt and enforce
9 regulations within the common schools so as to meet the educational
10 needs of students and articulate with the institutions of higher
11 education and unify the work of the public school system.

12 (10) Carry out board powers and duties relating to the organization
13 and reorganization of school districts under RCW 28A.315.010 through
14 28A.315.680 and 28A.315.900.

15 (11) By rule or regulation promulgated upon the advice of the
16 (~~director of community development~~) chief of the Washington state
17 patrol, through the director of fire protection, provide for
18 instruction of pupils in the public and private schools carrying out a
19 K through 12 program, or any part thereof, so that in case of sudden
20 emergency they shall be able to leave their particular school building
21 in the shortest possible time or take such other steps as the
22 particular emergency demands, and without confusion or panic; such
23 rules and regulations shall be published and distributed to
24 certificated personnel throughout the state whose duties shall include
25 a familiarization therewith as well as the means of implementation
26 thereof at their particular school.

27 (12) Hear and decide appeals as otherwise provided by law.

28 The state board of education is given the authority to promulgate
29 information and rules dealing with the prevention of child abuse for
30 purposes of curriculum use in the common schools.

31 **Sec. 10.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read
32 as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

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

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

1 (3)) "State fire marshal" means the assistant director of the
2 division of fire protection services in the (~~department of community~~
3 ~~development~~) Washington state patrol.

4 (~~(4)~~) (2) "Fire chief" includes the chief officer of a
5 statutorily authorized fire agency, or the fire chief's authorized
6 representative. Also included are the department of natural resources
7 fire control chief, and the department of natural resources regional
8 managers.

9 (~~(5)~~) (3) "Jurisdiction" means state, county, city, fire
10 district, or port district (~~{fire}~~) fire fighting units, or other
11 units covered by this chapter.

12 (~~(6)~~) (4) "Mobilization" means that fire fighting resources
13 beyond those available through existing agreements will be requested
14 and, when available, sent to fight a fire that has or soon will exceed
15 the capabilities of available local resources. During a large scale
16 fire emergency, mobilization includes redistribution of regional or
17 state-wide fire fighting resources to either direct fire fighting
18 assignments or to assignment in communities where fire fighting
19 resources are needed. This chapter shall not reduce or suspend the
20 authority or responsibility of the department of natural resources
21 under chapter 76.04 RCW.

22 (~~(7)~~) (5) "Mutual aid" means emergency interagency assistance
23 provided without compensation under (~~and {an}~~) an agreement between
24 jurisdictions under chapter 39.34 RCW.

25 **Sec. 11. RCW 38.54.030 and 1992 c 117 s 11 are each amended to*
26 *read as follows:*

27 *There is created the state fire defense board consisting of the*
28 *state fire marshal, a representative from the department of natural*
29 *resources appointed by the commissioner of public lands, the assistant*
30 *director of the emergency management division of the department of*
31 *community, trade, and economic development, and one representative*
32 *selected by each regional fire defense board in the state. Members of*
33 *the state fire defense board shall select from among themselves a*
34 *chairperson. Members serving on the board do so in a voluntary*
35 *capacity and are not eligible for reimbursement for meeting-related*
36 *expenses from the state.*

37 *The state fire defense board shall develop and maintain the*
38 *Washington state fire services mobilization plan, which shall include*

1 the procedures to be used during fire emergencies for coordinating
2 local, regional, and state fire jurisdiction resources. The Washington
3 state fire services mobilization plan shall be consistent with, and
4 made part of, the Washington state comprehensive emergency management
5 plan. The director shall review the fire services mobilization plan as
6 submitted by the state fire defense board and after consultation with
7 the fire protection policy board, recommend changes that may be
8 necessary, and approve the fire services mobilization plan for
9 inclusion within the state comprehensive emergency management plan.

10 It is the responsibility of the ((director)) chief of the
11 Washington state patrol to mobilize jurisdictions under the Washington
12 state fire services mobilization plan. The state fire marshal shall
13 serve as the state fire resources coordinator when the Washington state
14 fire services mobilization plan is mobilized.

15 *Sec. 11 was vetoed. See message at end of chapter.

16 *Sec. 12. RCW 38.54.050 and 1992 c 117 s 13 are each amended to
17 read as follows:

18 The department of community, trade, and economic development in
19 consultation with the office of financial management shall develop
20 procedures to facilitate reimbursement to jurisdictions from
21 appropriate federal and state funds when jurisdictions are mobilized by
22 the ((director)) chief of the Washington state patrol under the
23 Washington state fire services mobilization plan.

24 *Sec. 12 was vetoed. See message at end of chapter.

25 **Sec. 13.** RCW 43.43.710 and 1987 c 486 s 11 are each amended to
26 read as follows:

27 Information contained in the files and records of the section
28 relative to the commission of any crime by any person shall be
29 considered privileged and shall not be made public or disclosed for any
30 personal purpose or in any civil court proceedings except upon a
31 written order of the judge of a court wherein such civil proceedings
32 are had. All information contained in the files of the section
33 relative to criminal records and personal histories of persons arrested
34 for the commission of a crime shall be available to all criminal
35 justice agencies (~~and, for the sole purpose of investigating the cause~~
36 ~~of fires under RCW 48.48.060(2) where the cause is suspected to be~~
37 ~~arson, to the director of community development, through the director~~

1 ~~of fire protection,~~) upon the filing of an application as provided in
2 RCW 43.43.705.

3 Although no application for information has been made to the
4 section as provided in RCW 43.43.705, the section may transmit such
5 information in the chief's discretion, to such agencies as are
6 authorized by RCW 43.43.705 to make application for it.

7 **Sec. 14.** RCW 43.63A.300 and 1993 c 280 s 68 are each amended to
8 read as follows:

9 The legislature finds that fire protection services at the state
10 level are provided by different, independent state agencies. This has
11 resulted in a lack of a comprehensive state-level focus for state fire
12 protection services, funding, and policy. The legislature further
13 finds that the paramount duty of the state in fire protection services
14 is to enhance the capacity of all local jurisdictions to assure that
15 their personnel with fire suppression, prevention, inspection, origin
16 and cause, and arson investigation responsibilities are adequately
17 trained to discharge their responsibilities. It is the intent of the
18 legislature to consolidate fire protection services into a single state
19 agency and to create a state board with the responsibility of (1)
20 establishing a comprehensive state policy regarding fire protection
21 services and (2) advising the (~~director of community, trade, and~~
22 ~~economic development~~) chief of the Washington state patrol and the
23 director of fire protection on matters relating to their duties under
24 state law. It is also the intent of the legislature that the fire
25 protection services program created herein will assist local fire
26 protection agencies in program development without encroaching upon
27 their historic autonomy. It is the further intent of the legislature
28 that the fire protection services program be implemented incrementally
29 to assure a smooth transition, to build local, regional, and state
30 capacity, and to avoid undue burdens on jurisdictions with limited
31 resources.

32 **Sec. 15.** RCW 43.63A.310 and 1986 c 266 s 55 are each amended to
33 read as follows:

34 There is created the state fire protection policy board consisting
35 of (~~ten~~) eight members appointed by the governor:

36 (1) (~~Three~~) One representative(~~s~~) of fire chiefs(~~. At least~~
37 ~~one shall be from a fire department east of the Cascade mountains and~~

1 ~~at least one shall be from a fire department west of the Cascade~~
2 ~~mountains. One shall be from a fire protection district));~~

3 (2) One insurance industry representative;

4 (3) One representative of cities and towns;

5 (4) One representative of counties;

6 (5) ~~((Two))~~ One full-time, paid, career fire fighter~~((s))~~;

7 (6) One volunteer fire fighter; ~~((and))~~

8 (7) One representative of fire commissioners; and

9 (8) One representative of fire control programs of the department
10 of natural resources.

11 In making the appointments required under subsections (1) through
12 (7) of this section, the governor shall (a) seek the advice of and
13 consult with organizations involved in fire protection; and (b) ensure
14 that racial minorities, women, and persons with disabilities are
15 represented.

16 The terms of the appointed members of the board shall be three
17 years and until a successor is appointed and qualified. However,
18 initial board members shall be appointed as follows: Three members to
19 terms of one year, three members to terms of two years, and four
20 members to terms of three years. In the case of a vacancy of a member
21 appointed under subsections (1) through (7) of this section, the
22 governor shall appoint a new representative to fill the unexpired term
23 of the member whose office has become vacant. A vacancy shall occur
24 whenever an appointed member ceases to be employed in the occupation
25 the member was appointed to represent. The members of the board
26 appointed pursuant to subsections (1) and (5) of this section and
27 holding office on the effective date of this section shall serve the
28 remainder of their terms, and the reduction of the board required by
29 section 15, chapter ---, Laws of 1995 (this section), shall occur upon
30 the expiration of their terms.

