
SUBSTITUTE SENATE BILL 6013

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Skratek, Vognild, Snyder, Sheldon, McAuliffe and Ludwig)

Read first time 01/24/94.

1 AN ACT Relating to fire protection services; amending RCW
2 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.340, 43.63A.377, 48.48.060,
3 48.48.065, 48.48.080, and 52.12.031; adding a new section to chapter
4 43.10 RCW; creating new sections; repealing RCW 48.48.120; and
5 providing an effective date.

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

7 **Sec. 1.** 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)

1 establishing a comprehensive state policy regarding fire protection
2 services and (2) advising the (~~director of community, trade, and~~
3 ~~economic development~~) governor and the director of fire protection on
4 matters relating to their duties under state law. It is also the
5 intent of the legislature that the fire protection services program
6 created herein will assist local fire protection agencies in program
7 development without encroaching upon their historic autonomy. It is
8 the further intent of the legislature that the fire protection services
9 program be implemented incrementally to assure a smooth transition, to
10 build local, regional, and state capacity, and to avoid undue burdens
11 on jurisdictions with limited resources.

12 **Sec. 2.** RCW 43.63A.310 and 1986 c 266 s 55 are each amended to
13 read as follows:

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

16 (1) (~~Three~~) One representative(~~s~~) of fire chiefs(~~. At least~~
17 ~~one shall be from a fire department east of the Cascade mountains and~~
18 ~~at least one shall be from a fire department west of the Cascade~~
19 ~~mountains. One shall be from a fire protection district~~);

20 (2) One insurance industry representative;

21 (3) One representative of cities and towns;

22 (4) One representative of counties;

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

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

25 (7) One representative of fire commissioners; and

26 (8) One representative of fire control programs of the department
27 of natural resources.

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

33 The terms of the appointed members of the board shall be three
34 years and until a successor is appointed and qualified. However,
35 initial board members shall be appointed as follows: Three members to
36 terms of one year, three members to terms of two years, and four
37 members to terms of three years. In the case of a vacancy of a member
38 appointed under subsections (1) through (7) of this section, the

1 governor shall appoint a new representative to fill the unexpired term
2 of the member whose office has become vacant. A vacancy shall occur
3 whenever an appointed member ceases to be employed in the occupation
4 the member was appointed to represent. The members of the board
5 appointed pursuant to subsections (1) and (5) of this section and
6 holding office on the effective date of this act shall serve the
7 remainder of their terms, and the reduction of the board required by
8 section 2, chapter ---, Laws of 1994 (this section), shall occur upon
9 the expiration of their terms.

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

12 The board shall select its own chairperson and shall meet at the
13 request of the governor or the chairperson and at least four times per
14 year.

15 **Sec. 3.** RCW 43.63A.320 and 1993 c 280 s 69 are each amended to
16 read as follows:

17 Except for matters relating to the statutory duties of the director
18 of community, trade, and economic development which are to be carried
19 out through the director of fire protection, the board shall have the
20 responsibility of developing a comprehensive state policy regarding
21 fire protection services. In carrying out its duties, the board shall:

22 (1)(a) Adopt a state fire training and education master plan which
23 allows to the maximum feasible extent for negotiated agreements: (i)
24 With the state board for community and technical colleges to provide
25 academic, vocational, and field training programs for the fire service
26 and (ii) with the higher education coordinating board and the state
27 colleges and universities to provide instructional programs requiring
28 advanced training, especially in command and management skills;

29 (b) Adopt minimum standards for each level of responsibility among
30 personnel with fire suppression, prevention, inspection, and
31 investigation responsibilities which assure continuing assessment of
32 skills and are flexible enough to meet emerging technologies. With
33 particular respect to training for fire investigations, the master plan
34 shall encourage cross training in appropriate law enforcement skills.
35 To meet special local needs, fire agencies may adopt more stringent
36 requirements than those adopted by the state;

37 (c) Cooperate with the common schools, technical and community
38 colleges, institutions of higher education, and any department or

1 division of the state, or of any county or municipal corporation in
2 establishing and maintaining instruction in fire service training and
3 education in accordance with any act of congress and legislation
4 enacted by the legislature in pursuance thereof and in establishing,
5 building, and operating training and education facilities.

6 Industrial fire departments and private fire investigators may
7 participate in training and education programs under this chapter for
8 a reasonable fee established by rule;

9 (d) Develop and adopt a master plan for constructing, equipping,
10 maintaining, and operating necessary fire service training and
11 education facilities subject to the provisions of chapter 43.19 RCW;
12 and

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

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

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

19 ~~((+2))~~ (b) Monitor fire protection in the state and develop
20 objectives and priorities to improve fire protection for the state's
21 citizens including: (i) The comprehensiveness of state and local
22 inspections required by law for fire and life safety; (ii) the level of
23 skills and training of inspectors, as well as needs for additional
24 training; and (iii) the efforts of local, regional, and state
25 inspection agencies to improve coordination and reduce duplication
26 among inspection efforts;

