
SENATE BILL 6013

State of Washington

53rd Legislature

1994 Regular Session

By Senators Haugen, Winsley, Skratek, Vognild, Snyder, Sheldon, McAuliffe and Ludwig

Read first time 01/10/94. Referred to Committee on Government Operations.

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~~) seven 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.

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

31 The terms of the appointed members of the board shall be three
32 years and until a successor is appointed and qualified. However,
33 initial board members shall be appointed as follows: Three members to
34 terms of one year, three members to terms of two years, and four
35 members to terms of three years. In the case of a vacancy of a member
36 appointed under subsections (1) through (7) of this section, the
37 governor shall appoint a new representative to fill the unexpired term
38 of the member whose office has become vacant. A vacancy shall occur

1 whenever an appointed member ceases to be employed in the occupation
2 the member was appointed to represent. The members of the board
3 appointed pursuant to subsections (1) and (5) of this section and
4 holding office on the effective date of this act shall serve the
5 remainder of their terms, and the reduction of the board required by
6 section 2, chapter ---, Laws of 1994 (this section), shall occur upon
7 the expiration of their terms.

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

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

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

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

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

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

35 (c) Cooperate with the common schools, technical and community
36 colleges, institutions of higher education, and any department or
37 division of the state, or of any county or municipal corporation in
38 establishing and maintaining instruction in fire service training and

1 education in accordance with any act of congress and legislation
2 enacted by the legislature in pursuance thereof and in establishing,
3 building, and operating training and education facilities.

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

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

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

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

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

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

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

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

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

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

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

38 ~~((+8))~~ (h) Submit ~~((annually a))~~ an annual report to the governor
39 ~~((containing a statement of))~~ describing its ~~((official acts))~~

1 activities undertaken pursuant to this chapter, and make such studies,
2 reports, and recommendations to the governor and the legislature as are
3 requested; and

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

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

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

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

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

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

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

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

37 To the extent possible, the board shall encourage development of
38 regional units along compatible geographic, population, economic, and
39 fire risk dimensions. Such regional units may serve to: (a) Reinforce

1 coordination among state and local activities in fire service training,
2 reporting, inspections, and investigations; (b) identify areas of
3 special need, particularly in smaller jurisdictions with inadequate
4 resources; (c) assist the state in its oversight responsibilities; (d)
5 identify funding needs and options at both the state and local levels;
6 and (e) provide models for building local capacity in fire protection
7 programs.

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

10 (1) Wherever the term state fire marshal appears in the Revised
11 Code of Washington or the Washington Administrative Code it shall mean
12 the director of fire protection.

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

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

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

32 (5) The ~~((director of community, trade, and economic development,~~
33 ~~through the))~~ director of fire protection~~((,))~~ shall implement and
34 administer, within the constraints established by budgeted resources,
35 the policies of the board ~~((and all duties of the director of~~
36 ~~community, trade, and economic development which are to be carried out~~
37 ~~through the director of fire protection))~~. Such administration shall
38 include negotiation of agreements with the state board for community

1 and technical colleges, the higher education coordinating board, and
2 the state colleges and universities as provided in RCW 43.63A.320.
3 Programs covered by such agreements shall include, but not be limited
4 to, planning curricula, developing and delivering instructional
5 programs and materials, and utilizing existing instructional personnel
6 and facilities. Where appropriate, such contracts shall also include
7 planning and conducting instructional programs at the state fire
8 service training center.

9 (6) The (~~director of community, trade, and economic development,~~
10 ~~through the~~) director of fire protection(~~(7)~~) shall seek the advice of
11 the board in carrying out his or her duties under law.

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

14 Money from the fire services trust fund may be expended for the
15 following purposes:

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

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

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

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

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

29 (6) Licensing and enforcement of state laws governing the sales of
30 fireworks; and

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

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

35 (1) The chief of each organized fire department, the sheriff or
36 other designated county official, and the designated city or town
37 official shall investigate the cause(~~(7)~~) and origin, and document

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

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

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

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

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

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

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

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

36 NEW SECTION. Sec. 8. A new section is added to chapter 43.10 RCW
37 to read as follows:

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

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

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

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

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

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

36 (1) If as the result of any such investigation, or because of any
37 information received, the ((director of community development, through
38 the)) director of fire protection((,)) is of the opinion that there is

1 evidence sufficient to charge any person with any crime, he or she may
2 cause such person to be arrested and charged with such offense, and
3 shall furnish to the prosecuting attorney of the county in which the
4 offense was committed, the names of witnesses and all pertinent and
5 material evidence and testimony within his or her possession relative
6 to the offense.

7 (2) In cases where a person or persons are convicted of a crime
8 relating to cause or origin of a fire, the appropriate authorities in
9 the county, city, town, or fire protection district in which the
10 incident occurred are hereby authorized to seek recovery and
11 restitution of damages and costs of investigation and suppression.

12 (3) Any person, firm, or corporation whose negligence is
13 responsible for the starting or existence of a fire shall be liable for
14 any expenses incurred by the state or a municipality in fighting the
15 fire, together with costs of investigation and litigation including
16 reasonable attorneys' fees and taxable court costs.

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

19 Any fire protection district organized under this title may:

20 (1) Lease, acquire, own, maintain, operate, and provide fire and
21 emergency medical apparatus and all other necessary or proper
22 facilities, machinery, and equipment for the prevention and suppression
23 of fires, the providing of emergency medical services and the
24 protection of life and property;

25 (2) Lease, acquire, own, maintain, and operate real property,
26 improvements, and fixtures for housing, repairing, and maintaining the
27 apparatus, facilities, machinery, and equipment described in subsection
28 (1) of this section;

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

1 (4) Encourage uniformity and coordination of fire protection
2 district operations. The fire commissioners of fire protection
3 districts may form an association to secure information of value in
4 suppressing and preventing fires and other district purposes, to hold
5 and attend meetings, and to promote more economical and efficient
6 operation of the associated fire protection districts. The
7 commissioners of fire protection districts in the association shall
8 adopt articles of association or articles of incorporation for a
9 nonprofit corporation, select a chairman, secretary, and other officers
10 as they may determine, and may employ and discharge agents and
11 employees as the officers deem convenient to carry out the purposes of
12 the association. The expenses of the association may be paid from
13 funds paid into the association by fire protection districts:
14 PROVIDED, That the aggregate contributions made to the association by
15 a district in a calendar year shall not exceed two and one-half cents
16 per thousand dollars of assessed valuation;

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

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

33 (7) Determine the origin and cause of fires occurring within the
34 district and any area the district serves by contract. In exercising
35 the authority conferred by this subsection, the fire protection
36 district and its authorized representatives shall comply with the
37 provisions of RCW 48.48.060;

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

1 NEW SECTION. **Sec. 11.** The association of fire commissioners that
2 is authorized to be formed under RCW 52.12.031(4) and the association
3 of Washington cities shall submit a report on achieving greater
4 efficiency in the delivery of fire protection services to the
5 government operations committee of the senate and the local government
6 committee of the house of representatives on or before December 31,
7 1994.

8 NEW SECTION. **Sec. 12.** The state fire protection policy board
9 shall conduct a study on the overlapping and confusing jurisdiction and
10 responsibilities of local governments concerning fire investigation.
11 The board shall make recommendations to the government operations
12 committee of the senate and the local government committee of the house
13 of representatives on or before December 31, 1994.

14 NEW SECTION. **Sec. 13.** This act does not apply to forest fire
15 service personnel and programs.

16 NEW SECTION. **Sec. 14.** RCW 48.48.120 and 1947 c 79 s .33.12 are
17 each repealed.

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

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