31 The appointed members of the board shall be reimbursed for travel
32 expenses under RCW 43.03.050 and 43.03.060.

33 The board shall select its own chairperson and shall meet at the
34 request of the governor or the chairperson and at least four times per
35 year.

36 **Sec. 16.** RCW 43.63A.320 and 1993 c 280 s 69 are each amended to
37 read as follows:

1 Except for matters relating to the statutory duties of the
2 (~~director of community, trade, and economic development which~~) chief
3 of the Washington state patrol that are to be carried out through the
4 director of fire protection, the board shall have the responsibility of
5 developing a comprehensive state policy regarding fire protection
6 services. In carrying out its duties, the board shall:

7 (1) (a) Adopt a state fire training and education master plan that
8 allows to the maximum feasible extent for negotiated agreements: (i)
9 With the state board for community and technical colleges to provide
10 academic, vocational, and field training programs for the fire service
11 and (ii) with the higher education coordinating board and the state
12 colleges and universities to provide instructional programs requiring
13 advanced training, especially in command and management skills;

14 (b) Adopt minimum standards for each level of responsibility among
15 personnel with fire suppression, prevention, inspection, and
16 investigation responsibilities that assure continuing assessment of
17 skills and are flexible enough to meet emerging technologies. With
18 particular respect to training for fire investigations, the master plan
19 shall encourage cross training in appropriate law enforcement skills.
20 To meet special local needs, fire agencies may adopt more stringent
21 requirements than those adopted by the state;

22 (c) Cooperate with the common schools, technical and community
23 colleges, institutions of higher education, and any department or
24 division of the state, or of any county or municipal corporation in
25 establishing and maintaining instruction in fire service training and
26 education in accordance with any act of congress and legislation
27 enacted by the legislature in pursuance thereof and in establishing,
28 building, and operating training and education facilities.

29 Industrial fire departments and private fire investigators may
30 participate in training and education programs under this chapter for
31 a reasonable fee established by rule;

32 (d) Develop and adopt a master plan for constructing, equipping,
33 maintaining, and operating necessary fire service training and
34 education facilities subject to the provisions of chapter 43.19 RCW;
35 and

36 (e) Develop and adopt a master plan for the purchase, lease, or
37 other acquisition of real estate necessary for fire service training
38 and education facilities in a manner provided by law.

1 (2) In addition to its responsibilities for fire service training,
2 the board shall:

3 (a) Adopt a state fire protection master plan;

4 ~~((+2))~~ (b) Monitor fire protection in the state and develop
5 objectives and priorities to improve fire protection for the state's
6 citizens including: (i) The comprehensiveness of state and local
7 inspections required by law for fire and life safety; (ii) the level of
8 skills and training of inspectors, as well as needs for additional
9 training; and (iii) the efforts of local, regional, and state
10 inspection agencies to improve coordination and reduce duplication
11 among inspection efforts;

12 ~~((+3))~~ (c) Establish and promote state arson control programs and
13 ensure development of local arson control programs;

14 ~~((+4))~~ (d) Provide representation for local fire protection
15 services to the governor in state-level fire protection planning
16 matters such as, but not limited to, hazardous materials control;

17 ~~((+5))~~ (e) Seek and solicit grants, gifts, bequests, ~~((devices))~~
18 devises, and matching funds for use in furthering the objectives and
19 duties of the board, and establish procedures for administering them;

20 ~~((+6))~~ (f) Promote mutual aid and disaster planning for fire
21 services in this state;

22 ~~((+7))~~ (g) Assure the dissemination of information concerning the
23 amount of fire damage including that damage caused by arson, and its
24 causes and prevention;

25 ~~((+8))~~ (h) Submit ~~((annually a))~~ an annual report to the governor
26 ~~((containing a statement of))~~ describing its ~~((official acts))~~
27 activities undertaken pursuant to this chapter, and make such studies,
28 reports, and recommendations to the governor and the legislature as are
29 requested; and

30 ~~((+9) Adopt a state fire training and education master plan;~~

31 ~~(+10) Develop and adopt a master plan for the construction,~~
32 ~~equipping, maintaining, and operation of necessary fire service~~
33 ~~training and education facilities, but the authority to construct,~~
34 ~~equip, and maintain such facilities is subject to chapter 43.19 RCW;~~

35 ~~(+11) Develop and adopt a master plan for the purchase, lease, or~~
36 ~~other acquisition of real estate necessary to establish and operate~~
37 ~~fire service training and education facilities in a manner provided by~~
38 ~~law;~~

1 ~~(12) Adopt standards for state wide fire service training and~~
2 ~~education courses including courses in arson detection and~~
3 ~~investigation for personnel of fire, police, and prosecutor's~~
4 ~~departments;~~

5 ~~(13) Assure the administration of)~~ (i) Implement any legislation
6 enacted by the legislature ~~((in pursuance of the aims and purposes))~~ to
7 meet the requirements of any acts of congress ~~((insofar as the~~
8 ~~provisions thereof may))~~ that apply~~((;~~

9 ~~(14) Cooperate with the common schools, community colleges,~~
10 ~~institutions of higher education, and any department or division of the~~
11 ~~state, or of any county or municipal corporation in establishing and~~
12 ~~maintaining instruction in fire service training and education in~~
13 ~~accordance with any act of Congress and legislation enacted by the~~
14 ~~legislature in pursuance thereof and in establishing, building, and~~
15 ~~operating training and education facilities.~~

16 This section does not apply to forest fire service personnel and
17 programs. Industrial fire departments and private fire investigators
18 may participate in training and education programs under this chapter
19 for a reasonable fee established by rule)) to this section.

20 (3) In carrying out its statutory duties, the board shall give
21 particular consideration to the appropriate roles to be played by the
22 state and by local jurisdictions with fire protection responsibilities.
23 Any determinations on the division of responsibility shall be made in
24 consultation with local fire officials and their representatives.

25 To the extent possible, the board shall encourage development of
26 regional units along compatible geographic, population, economic, and
27 fire risk dimensions. Such regional units may serve to: (a) Reinforce
28 coordination among state and local activities in fire service training,
29 reporting, inspections, and investigations; (b) identify areas of
30 special need, particularly in smaller jurisdictions with inadequate
31 resources; (c) assist the state in its oversight responsibilities; (d)
32 identify funding needs and options at both the state and local levels;
33 and (e) provide models for building local capacity in fire protection
34 programs.

35 **Sec. 17.** RCW 43.63A.330 and 1993 c 280 s 70 are each amended to
36 read as follows:

37 In regards to the statutory duties of the ~~((director of community,~~
38 ~~trade, and economic development which))~~ chief of the Washington state

1 patrol that are to be carried out through the director of fire
2 protection, the board shall serve in an advisory capacity in order to
3 enhance the continuity of state fire protection services. In this
4 capacity, the board shall:

5 (1) Advise the (~~director of community, trade, and economic~~
6 ~~development~~) chief of the Washington state patrol and the director of
7 fire protection on matters pertaining to their duties under law; and

8 (2) Advise the (~~director of community, trade, and economic~~
9 ~~development~~) chief of the Washington state patrol and the director of
10 fire protection on all budgeting and fiscal matters pertaining to the
11 duties of the director of fire protection and the board.

12 **Sec. 18.** RCW 43.63A.340 and 1993 c 280 s 71 are each amended to
13 read as follows:

14 (1) Wherever the term state fire marshal appears in the Revised
15 Code of Washington or the Washington Administrative Code it shall mean
16 the director of fire protection.

17 (2) The (~~director of community, trade, and economic development~~)
18 chief of the Washington state patrol shall appoint an (~~assistant~~
19 ~~director~~) officer who shall be known as the director of fire
20 protection. The board, after consulting with the (~~director~~) chief of
21 the Washington state patrol, shall prescribe qualifications for the
22 position of director of fire protection. The board shall submit to the
23 (~~director~~) chief of the Washington state patrol a list containing the
24 names of three persons whom the board believes meet its qualifications.
25 If requested by the (~~director~~) chief of the Washington state patrol,
26 the board shall submit one additional list of three persons whom the
27 board believes meet its qualifications. The appointment shall be from
28 one of the lists of persons submitted by the board.

29 (3) The director of fire protection may designate one or more
30 deputies and may delegate to those deputies his or her duties and
31 authorities as deemed appropriate.

32 (4) The (~~director of community, trade, and economic development,~~
33 ~~through the~~) director of fire protection, in accordance with the
34 policies, objectives, and priorities of the fire protection policy
35 board, shall(~~, after consultation with the board,~~) prepare a biennial
36 budget pertaining to fire protection services. Such biennial budget
37 shall be submitted as part of the (~~department's~~) Washington state
38 patrol's budget request.