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

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

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

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

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

1 ~~((8))~~ (h) Submit ~~((annually a))~~ an annual report to the governor
2 ~~((containing a statement of))~~ describing its ~~((official acts))~~
3 activities undertaken pursuant to this chapter, and make such studies,
4 reports, and recommendations to the governor and the legislature as are
5 requested; and

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

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

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

15 ~~(12) Adopt standards for state wide fire service training and~~
16 ~~education courses including courses in arson detection and~~
17 ~~investigation for personnel of fire, police, and prosecutor's~~
18 ~~departments;~~

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

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

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

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

1 To the extent possible, the board shall encourage development of
2 regional units along compatible geographic, population, economic, and
3 fire risk dimensions. Such regional units may serve to: (a) Reinforce
4 coordination among state and local activities in fire service training,
5 reporting, inspections, and investigations; (b) identify areas of
6 special need, particularly in smaller jurisdictions with inadequate
7 resources; (c) assist the state in its oversight responsibilities; (d)
8 identify funding needs and options at both the state and local levels;
9 and (e) provide models for building local capacity in fire protection
10 programs.

11 **Sec. 4.** RCW 43.63A.340 and 1993 c 280 s 71 are each amended to
12 read as follows:

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

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

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

30 (4) The ~~((director of community, trade, and economic development,~~
31 ~~through the))~~ director of fire protection~~((,))~~ shall~~((, after~~
32 ~~consultation with the board,))~~ prepare a biennial budget pertaining to
33 fire protection services. Such biennial budget shall be submitted as
34 part of the department's budget request.

35 (5) The ~~((director of community, trade, and economic development,~~
36 ~~through the))~~ director of fire protection~~((,))~~ shall implement and
37 administer, within the constraints established by budgeted resources,
38 the policies of the board ~~((and all duties of the director of~~

1 ~~community, trade, and economic development which are to be carried out~~
2 ~~through the director of fire protection)).~~ Such administration shall
3 include negotiation of agreements with the state board for community
4 and technical colleges, the higher education coordinating board, and
5 the state colleges and universities as provided in RCW 43.63A.320.
6 Programs covered by such agreements shall include, but not be limited
7 to, planning curricula, developing and delivering instructional
8 programs and materials, and utilizing existing instructional personnel
9 and facilities. Where appropriate, such contracts shall also include
10 planning and conducting instructional programs at the state fire
11 service training center.

12 (6) The (~~director of community, trade, and economic development,~~
13 ~~through the~~) director of fire protection(~~(-)~~) shall seek the advice of
14 the board in carrying out his or her duties under law.

15 **Sec. 5.** RCW 43.63A.377 and 1991 c 135 s 3 are each amended to read
16 as follows:

17 Money from the fire services trust fund may be expended for the
18 following purposes:

19 (1) Training of fire service personnel, including both classroom
20 and hands-on training at the state fire training center or other
21 locations approved by the director through the director of fire
22 protection services;

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

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

29 (4) Grants or other subsidies to local (~~(entities)~~) jurisdictions
30 to allow them to perform their functions under this section;

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

32 (6) Licensing and enforcement of state laws governing the sales of
33 fireworks; and

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

36 **Sec. 6.** RCW 48.48.060 and 1986 c 266 s 71 are each amended to read
37 as follows:

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

25 (2) The ~~((director of community development, through the))~~ director
26 of fire protection or his or her deputy~~((7))~~ may investigate any fire
27 for the purpose of determining its cause, origin, and the extent of the
28 loss. The ~~((director of community development, through the))~~ director
29 of fire protection or his or her deputy~~((7))~~ shall assist in the
30 investigation of those fires of criminal, suspected, or undetermined
31 cause when requested by the reporting agency. In the investigation of
32 any fire of criminal, suspected, or undetermined cause, the ~~((director~~
33 ~~of community development and the))~~ director of fire protection or his
34 or her deputy~~((7))~~ are vested with police powers to enforce the laws of
35 this state. To exercise these powers, authorized deputies must receive
36 prior written authorization from the ~~((director of community~~
37 ~~development, through the))~~ director of fire protection~~((7))~~ and shall
38 have completed a course of training prescribed by the Washington state
39 criminal justice training commission.

1 **Sec. 7.** RCW 48.48.065 and 1986 c 266 s 72 are each amended to read
2 as follows:

3 (1) The chief of each organized fire department, or the sheriff or
4 other designated county official having jurisdiction over areas not
5 within the jurisdiction of any fire department, shall report
6 statistical information and data to the ~~((director of community
7 development, through the))~~ director of fire protection~~((7))~~ on each
8 fire occurring within the official's jurisdiction. Reports shall be
9 consistent with the national fire incident reporting system developed
10 by the United States fire administration and rules established by the
11 ~~((director of community development, through the director of))~~ fire
12 protection policy board. The ~~((director of community development,
13 through the))~~ director of fire protection~~((7))~~ and the department of
14 natural resources shall jointly determine the statistical information
15 to be reported on fires on land under the jurisdiction of the
16 department of natural resources.