1 (5) The (~~director of community, trade, and economic development,~~
2 ~~through the~~) director of fire protection, shall implement and
3 administer, within (~~the~~) constraints established by budgeted
4 resources, the policies, objectives, and priorities of the board and
5 all duties of the (~~director of community, trade, and economic~~
6 ~~development which~~) chief of the Washington state patrol that are to be
7 carried out through the director of fire protection. Such
8 administration shall include negotiation of agreements with the state
9 board for community and technical colleges, the higher education
10 coordinating board, and the state colleges and universities as provided
11 in RCW 43.63A.320. Programs covered by such agreements shall include,
12 but not be limited to, planning curricula, developing and delivering
13 instructional programs and materials, and using existing instructional
14 personnel and facilities. Where appropriate, such contracts shall also
15 include planning and conducting instructional programs at the state
16 fire service training center.

17 (6) The (~~director of community, trade, and economic development~~)
18 chief of the Washington state patrol, through the director of fire
19 protection, shall seek the advice of the board in carrying out his or
20 her duties under law.

21 **Sec. 19.** RCW 43.63A.350 and 1986 c 266 s 59 are each amended to
22 read as follows:

23 The (~~department~~) Washington state patrol may accept any and all
24 donations, grants, bequests, and (~~devices~~) devises, conditional or
25 otherwise, or money, property, service, or other things of value which
26 may be received from the United States or any agency thereof, any
27 governmental agency, any institution, person, firm, or corporation,
28 public and private, to be held, used, or applied for the purposes of
29 the fire service training program established in RCW 43.63A.320 (as
30 recodified by this act).

31 **Sec. 20.** RCW 43.63A.360 and 1986 c 266 s 60 are each amended to
32 read as follows:

33 The (~~department~~) Washington state patrol may: (1) Impose and
34 collect fees for fire service training; and (2) establish and set fee
35 schedules for fire service training.

1 **Sec. 21.** RCW 43.63A.370 and 1986 c 266 s 61 are each amended to
2 read as follows:

3 The fire service training account is hereby established in the
4 state treasury. The ((department)) Washington state patrol shall
5 deposit in the account all fees received by the ((department))
6 Washington state patrol for fire service training. Moneys in the
7 account may be appropriated only for fire service training.

8 **Sec. 22.** RCW 43.63A.377 and 1991 c 135 s 3 are each amended to
9 read as follows:

10 Money from the fire services trust fund may be expended for the
11 following purposes:

12 (1) Training of fire service personnel, including both classroom
13 and hands-on training at the state fire training center or other
14 locations approved by the ((director)) chief of the Washington state
15 patrol through the director of fire protection services;

16 (2) Maintenance and operation at the state's fire training center
17 near North Bend. If in the future the state builds or leases other
18 facilities as other fire training centers, a portion of these moneys
19 may be used for the maintenance and operation at these centers;

20 (3) Lease or purchase of equipment for use in the provisions of
21 training to fire service personnel;

22 (4) Grants or subsidies to local ((entities)) jurisdictions to
23 allow them to perform their functions under this section;

24 (5) Costs of administering these programs under this section;

25 (6) Licensing and enforcement of state laws governing the sales of
26 fireworks; and

27 (7) Development with the legal fireworks industry and funding of a
28 state-wide public education program for fireworks safety.

29 **Sec. 23.** RCW 46.37.467 and 1986 c 266 s 88 are each amended to
30 read as follows:

31 (1) Every automobile, truck, motorcycle, motor home, or off-road
32 vehicle that is fueled by an alternative fuel source shall bear a
33 reflective placard issued by the national fire protection association
34 indicating that the vehicle is so fueled. Violation of this subsection
35 is a traffic infraction.

1 (2) As used in this section "alternative fuel source" includes
2 propane, compressed natural gas, liquid petroleum gas, or any
3 chemically similar gas but does not include gasoline or diesel fuel.

4 (3) If a placard for a specific alternative fuel source has not
5 been issued by the national fire protection association, a placard
6 issued by the (~~director of community development~~) chief of the
7 Washington state patrol, through the director of fire protection, shall
8 be required. The (~~director of community development~~) chief of the
9 Washington state patrol, through the director of fire protection, shall
10 develop rules for the design, size, and placement of the placard which
11 shall remain effective until a specific placard is issued by the
12 national fire protection association.

13 **Sec. 24.** RCW 48.05.320 and 1986 c 266 s 66 are each amended to
14 read as follows:

15 (1) Each authorized insurer shall promptly report to the (~~director~~
16 ~~of community development~~) chief of the Washington state patrol,
17 through the director of fire protection, upon forms as prescribed and
18 furnished by him or her, each fire loss of property in this state
19 reported to it and whether the loss is due to criminal activity or to
20 undetermined causes.

21 (2) Each such insurer shall likewise report to the (~~director of~~
22 ~~community development~~) chief of the Washington state patrol, through
23 the director of fire protection, upon claims paid by it for loss or
24 damage by fire in this state. Copies of all reports required by this
25 section shall be promptly transmitted to the state insurance
26 commissioner.

27 **Sec. 25.** RCW 48.48.030 and 1986 c 266 s 67 are each amended to
28 read as follows:

29 (1) The (~~director of community development~~) chief of the
30 Washington state patrol, through the director of fire protection or his
31 or her authorized deputy, shall have authority at all times of day and
32 night, in the performance of duties imposed by this chapter, to enter
33 upon and examine any building or premises where any fire has occurred
34 and other buildings and premises adjoining or near thereto.

35 (2) The (~~director of community development~~) chief of the
36 Washington state patrol, through the director of fire protection or his
37 or her authorized deputy, shall have authority at any reasonable hour

1 to enter into any public building or premises or any building or
2 premises used for public purposes to inspect for fire hazards.

3 **Sec. 26.** RCW 48.48.040 and 1986 c 266 s 68 are each amended to
4 read as follows:

5 (1) The (~~director of community development~~) chief of the
6 Washington state patrol, through the director of fire protection or his
7 or her authorized deputy, shall have authority to enter upon all
8 premises and into all buildings except private dwellings for the
9 purpose of inspection to ascertain if any fire hazard exists, and to
10 require conformance with minimum standards for the prevention of fire
11 and for the protection of life and property against fire and panic as
12 to use of premises, and may adopt by reference nationally recognized
13 standards applicable to local conditions.

14 (2) The (~~director of community development~~) chief of the
15 Washington state patrol, through the director of fire protection or
16 his or her authorized deputy, may, upon request by the chief fire
17 official or the local governing body or of taxpayers of such area,
18 assist in the enforcement of any such code.

19 **Sec. 27.** RCW 48.48.050 and 1986 c 266 s 70 are each amended to
20 read as follows:

21 (1) If the (~~director of community development~~) chief of the
22 Washington state patrol, through the director of fire protection or his
23 or her authorized deputy, finds in any building or premises subject to
24 their inspection under this chapter, any combustible material or
25 flammable conditions or fire hazards dangerous to the safety of the
26 building, premises, or to the public, he or she shall by written order
27 require such condition to be remedied, and such order shall forthwith
28 be complied with by the owner or occupant of the building or premises.

29 (2) An owner or occupant aggrieved by any such order made by the
30 (~~director of community development~~) chief of the Washington state
31 patrol, through the director of fire protection or his or her deputy,
32 may appeal such order pursuant to chapter 34.05 RCW. If the order is
33 confirmed, the order shall remain in force and be complied with by the
34 owner or occupant.

35 (3) Any owner or occupant failing to comply with any such order not
36 appealed from or with any order so confirmed shall be punishable by a

1 fine of not less than ten dollars nor more than fifty dollars for each
2 day such failure exists.

3 **Sec. 28.** RCW 48.48.060 and 1986 c 266 s 71 are each amended to
4 read as follows:

5 (1) The chief of each organized fire department, the sheriff or
6 other designated county official, and the designated city or town
7 official shall investigate the cause~~(())~~ and origin, and document
8 extent of ~~((loss))~~ damage of all fires occurring within their
9 respective jurisdictions, as determined by this subsection, and shall
10 forthwith notify the ~~((director of community development))~~ chief of the
11 Washington state patrol, through the director of fire protection, of
12 all fires of criminal, suspected, or undetermined cause occurring
13 within their respective jurisdictions. The county fire marshal shall
14 also be notified of and investigate all such fires occurring in
15 unincorporated areas of the county. Fire departments shall have the
16 responsibility imposed by this subsection for areas within their
17 jurisdictions. Sheriffs or other designated county officials shall
18 have responsibility imposed by this subsection for county areas not
19 within the jurisdiction of a fire department, unless such areas are
20 within the boundaries of a city or town, in which case the designated
21 city or town official shall have the responsibility imposed by this
22 subsection. For the purposes of this subsection, county officials
23 shall be designated by the county legislative authority, and city or
24 town officials shall be designated by the appropriate city or town
25 legislative or executive authority. In addition to the responsibility
26 imposed by this subsection, any sheriff or chief of police may assist
27 in the investigation of the cause~~(())~~ and origin, and document extent
28 of ~~((loss))~~ damage of all fires occurring within his or her respective
29 jurisdiction.

30 (2) The ~~((director of community development))~~ chief of the
31 Washington state patrol, through the director of fire protection or his
32 or her deputy, may investigate any fire for the purpose of determining
33 its cause, origin, and the extent of the loss. The ~~((director of~~
34 ~~community development))~~ chief of the Washington state patrol, through
35 the director of fire protection or his or her deputy, shall assist in
36 the investigation of those fires of criminal, suspected, or
37 undetermined cause when requested by the reporting agency. In the
38 investigation of any fire of criminal, suspected, or undetermined

1 cause, the (~~director of community development~~) chief of the
2 Washington state patrol and the director of fire protection or his or
3 her deputy, are vested with police powers to enforce the laws of this
4 state. To exercise these powers, authorized deputies must receive
5 prior written authorization from the (~~director of community~~
6 ~~development~~) chief of the Washington state patrol, through the
7 director of fire protection, and shall have completed a course of
8 training prescribed by the Washington state criminal justice training
9 commission.

10 **Sec. 29.** RCW 48.48.065 and 1986 c 266 s 72 are each amended to
11 read as follows:

12 (1) The chief of each organized fire department, or the sheriff or
13 other designated county official having jurisdiction over areas not
14 within the jurisdiction of any fire department, shall report
15 statistical information and data to the (~~director of community~~
16 ~~development~~) chief of the Washington state patrol, through the
17 director of fire protection, on each fire occurring within the
18 official's jurisdiction. Reports shall be consistent with the national
19 fire incident reporting system developed by the United States fire
20 administration and rules established by the (~~director of community~~
21 ~~development~~) chief of the Washington state patrol, through the
22 director of fire protection. The (~~director of community development~~)
23 chief of the Washington state patrol, through the director of fire
24 protection, and the department of natural resources shall jointly
25 determine the statistical information to be reported on fires on land
26 under the jurisdiction of the department of natural resources.

27 (2) The (~~director of community development~~) chief of the
28 Washington state patrol, through the director of fire protection, shall
29 analyze the information and data reported, compile a report, and
30 distribute a copy annually by (~~January 31~~) May 1st to each chief fire
31 official in the state. Upon request, the (~~director of community~~
32 ~~development~~) chief of the Washington state patrol, through the
33 director of fire protection, shall also furnish a copy of the report to
34 any other interested person at cost.

35 (3) In carrying out the duties relating to collecting, analyzing,
36 and reporting statistical fire data, the fire protection policy board
37 may purchase statistical fire data from a qualified individual or
38 organization. The information shall meet the diverse needs of state

1 and local fire reporting agencies and shall be (a) defined in
2 understandable terms of common usage in the fire community; (b)
3 adaptable to the varying levels of resources available; (c) maintained
4 in a manner that will foster both technical support and resource
5 sharing; and (d) designed to meet both short and long-term needs.

6 **Sec. 30.** RCW 48.48.070 and 1986 c 266 s 73 are each amended to
7 read as follows:

8 In the conduct of any investigation into the cause, origin, or loss
9 resulting from any fire, the (~~director of community development~~)
10 chief of the Washington state patrol and the director of fire
11 protection shall have the same power and rights relative to securing
12 the attendance of witnesses and the taking of testimony under oath as
13 is conferred upon the insurance commissioner under RCW 48.03.070.
14 False swearing by any such witness shall be deemed to be perjury and
15 shall be subject to punishment as such.

16 **Sec. 31.** RCW 48.48.080 and 1986 c 266 s 74 are each amended to
17 read as follows:

18 If as the result of any such investigation, or because of any
19 information received, the (~~director of community development~~) chief
20 of the Washington state patrol, through the director of fire
21 protection, is of the opinion that there is evidence sufficient to
22 charge any person with any crime, he or she may cause such person to be
23 arrested and charged with such offense, and shall furnish to the
24 prosecuting attorney of the county in which the offense was committed,
25 the names of witnesses and all pertinent and material evidence and
26 testimony within his or her possession relative to the offense.

27 **Sec. 32.** RCW 48.48.090 and 1986 c 266 s 75 are each amended to
28 read as follows:

29 The (~~director of community development~~) chief of the Washington
30 state patrol, through the director of fire protection, shall keep on
31 file all reports of fires made to him or her pursuant to this code.
32 Such records shall at all times during business hours be open to public
33 inspection; except, that any testimony taken in a fire investigation
34 may, in the discretion of the (~~director of community development~~)
35 chief of the Washington state patrol, through the director of fire
36 protection, be withheld from public scrutiny. The (~~director of~~

1 ~~community development~~) chief of the Washington state patrol, through
2 the director of fire protection, may destroy any such report after five
3 years from its date.

4 **Sec. 33.** RCW 48.48.110 and 1986 c 266 s 76 are each amended to
5 read as follows:

6 The (~~director of community development~~) chief of the Washington
7 state patrol, through the director of fire protection, shall submit
8 annually a report to the governor of this state. The report shall
9 contain a statement of his or her official acts pursuant to this
10 chapter.

11 **Sec. 34.** RCW 48.48.140 and 1991 c 154 s 1 are each amended to read
12 as follows:

13 (1) Smoke detection devices shall be installed inside all dwelling
14 units:

15 (a) Occupied by persons other than the owner on and after December
16 31, 1981; or

17 (b) Built or manufactured in this state after December 31, 1980.

18 (2) The smoke detection devices shall be designed, manufactured,
19 and installed inside dwelling units in conformance with:

20 (a) Nationally accepted standards; and

21 (b) As provided by the administrative procedure act, chapter 34.05
22 RCW, rules and regulations promulgated by the (~~director of community~~
23 ~~development~~) chief of the Washington state patrol, through the
24 director of fire protection.

25 (3) Installation of smoke detection devices shall be the
26 responsibility of the owner. Maintenance of smoke detection devices,
27 including the replacement of batteries where required for the proper
28 operation of the smoke detection device, shall be the responsibility of
29 the tenant, who shall maintain the device as specified by the
30 manufacturer. At the time of a vacancy, the owner shall insure that
31 the smoke detection device is operational prior to the reoccupancy of
32 the dwelling unit.

33 (4) Any owner or tenant failing to comply with this section shall
34 be punished by a fine of not more than two hundred dollars.

35 (5) For the purposes of this section:

36 (a) "Dwelling unit" means a single unit providing complete,
37 independent living facilities for one or more persons including

1 permanent provisions for living, sleeping, eating, cooking, and
2 sanitation; and

3 (b) "Smoke detection device" means an assembly incorporating in one
4 unit a device which detects visible or invisible particles of
5 combustion, the control equipment, and the alarm-sounding device,
6 operated from a power supply either in the unit or obtained at the
7 point of installation.

8 **Sec. 35.** RCW 48.48.150 and 1986 c 266 s 90 are each amended to
9 read as follows:

10 (1) All premises guarded by guard animals, which are animals
11 professionally trained to defend and protect premises or the occupants
12 of the premises, shall be registered with the local fire department.
13 Front entrances to residences and all entrances to business premises
14 shall be posted in a visible location with signs approved by the
15 (~~director of community development~~) chief of the Washington state
16 patrol, through the director of fire protection, indicating that guard
17 animals are present.

18 (2) A fire fighter, who reasonably believes that his or her safety
19 is endangered by the presence of a guard animal, may without liability:
20 (a) Refuse to enter the premises, or (b) take any reasonable action
21 necessary to protect himself or herself from attack by the guard
22 animal.

23 (3) If the person responsible for the guard animal being on the
24 premises does not comply with subsection (1) of this section, that
25 person may be held liable for any injury to the fire fighter caused by
26 the presence of the guard animal.

27 **Sec. 36.** RCW 48.50.020 and 1986 c 266 s 77 are each amended to
28 read as follows:

29 As used in this chapter the following terms have the meanings
30 indicated unless the context clearly requires otherwise.

31 (1) "Authorized agency" means a public agency or its official
32 representative having legal authority to investigate the cause of a
33 fire and to initiate criminal proceedings or further investigations if
34 the cause was not accidental, including the following persons and
35 agencies:

36 (a) The (~~director of community development~~) chief of the
37 Washington state patrol and the director of fire protection;

1 (b) The prosecuting attorney of the county where the fire occurred;

2 (c) The state attorney general, when engaged in a prosecution which
3 is or may be connected with the fire;

4 (d) The Federal Bureau of Investigation, or any other federal
5 agency; and

6 (e) The United States attorney's office when authorized or charged
7 with investigation or prosecution concerning the fire.