17 (2) The ~~((director of community development, through the))~~ director
18 of fire protection~~((7))~~ shall analyze the information and data
19 reported, compile a report, and distribute a copy annually by ~~((January
20 31))~~ June 30 to each chief fire official in the state. Upon request,
21 the ~~((director of community development, through the))~~ director of fire
22 protection~~((7))~~ shall also furnish a copy of the report to any other
23 interested person at cost.

24 (3) In carrying out the duties relating to collecting, analyzing,
25 and reporting statistical fire data, the fire protection policy board
26 may contract with a qualified individual or organization to gather and
27 report such information under the following conditions:

28 (a) The contractor may be selected under the sole source provisions
29 of chapter 39.29 RCW, so long as the contractor meets the
30 qualifications of that chapter; and

31 (b) The information provided meets the diverse needs of state and
32 local fire reporting agencies and is (i) defined in understandable
33 terms of common usage in the fire community; (ii) adaptable to the
34 varying levels of resources available, including whether a given
35 client's system is operated electronically or not; (iii) maintained in
36 a manner which will foster both technical support and resource sharing;
37 and (iv) designed to meet both short and long-term needs.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.10 RCW
2 to read as follows:

3 (1) The legislature finds that provisions for information systems
4 relating to statistics and reporting for fire prevention, suppression,
5 and damage control do not adequately address the needs of ongoing
6 investigations of fire incidents where the cause is suspected or
7 determined to be the result of negligence or otherwise suggestive of
8 some criminal activity, particularly that of arson. It is the intent
9 of the legislature to establish an information and reporting system
10 designed specifically to assist state and local officers in conducting
11 such investigations and, where substantiated, to undertake prosecution
12 of individuals suspected of such activities.

13 (2)(a) In addition to the information provided by local officials
14 about the cause, origin, and extent of loss in fires under chapter
15 48.48 RCW, there is hereby created the state arson investigation
16 information system in the office of the attorney general.

17 (b) The attorney general shall develop the arson investigation
18 information system in consultation with representatives of the various
19 state and local officials charged with investigating fires resulting
20 from suspicious or criminal activities under chapter 48.48 RCW and of
21 the insurance industry.

22 (c) The arson investigation information system shall be designed to
23 include at least the following attributes: (i) The information
24 gathered and reported shall meet the diverse needs of state and local
25 investigating agencies; (ii) the forms and reports are drafted in
26 understandable terms of common usage; and (iii) the results shall be
27 adaptable to the varying levels of available resources, maintained in
28 a manner to foster data sharing and mutual aid activities, and made
29 available to other law enforcement agencies responsible for criminal
30 investigations.

31 (d) All insurers required to report claim information under the
32 provisions of chapter 48.50 RCW shall cooperate fully with any requests
33 from the attorney general in developing and maintaining the arson
34 investigation information system. The confidentiality provisions of
35 that chapter shall be fully enforced.

36 **Sec. 9.** RCW 48.48.080 and 1986 c 266 s 74 are each amended to read
37 as follows:

1 If as the result of any such investigation, or because of any
2 information received, the (~~director of community development, through~~
3 ~~the~~) director of fire protection((~~7~~)) is of the opinion that there is
4 evidence sufficient to charge any person with any crime, he or she may
5 cause such person to be arrested and charged with such offense, and
6 shall furnish to the prosecuting attorney of the county in which the
7 offense was committed, the names of witnesses and all pertinent and
8 material evidence and testimony within his or her possession relative
9 to the offense.

10 **Sec. 10.** RCW 52.12.031 and 1986 c 311 s 1 are each amended to read
11 as follows:

12 Any fire protection district organized under this title may:

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

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

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

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

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

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

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

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

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

32 NEW SECTION. **Sec. 11.** The association of fire commissioners that
33 is authorized to be formed under RCW 52.12.031(4), the association of
34 Washington cities, and the Washington state association of counties
35 shall submit a report on achieving greater efficiency in the delivery
36 of fire protection services to the government operations committee of
37 the senate and the local government committee of the house of
38 representatives on or before December 31, 1994.

1 NEW SECTION. **Sec. 12.** The state fire protection policy board
2 shall conduct a study on the overlapping and confusing jurisdiction and
3 responsibilities of local governments concerning fire investigation.
4 The board shall make recommendations to the government operations
5 committee of the senate and the local government committee of the house
6 of representatives on or before December 31, 1994.

7 NEW SECTION. **Sec. 13.** The department of natural resources and the
8 association of fire commissioners shall submit a report on the
9 feasibility of providing fire protection for lands that are not
10 federally protected, not protected by the department of natural
11 resources, and not within the boundaries of a fire protection district
12 to the government operations committee of the senate and the local
13 government committee of the house of representatives on or before
14 December 31, 1994.

15 NEW SECTION. **Sec. 14.** This act does not apply to forest fire
16 service personnel and programs.

17 NEW SECTION. **Sec. 15.** RCW 48.48.120 and 1947 c 79 s .33.12 are
18 each repealed.

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

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