8 (2) "Insurer" means any insurer, as defined in RCW 48.01.050, which
9 insures against loss by fire, and includes insurers under the
10 Washington F.A.I.R. plan.

11 (3) "Relevant information" means information having any tendency to
12 make the existence of any fact that is of consequence to the
13 investigation or determination of the cause of any fire more probable
14 or less probable than it would be without the information.

15 **Sec. 37.** RCW 48.50.040 and 1986 c 266 s 91 are each amended to
16 read as follows:

17 (1) When an insurer has reason to believe that a fire loss reported
18 to the insurer may be of other than accidental cause, the insurer shall
19 notify the ~~((director of community development))~~ chief of the
20 Washington state patrol, through the director of fire protection, in
21 the manner prescribed under RCW 48.05.320 concerning the circumstances
22 of the fire loss, including any and all relevant material developed
23 from the insurer's inquiry into the fire loss.

24 (2) Notification of the ~~((director of community development))~~ chief
25 of the Washington state patrol, through the director of fire
26 protection, under subsection (1) of this section does not relieve the
27 insurer of the duty to respond to a request for information from any
28 other authorized agency.

29 **Sec. 38.** RCW 48.53.020 and 1986 c 266 s 92 are each amended to
30 read as follows:

31 (1) The ~~((director of community development))~~ chief of the
32 Washington state patrol, through the director of fire protection, may
33 designate certain classes of occupancy within a geographic area or may
34 designate geographic areas as having an abnormally high incidence of
35 arson. This designation shall not be a valid reason for cancellation,
36 refusal to issue or renew, modification, or increasing the premium for
37 any fire insurance policy.

1 (2) A fire insurance policy may not be issued to insure any
2 property within a class of occupancy within a geographic area or within
3 a geographic area designated by the (~~director of community~~
4 ~~development~~) chief of the Washington state patrol, through the
5 director of fire protection, as having an abnormally high incidence of
6 arson until the applicant has submitted an anti-arson application and
7 the insurer or the insurer's representative has inspected the property.
8 The application shall be prescribed by the (~~director of community~~
9 ~~development~~) chief of the Washington state patrol, through the
10 director of fire protection, and shall contain but not be limited to
11 the following:

12 (a) The name and address of the prospective insured and any
13 mortgagees or other parties having an ownership interest in the
14 property to be insured;

15 (b) The amount of insurance requested and the method of valuation
16 used to establish the amount of insurance;

17 (c) The dates and selling prices of the property, if any, during
18 the previous three years;

19 (d) Fire losses exceeding one thousand dollars during the previous
20 five years for property in which the prospective insured held an equity
21 interest or mortgage;

22 (e) Current corrective orders pertaining to fire, safety, health,
23 building, or construction codes that have not been complied with within
24 the time period or any extension of such time period authorized by the
25 authority issuing such corrective order applicable to the property to
26 be insured;

27 (f) Present or anticipated occupancy of the structure, and whether
28 a certificate of occupancy has been issued;

29 (g) Signature and title, if any, of the person submitting the
30 application.

31 (3) If the facts required to be reported by subsection (2) of this
32 section materially change, the insured shall notify the insurer of any
33 such change within fourteen days.

34 (4) An anti-arson application is not required for: (a) Fire
35 insurance policies covering one to four-unit owner-occupied residential
36 dwellings; (b) policies existing as of June 10, 1982; or (c) the
37 renewal of these policies.

38 (5) An anti-arson application shall contain a notice stating:
39 "Designation of a class of occupancy within a geographic area or

1 geographic areas as having an abnormally high incidence of arson shall
2 not be a valid reason for cancellation, refusal to issue or renew,
3 modification, or increasing the premium for any fire insurance policy."

4 **Sec. 39.** RCW 48.53.060 and 1986 c 266 s 93 are each amended to
5 read as follows:

6 Rules designating geographic areas or classes of occupancy as
7 having an abnormally high incidence of arson, and any other rules
8 necessary to implement this chapter shall be adopted by the (~~director~~
9 ~~of community development~~) chief of the Washington state patrol,
10 through the director of fire protection, under chapter 34.05 RCW.

11 **Sec. 40.** RCW 70.41.080 and 1986 c 266 s 94 are each amended to
12 read as follows:

13 Standards for fire protection and the enforcement thereof, with
14 respect to all hospitals to be licensed hereunder shall be the
15 responsibility of the (~~director of community development~~) chief of
16 the Washington state patrol, through the director of fire protection,
17 who shall adopt, after approval by the department, such recognized
18 standards as may be applicable to hospitals for the protection of life
19 against the cause and spread of fire and fire hazards. The department
20 upon receipt of an application for a license, shall submit to the
21 (~~state fire marshal~~) director of fire protection in writing, a
22 request for an inspection, giving the applicant's name and the location
23 of the premises to be licensed. Upon receipt of such a request, the
24 (~~director of community development~~) chief of the Washington state
25 patrol, through the director of fire protection, or his or her deputy,
26 shall make an inspection of the hospital to be licensed, and if it is
27 found that the premises do not comply with the required safety
28 standards and fire regulations as adopted pursuant to this chapter, he
29 or she shall promptly make a written report to the hospital and to the
30 department listing the corrective actions required and the time allowed
31 for accomplishing such corrections. The applicant or licensee shall
32 notify the (~~director of community development~~) chief of the
33 Washington state patrol, through the director of fire protection, upon
34 completion of any corrections required by him or her, and the
35 (~~director of community development~~) chief of the Washington state
36 patrol, through the director of fire protection, or his or her deputy,
37 shall make a reinspection of such premises. Whenever the hospital to

1 be licensed meets with the approval of the (~~director of community~~
2 ~~development~~) chief of the Washington state patrol, through the
3 director of fire protection, he or she shall submit to the department
4 a written report approving the hospital with respect to fire
5 protection, and such report is required before a full license can be
6 issued. The (~~director of community development~~) chief of the
7 Washington state patrol, through the director of fire protection, shall
8 make or cause to be made inspections of such hospitals at least once a
9 year.

10 In cities which have in force a comprehensive building code, the
11 provisions of which are determined by the (~~director of community~~
12 ~~development~~) chief of the Washington state patrol, through the
13 director of fire protection, to be equal to the minimum standards of
14 the code for hospitals adopted by the (~~director of community~~
15 ~~development~~) chief of the Washington state patrol, through the
16 director of fire protection, the chief of the fire department, provided
17 the latter is a paid chief of a paid fire department, shall make the
18 inspection with the (~~director of community development~~) chief of the
19 Washington state patrol, through the director of fire protection, or
20 his or her deputy and they shall jointly approve the premises before a
21 full license can be issued.

22 **Sec. 41.** RCW 70.75.020 and 1986 c 266 s 96 are each amended to
23 read as follows:

24 The standardization of existing fire protection equipment in this
25 state shall be arranged for and carried out by or under the direction
26 of the (~~director of community development~~) chief of the Washington
27 state patrol, through the director of fire protection. He or she shall
28 provide the appliances necessary for carrying on this work, shall
29 proceed with such standardization as rapidly as possible, and shall
30 require the completion of such work within a period of five years from
31 June 8, 1967: PROVIDED, That the (~~director of community development~~)
32 chief of the Washington state patrol, through the director of fire
33 protection, may exempt special purpose fire equipment and existing fire
34 protection equipment from standardization when it is established that
35 such equipment is not essential to the coordination of public fire
36 protection operations.

1 **Sec. 42.** RCW 70.75.030 and 1986 c 266 s 97 are each amended to
2 read as follows:

3 The (~~director of community development~~) chief of the Washington
4 state patrol, through the director of fire protection, shall notify
5 industrial establishments and property owners having equipment, which
6 may be necessary for fire department use in protecting the property or
7 putting out fire, of any changes necessary to bring their equipment up
8 to the requirements of the standard established by RCW 70.75.020, and
9 shall render such assistance as may be available for converting
10 substandard equipment to meet standard specifications and requirements.

11 **Sec. 43.** RCW 70.75.040 and 1986 c 266 s 98 are each amended to
12 read as follows:

13 Any person who, without approval of the (~~director of community~~
14 ~~development~~) chief of the Washington state patrol, through the
15 director of fire protection, sells or offers for sale in Washington any
16 fire hose, fire engine or other equipment for fire protection purposes
17 which is fitted or equipped with other than the standard thread is
18 guilty of a misdemeanor: PROVIDED, That fire equipment for special
19 purposes, research, programs, forest fire fighting, or special features
20 of fire protection equipment found appropriate for uniformity within a
21 particular protection area may be specifically exempted from this
22 requirement by order of the (~~director of community development~~) chief
23 of the Washington state patrol, through the director of fire
24 protection.

25 **Sec. 44.** RCW 70.77.170 and 1986 c 266 s 99 are each amended to
26 read as follows:

27 "License" means a nontransferable formal authorization which the
28 (~~director of community development~~) chief of the Washington state
29 patrol and the director of fire protection are permitted to issue under
30 this chapter to engage in the act specifically designated therein.

31 **Sec. 45.** RCW 70.77.250 and 1986 c 266 s 100 are each amended to
32 read as follows:

33 (1) The (~~director of community development~~) chief of the
34 Washington state patrol, through the director of fire protection, shall
35 enforce and administer this chapter.

1 (2) The (~~director of community development~~) chief of the
2 Washington state patrol, through the director of fire protection,
3 shall appoint such deputies and employees as may be necessary and
4 required to carry out the provisions of this chapter.

5 (3) The (~~director of community development~~) chief of the
6 Washington state patrol, through the director of fire protection, may
7 prescribe such rules relating to fireworks as may be necessary for the
8 protection of life and property and for the implementation of this
9 chapter.

10 (4) The (~~director of community development~~) chief of the
11 Washington state patrol, through the director of fire protection, shall
12 prescribe such rules as may be necessary to ensure state-wide minimum
13 standards for the enforcement of this chapter. Counties, cities, and
14 towns shall comply with such state rules. Any local rules adopted by
15 local authorities that are more restrictive than state law as to the
16 types of fireworks that may be sold shall have an effective date no
17 sooner than one year after their adoption.

18 (5) The (~~director of community development~~) chief of the
19 Washington state patrol, through the director of fire protection, may
20 exercise the necessary police powers to enforce the criminal provisions
21 of this chapter. This grant of police powers does not prevent any
22 other state agency or local government agency having general law
23 enforcement powers from enforcing this chapter within the jurisdiction
24 of the agency or local government.

25 **Sec. 46.** RCW 70.77.305 and 1986 c 266 s 101 are each amended to
26 read as follows:

27 The (~~director of community development~~) chief of the Washington
28 state patrol, through the director of fire protection, has the power to
29 issue licenses for the manufacture, importation, sale, and use of all
30 fireworks in this state. A person may be licensed as a manufacturer,
31 importer, or wholesaler under this chapter only if the person has a
32 designated agent in this state who is registered with the (~~director of~~
33 ~~community development~~) chief of the Washington state patrol, through
34 the director of fire protection.

35 **Sec. 47.** RCW 70.77.315 and 1986 c 266 s 102 are each amended to
36 read as follows:

1 Any person who desires to engage in the manufacture, importation,
2 sale, or use of fireworks shall make a written application to the
3 (~~director of community development~~) chief of the Washington state
4 patrol, through the director of fire protection, on forms provided by
5 him or her. Such application shall be accompanied by the annual
6 license fee as prescribed in this chapter.

7 **Sec. 48.** RCW 70.77.330 and 1986 c 266 s 104 are each amended to
8 read as follows:

9 If the (~~director of community development~~) chief of the
10 Washington state patrol, through the director of fire protection, finds
11 that the granting of such license would not be contrary to public
12 safety or welfare, he or she shall issue a license authorizing the
13 applicant to engage in the particular act or acts upon the payment of
14 the license fee specified in this chapter. Licensees may transport the
15 class of fireworks for which they hold a valid license.

16 **Sec. 49.** RCW 70.77.360 and 1986 c 266 s 106 are each amended to
17 read as follows:

18 If the (~~director of community development~~) chief of the
19 Washington state patrol, through the director of fire protection, finds
20 that an application for any license under this chapter contains a
21 material misrepresentation or that the granting of any license would be
22 contrary to the public safety or welfare, the (~~director of community~~
23 ~~development~~) chief of the Washington state patrol, through the
24 director of fire protection, may deny the application for the license.

25 **Sec. 50.** RCW 70.77.365 and 1986 c 266 s 107 are each amended to
26 read as follows:

27 A written report by the (~~director of community development~~) chief
28 of the Washington state patrol, through the director of fire
29 protection, or a local fire official, or any of their authorized
30 representatives, disclosing that the applicant for a license, or the
31 premises for which a license is to apply, do not meet the
32 qualifications or conditions for a license constitutes grounds for the
33 denial by the (~~director of community development~~) chief of the
34 Washington state patrol, through the director of fire protection, of
35 any application for a license.

1 **Sec. 51.** RCW 70.77.375 and 1986 c 266 s 108 are each amended to
2 read as follows:

3 The (~~director of community development~~) chief of the Washington
4 state patrol, through the director of fire protection, upon reasonable
5 opportunity to be heard, shall revoke any license issued pursuant to
6 this chapter, if he or she finds that:

7 (1) The licensee has violated any provisions of this chapter or any
8 rule or regulations made by the (~~director of community development~~)
9 chief of the Washington state patrol, through the director of fire
10 protection, under and with the authority of this chapter;

11 (2) The licensee has created or caused a fire nuisance;

12 (3) Any licensee has failed or refused to file any required
13 reports; or

14 (4) Any fact or condition exists which, if it had existed at the
15 time of the original application for such license, reasonably would
16 have warranted the (~~director of community development~~) chief of the
17 Washington state patrol, through the director of fire protection, in
18 refusing originally to issue such license.

19 **Sec. 52.** RCW 70.77.415 and 1986 c 266 s 109 are each amended to
20 read as follows:

21 Every public display of fireworks shall be handled or supervised by
22 a pyrotechnic operator licensed by the (~~director of community~~
23 ~~development~~) chief of the Washington state patrol, through the
24 director of fire protection, under RCW 70.77.255.

25 **Sec. 53.** RCW 70.77.430 and 1986 c 266 s 110 are each amended to
26 read as follows:

27 Notwithstanding RCW 70.77.255, following the revocation or
28 expiration of a license, a licensee in lawful possession of a lawfully
29 acquired stock of fireworks may sell such fireworks, but only under
30 supervision of the (~~director of community development~~) chief of the
31 Washington state patrol, through the director of fire protection. Any
32 sale under this section shall be solely to persons who are authorized
33 to buy, possess, sell, or use such fireworks.

34 **Sec. 54.** RCW 70.77.455 and 1986 c 266 s 114 are each amended to
35 read as follows:

1 All licensees shall maintain and make available to the ((director
2 of community development)) chief of the Washington state patrol,
3 through the director of fire protection, full and complete records
4 showing all production, imports, exports, purchases, sales, and
5 consumption of fireworks items by kind and class.

6 **Sec. 55.** RCW 70.77.460 and 1986 c 266 s 115 are each amended to
7 read as follows:

8 When reports on fireworks transactions or the payments of license
9 fees or penalties are required to be made on or by specified dates,
10 they shall be deemed to have been made at the time they are filed with
11 or paid to the ((director of community development)) chief of the
12 Washington state patrol, through the director of fire protection, or,
13 if sent by mail, on the date shown by the United States postmark on the
14 envelope containing the report or payment.

15 **Sec. 56.** RCW 70.77.465 and 1986 c 266 s 116 are each amended to
16 read as follows:

17 In addition to any other reports required under this chapter, the
18 ((director of community development)) chief of the Washington state
19 patrol, through the director of fire protection, may, by rule or
20 otherwise, require additional, other, or supplemental reports from
21 licensees and other persons and prescribe the form, including
22 verification, of the information to be given when filing such
23 additional, other or supplemental reports.

24 **Sec. 57.** RCW 70.77.575 and 1986 c 266 s 117 are each amended to
25 read as follows:

26 (1) The ((director of community development)) chief of the
27 Washington state patrol, through the director of fire protection, shall
28 adopt by rule a list of the fireworks that may be sold to the public in
29 this state pursuant to this chapter. The ((director of community
30 development)) chief of the Washington state patrol, through the
31 director of fire protection, shall file the list by October 1st of each
32 year with the code reviser for publication, unless the previously
33 published list has remained current.

34 (2) The ((director of community development)) chief of the
35 Washington state patrol, through the director of fire protection, shall
36 provide the list adopted under subsection (1) of this section by

1 November 1st of each year to all manufacturers, wholesalers, and
2 importers licensed under this chapter, unless the previously
3 distributed list has remained current.

4 **Sec. 58.** RCW 70.77.580 and 1986 c 266 s 118 are each amended to
5 read as follows:

6 Retailers required to be licensed under this chapter shall post
7 prominently at each retail outlet a list of the fireworks that may be
8 sold to the public in this state pursuant to this chapter. The posted
9 list shall be in a form approved by the (~~director of community~~
10 ~~development~~) chief of the Washington state patrol, through the
11 director of fire protection. The (~~director of community development~~)
12 chief of the Washington state patrol, through the director of fire
13 protection, shall make available the list.

14 **Sec. 59.** RCW 70.108.040 and 1986 c 266 s 120 are each amended to
15 read as follows:

16 Application for an outdoor music festival permit shall be in
17 writing and filed with the clerk of the issuing authority wherein the
18 festival is to be held. Said application shall be filed not less than
19 ninety days prior to the first scheduled day of the festival and shall
20 be accompanied with a permit fee in the amount of two thousand five
21 hundred dollars. Said application shall include:

22 (1) The name of the person or other legal entity on behalf of whom
23 said application is made: PROVIDED, That a natural person applying for
24 such permit shall be eighteen years of age or older;

25 (2) A financial statement of the applicant;

26 (3) The nature of the business organization of the applicant;

27 (4) Names and addresses of all individuals or other entities having
28 a ten percent or more proprietary interest in the festival;

29 (5) The principal place of business of applicant;

30 (6) A legal description of the land to be occupied, the name and
31 address of the owner thereof, together with a document showing the
32 consent of said owner to the issuance of a permit, if the land be owned
33 by a person other than the applicant;

34 (7) The scheduled performances and program;

35 (8) Written confirmation from the local health officer that he or
36 she has reviewed and approved plans for site and development in
37 accordance with rules, regulations and standards adopted by the state

1 board of health. Such rules and regulations shall include criteria as
2 to the following and such other matters as the state board of health
3 deems necessary to protect the public's health:

- 4 (a) Submission of plans
- 5 (b) Site
- 6 (c) Water supply
- 7 (d) Sewage disposal
- 8 (e) Food preparation facilities
- 9 (f) Toilet facilities
- 10 (g) Solid waste
- 11 (h) Insect and rodent control
- 12 (i) Shelter
- 13 (j) Dust control
- 14 (k) Lighting
- 15 (l) Emergency medical facilities
- 16 (m) Emergency air evacuation
- 17 (n) Attendant physicians
- 18 (o) Communication systems

19 (9) A written confirmation from the appropriate law enforcement
20 agency from the area where the outdoor music festival is to take place,
21 showing that traffic control and crowd protection policing have been
22 contracted for or otherwise provided by the applicant meeting the
23 following conditions:

24 (a) One person for each two hundred persons reasonably expected to
25 be in attendance at any time during the event for purposes of traffic
26 and crowd control.

27 (b) The names and addresses of all traffic and crowd control
28 personnel shall be provided to the appropriate law enforcement
29 authority: PROVIDED, That not less than twenty percent of the traffic
30 and crowd control personnel shall be commissioned police officers or
31 deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972
32 any commissioned police officer or deputy sheriff who is employed and
33 compensated by the promoter of an outdoor music festival shall not be
34 eligible and shall not receive any benefits whatsoever from any public
35 pension or disability plan of which he or she is a member for the time
36 he is so employed or for any injuries received during the course of
37 such employment.

38 (c) During the hours that the festival site shall be open to the
39 public there shall be at least one regularly commissioned police

1 officer employed by the jurisdiction wherein the festival site is
2 located for every one thousand persons in attendance and said officer
3 shall be on duty within the confines of the actual outdoor music
4 festival site.

5 (d) All law enforcement personnel shall be charged with enforcing
6 the provisions of this chapter and all existing statutes, ordinances
7 and regulations.

8 (10) A written confirmation from the appropriate law enforcement
9 authority that sufficient access roads are available for ingress and
10 egress to the parking areas of the outdoor music festival site and that
11 parking areas are available on the actual site of the festival or
12 immediately adjacent thereto which are capable of accommodating one
13 auto for every four persons in estimated attendance at the outdoor
14 music festival site.

15 (11) A written confirmation from the department of natural
16 resources, where applicable, and the ~~((director of community
17 development))~~ chief of the Washington state patrol, through the
18 director of fire protection, that all fire prevention requirements have
19 been complied with.

20 (12) A written statement of the applicant that all state and local
21 law enforcement officers, fire control officers and other necessary
22 governmental personnel shall have free access to the site of the
23 outdoor music festival.

24 (13) A statement that the applicant will abide by the provisions of
25 this chapter.

26 (14) The verification of the applicant warranting the truth of the
27 matters set forth in the application to the best of the applicant's
28 knowledge, under the penalty of perjury.

29 **Sec. 60.** RCW 70.160.060 and 1986 c 266 s 121 are each amended to
30 read as follows:

31 This chapter is not intended to regulate smoking in a private
32 enclosed workplace, within a public place, even though such workplace
33 may be visited by nonsmokers, excepting places in which smoking is
34 prohibited by the ~~((director of community development))~~ chief of the
35 Washington state patrol, through the director of fire protection, or by
36 other law, ordinance, or regulation.

1 **Sec. 61.** RCW 71.12.485 and 1989 1st ex.s. c 9 s 228 are each
2 amended to read as follows:

3 Standards for fire protection and the enforcement thereof, with
4 respect to all establishments to be licensed hereunder, shall be the
5 responsibility of the (~~director of community development~~) chief of
6 the Washington state patrol, through the director of fire protection,
7 who shall adopt such recognized standards as may be applicable to such
8 establishments for the protection of life against the cause and spread
9 of fire and fire hazards. The department of health, upon receipt of an
10 application for a license, or renewal of a license, shall submit to the
11 (~~director of community development~~) chief of the Washington state
12 patrol, through the director of fire protection, in writing, a request
13 for an inspection, giving the applicant's name and the location of the
14 premises to be licensed. Upon receipt of such a request, the
15 (~~director of community development~~) chief of the Washington state
16 patrol, through the director of fire protection, or his or her deputy
17 shall make an inspection of the establishment to be licensed, and if it
18 is found that the premises do not comply with the required safety
19 standards and fire regulations as promulgated by the (~~director of~~
20 ~~community development~~) chief of the Washington state patrol, through
21 the director of fire protection, he or she shall promptly make a
22 written report to the establishment and the department of health as to
23 the manner and time allowed in which the premises must qualify for a
24 license and set forth the conditions to be remedied with respect to
25 fire regulations. The department of health, applicant or licensee
26 shall notify the (~~director of community development~~) chief of the
27 Washington state patrol, through the director of fire protection, upon
28 completion of any requirements made by him or her, and the (~~state fire~~
29 ~~marshal~~) director of fire protection or his or her deputy shall make
30 a reinspection of such premises. Whenever the establishment to be
31 licensed meets with the approval of the (~~director of community~~
32 ~~development~~) chief of the Washington state patrol, through the
33 director of fire protection, he or she shall submit to the department
34 of health a written report approving same with respect to fire
35 protection before a full license can be issued. The (~~director of~~
36 ~~community development~~) chief of the Washington state patrol, through
37 the director of fire protection, shall make or cause to be made
38 inspections of such establishments at least annually. The department
39 of health shall not license or continue the license of any

1 establishment unless and until it shall be approved by the ((~~director~~
2 ~~of community development~~)) chief of the Washington state patrol,
3 through the director of fire protection, as herein provided.

4 In cities which have in force a comprehensive building code, the
5 provisions of which are determined by the ((~~director of community~~
6 ~~development~~)) chief of the Washington state patrol, through the
7 director of fire protection, to be equal to the minimum standards of
8 the ((~~director of community development~~)) chief of the Washington state
9 patrol, through the director of fire protection, for such
10 establishments, the chief of the fire department, provided the latter
11 is a paid chief of a paid fire department, shall make the inspection
12 with the ((~~director of community development~~)) chief of the Washington
13 state patrol, through the director of fire protection, or his or her
14 deputy, and they shall jointly approve the premises before a full
15 license can be issued.

16 **Sec. 62.** RCW 74.15.050 and 1986 c 266 s 123 are each amended to
17 read as follows:

18 The ((~~director of community development~~)) chief of the Washington
19 state patrol, through the director of fire protection, shall have the
20 power and it shall be his or her duty:

21 (1) In consultation with the children's services advisory committee
22 and with the advice and assistance of persons representative of the
23 various type agencies to be licensed, to adopt recognized minimum
24 standard requirements pertaining to each category of agency established
25 pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family
26 homes and child-placing agencies, necessary to protect all persons
27 residing therein from fire hazards;

28 (2) To make or cause to be made such inspections and investigations
29 of agencies, other than foster-family homes or child-placing agencies,
30 as he or she deems necessary;

31 (3) To make a periodic review of requirements under RCW
32 74.15.030(~~(+6)~~) (7) and to adopt necessary changes after consultation
33 as required in subsection (1) of this section;

34 (4) To issue to applicants for licenses hereunder, other than
35 foster-family homes or child-placing agencies, who comply with the
36 requirements, a certificate of compliance, a copy of which shall be
37 presented to the department of social and health services before a

1 license shall be issued, except that a provisional license may be
2 issued as provided in RCW 74.15.120.

3 **Sec. 63.** RCW 74.15.080 and 1989 1st ex.s. c 9 s 266 are each
4 amended to read as follows:

5 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall
6 accord the department of social and health services, the secretary of
7 health, the ~~((director of community development))~~ chief of the
8 Washington state patrol, and the director of fire protection, or their
9 designees, the right of entrance and the privilege of access to and
10 inspection of records for the purpose of determining whether or not
11 there is compliance with the provisions of chapter 74.15 RCW and RCW
12 74.13.031 and the requirements adopted thereunder.

13 NEW SECTION. **Sec. 64.** A new section is added to chapter 43.10 RCW
14 to read as follows:

15 (1) The legislature finds that provisions for information systems
16 relating to statistics and reporting for fire prevention, suppression,
17 and damage control do not adequately address the needs of ongoing
18 investigations of fire incidents where the cause is suspected or
19 determined to be the result of negligence or otherwise suggestive of
20 some criminal activity, particularly that of arson. It is the intent
21 of the legislature to establish an information and reporting system
22 designed specifically to assist state and local officers in conducting
23 such investigations and, where substantiated, to undertake prosecution
24 of individuals suspected of such activities.

25 (2)(a) In addition to the information provided by local officials
26 about the cause, origin, and extent of loss in fires under chapter
27 48.48 RCW, there is hereby created the state arson investigation
28 information system in the Washington state patrol.

29 (b) The chief of the Washington state patrol shall develop the
30 arson investigation information system in consultation with
31 representatives of the various state and local officials charged with
32 investigating fires resulting from suspicious or criminal activities
33 under chapter 48.48 RCW and of the insurance industry.

34 (c) The arson investigation information system shall be designed to
35 include at least the following attributes: (i) The information
36 gathered and reported shall meet the diverse needs of state and local
37 investigating agencies; (ii) the forms and reports are drafted in

1 understandable terms of common usage; and (iii) the results shall be
2 adaptable to the varying levels of available resources, maintained in
3 a manner to foster data sharing and mutual aid activities, and made
4 available to other law enforcement agencies responsible for criminal
5 investigations.

6 (d) All insurers required to report claim information under the
7 provisions of chapter 48.50 RCW shall cooperate fully with any requests
8 from the chief of the Washington state patrol in developing and
9 maintaining the arson investigation information system. The
10 confidentiality provisions of that chapter shall be fully enforced.

11 **Sec. 65.** RCW 52.12.031 and 1986 c 311 s 1 are each amended to read
12 as follows:

13 Any fire protection district organized under this title may:

14 (1) Lease, acquire, own, maintain, operate, and provide fire and
15 emergency medical apparatus and all other necessary or proper
16 facilities, machinery, and equipment for the prevention and suppression
17 of fires, the providing of emergency medical services and the
18 protection of life and property;

19 (2) Lease, acquire, own, maintain, and operate real property,
20 improvements, and fixtures for housing, repairing, and maintaining the
21 apparatus, facilities, machinery, and equipment described in subsection
22 (1) of this section;

23 (3) Contract with any governmental entity under chapter 39.34 RCW
24 or private person or entity to consolidate, provide, or cooperate for
25 fire prevention protection, fire suppression, investigation, and
26 emergency medical purposes. In so contracting, the district or
27 governmental entity is deemed for all purposes to be acting within its
28 governmental capacity. This contracting authority includes the
29 furnishing of fire prevention, fire suppression, investigation,
30 emergency medical services, facilities, and equipment to or by the
31 district, governmental entity, or private person or entity;

32 (4) Encourage uniformity and coordination of fire protection
33 district operations. The fire commissioners of fire protection
34 districts may form an association to secure information of value in
35 suppressing and preventing fires and other district purposes, to hold
36 and attend meetings, and to promote more economical and efficient
37 operation of the associated fire protection districts. The
38 commissioners of fire protection districts in the association shall

1 adopt articles of association or articles of incorporation for a
2 nonprofit corporation, select a chairman, secretary, and other officers
3 as they may determine, and may employ and discharge agents and
4 employees as the officers deem convenient to carry out the purposes of
5 the association. The expenses of the association may be paid from
6 funds paid into the association by fire protection districts:
7 PROVIDED, That the aggregate contributions made to the association by
8 a district in a calendar year shall not exceed two and one-half cents
9 per thousand dollars of assessed valuation;

10 (5) Enter into contracts to provide group life insurance for the
11 benefit of the personnel of the fire districts;

12 (6) Perform building and property inspections that the district
13 deems necessary to provide fire prevention services and pre-fire
14 planning within the district and any area that the district serves by
15 contract in accordance with RCW 19.27.110: PROVIDED, That codes used
16 by the district for building and property inspections shall be limited
17 to the applicable codes adopted by the state, county, city, or town
18 that has jurisdiction over the area in which the property is located.
19 A copy of inspection reports prepared by the district shall be
20 furnished by the district to the appropriate state, county, city, or
21 town that has jurisdiction over the area in which the property is
22 located: PROVIDED, That nothing in this subsection shall be construed
23 to grant code enforcement authority to a district. This subsection
24 shall not be construed as imposing liability on any governmental
25 jurisdiction;

26 (7) Determine the origin and cause of fires occurring within the
27 district and any area the district serves by contract. In exercising
28 the authority conferred by this subsection, the fire protection
29 district and its authorized representatives shall comply with the
30 provisions of RCW 48.48.060;

31 (8) Perform acts consistent with this title and not otherwise
32 prohibited by law.

33 NEW SECTION. **Sec. 66.** The association of fire commissioners that
34 is authorized to be formed under RCW 52.12.031(4), the association of
35 Washington cities, and the Washington state association of counties
36 shall submit a report on achieving greater efficiency in the delivery
37 of fire protection services to the government operations committees of

1 the senate and the house of representatives on or before December 31,
2 1995.

3 NEW SECTION. **Sec. 67.** The state fire protection policy board
4 shall conduct a study on the overlapping and confusing jurisdiction and
5 responsibilities of local governments concerning fire investigation.
6 The board shall make recommendations to the government operations
7 committees of the senate and the house of representatives on or before
8 December 31, 1995.

9 NEW SECTION. **Sec. 68.** The state fire protection policy board,
10 with the cooperation and assistance of the department of natural
11 resources and the association of fire commissioners shall submit a
12 report on the feasibility of providing fire protection for lands that
13 are not federally protected, not protected by the department of natural
14 resources, and not within the boundaries of a fire protection district
15 to the government operations committees of the senate and the house of
16 representatives on or before December 31, 1995.

17 NEW SECTION. **Sec. 69.** The following sections are each recodified
18 as new sections in chapter 43.43 RCW:

19 RCW 43.63A.300
20 RCW 43.63A.310
21 RCW 43.63A.320
22 RCW 43.63A.330
23 RCW 43.63A.340
24 RCW 43.63A.350
25 RCW 43.63A.360
26 RCW 43.63A.370
27 RCW 43.63A.375
28 RCW 43.63A.377
29 RCW 43.63A.380.

30 NEW SECTION. **Sec. 70.** This act does not apply to forest fire
31 service personnel and programs.

32 NEW SECTION. **Sec. 71.** RCW 48.48.120 and 1947 c 79 s .33.12 are
33 each repealed.

1 NEW SECTION. **Sec. 72.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect July 1, 1995.

 Passed the Senate March 8, 1995.

 Passed the House April 5, 1995.

 Approved by the Governor May 16, 1995, with the exception of
 certain items which were vetoed.

 Filed in Office of Secretary of State May 16, 1995.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 11 and
3 12, Engrossed Substitute Senate Bill No. 5093 entitled:

4 "AN ACT Relating to fire protection;"

5 Section 11 of Engrossed Substitute Senate Bill No. 5093 establishes
6 the Chief of the State Patrol as responsible for declaring fire
7 mobilizations under the Washington Fire Mobilization Plan (plan). As
8 stated in the plan, this action is the responsibility of the state
9 emergency management program.

10 Because the emergency management program has responsibility for
11 compensating local jurisdictions under the plan and because the
12 existing policy regarding the mobilization decision was developed after
13 extensive discussion with representatives of affected fire and
14 emergency management organizations, I believe that the state emergency
15 management program should maintain control of the decision to mobilize
16 fire resources. I expect that the emergency management program and the
17 fire services program will continue to work together, following a
18 mobilization decision, to ensure that resources are used in an
19 effective and coordinated manner. Section 12 references the Chief of
20 the State Patrol exercising mobilization authority and is, therefore,
21 properly vetoed as a result of my action on section 11.

22 For these reasons, I have vetoed sections 11 and 12 of Engrossed
23 Substitute Senate Bill No. 5093.

24 With the exception of sections 11 and 12, Engrossed Substitute
25 Senate Bill No. 5093 is approved."