

CERTIFICATION OF ENROLLMENT

SENATE BILL 6023

53rd Legislature
1994 Regular Session

Passed by the Senate March 5, 1994
YEAS 45 NAYS 0

President of the Senate

Passed by the House March 2, 1994
YEAS 96 NAYS 0

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6023** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6023

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Senators Winsley and Haugen

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

1 AN ACT Relating to emergency management; amending RCW 38.52.005,
2 38.52.090, 38.52.420, 38.54.010, 38.54.020, 46.16.340, and 88.46.100;
3 reenacting and amending RCW 38.52.010; adding a new section to chapter
4 38.52 RCW; creating new sections; and providing an effective date.

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

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

8 The military department ((of—community—development)) shall
9 administer the comprehensive emergency management program of the state
10 of Washington as provided for in this chapter. All local
11 organizations, organized and performing emergency management functions
12 pursuant to RCW 38.52.070, may change their name and be called the
13 department/division of emergency management.

14 **Sec. 2.** RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are
15 each reenacted and amended to read as follows:

16 As used in this chapter:

17 (1) "Emergency management" or "comprehensive emergency management"
18 means the preparation for and the carrying out of all emergency

1 functions, other than functions for which the military forces are
2 primarily responsible, to mitigate, prepare for, respond to, and
3 recover from emergencies and disasters, and to aid victims suffering
4 from injury or damage, resulting from disasters caused by all hazards,
5 whether natural or man-made, and to provide support for search and
6 rescue operations for persons and property in distress. However,
7 "emergency management" or "comprehensive emergency management" does not
8 mean preparation for emergency evacuation or relocation of residents in
9 anticipation of nuclear attack.

10 (2) "Local organization for emergency services or management" means
11 an organization created in accordance with the provisions of this
12 chapter by state or local authority to perform local emergency
13 management functions.

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

15 (4) "Emergency worker" means any person, including but not limited
16 to an architect registered under chapter 18.08 RCW or a professional
17 engineer registered under chapter 18.43 RCW, who is registered with a
18 local emergency management organization or the military department (~~of~~
19 ~~community development~~) and holds an identification card issued by the
20 local emergency management director or the military department (~~of~~
21 ~~community development~~) for the purpose of engaging in authorized
22 emergency management activities or is an employee of the state of
23 Washington or any political subdivision thereof who is called upon to
24 perform emergency management activities.

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

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

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

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

8 (8) "Executive head" and "executive heads" means the county
9 executive in those charter counties with an elective office of county
10 executive, however designated, and, in the case of other counties, the
11 county legislative authority. In the case of cities and towns, it
12 means the mayor.

13 (9) "Director" means the ~~((director of community development))~~
14 adjutant general.

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

17 (11) "Department" means the state military department ~~((of
18 community development))~~.

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

22 (13) "Expense of an emergency response" as used in RCW 38.52.430
23 means reasonable costs incurred by a public agency in reasonably making
24 an appropriate emergency response to the incident, but shall only
25 include those costs directly arising from the response to the
26 particular incident. Reasonable costs shall include the costs of
27 providing police, coroner, fire fighting, rescue, emergency medical
28 services, or utility response at the scene of the incident, as well as
29 the salaries of the personnel responding to the incident.

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

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

36 (1) The director of each local organization for emergency
37 management may, in collaboration with other public and private agencies
38 within this state, develop or cause to be developed mutual aid

1 arrangements for reciprocal emergency management aid and assistance in
2 case of disaster too great to be dealt with unassisted. Such
3 arrangements shall be consistent with the state emergency management
4 plan and program, and in time of emergency it shall be the duty of each
5 local organization for emergency management to render assistance in
6 accordance with the provisions of such mutual aid arrangements. The
7 (~~director of community development~~) adjutant general shall adopt and
8 distribute a standard form of contract for use by local organizations
9 in understanding and carrying out said mutual aid arrangements.

10 (2) The (~~director of community development~~) adjutant general and
11 the director of each local organization for emergency management may,
12 subject to the approval of the governor, enter into mutual aid
13 arrangements with emergency management agencies or organizations in
14 other states for reciprocal emergency management aid and assistance in
15 case of disaster too great to be dealt with unassisted. All such
16 arrangements shall be pursuant to either of the compacts contained in
17 subsection (2) (a) or (b) of this section.

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

22 INTERSTATE CIVIL DEFENSE
23 AND DISASTER COMPACT

24 The contracting States solemnly agree:

25 Article 1. The purpose of this compact is to provide mutual aid
26 among the States in meeting any emergency or disaster from enemy attack
27 or other cause (natural or otherwise) including sabotage and subversive
28 acts and direct attacks by bombs, shellfire, and atomic, radiological,
29 chemical, bacteriological means, and other weapons. The prompt, full
30 and effective utilization of the resources of the respective States,
31 including such resources as may be available from the United States
32 Government or any other source, are essential to the safety, care and
33 welfare of the people thereof in the event of enemy action or other
34 emergency, and any other resources, including personnel, equipment or
35 supplies, shall be incorporated into a plan or plans of mutual aid to
36 be developed among the civil defense agencies or similar bodies of the
37 States that are parties hereto. The Directors of Civil Defense
38 (Emergency Services) of all party States shall constitute a committee

1 to formulate plans and take all necessary steps for the implementation
2 of this compact.

3 Article 2. It shall be the duty of each party State to formulate
4 civil defense plans and programs for application within such State.
5 There shall be frequent consultation between the representatives of the
6 States and with the United States Government and the free exchange of
7 information and plans, including inventories of any materials and
8 equipment available for civil defense. In carrying out such civil
9 defense plans and programs the party States shall so far as possible
10 provide and follow uniform standards, practices and rules and
11 regulations including:

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

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

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

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

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

22 (f) All materials or equipment used or to be used for civil defense
23 purposes in order to assure that such materials and equipment will be
24 easily and freely interchangeable when used in or by any other party
25 State;

26 (g) The conduct of civilians and the movement and cessation of
27 movement of pedestrians and vehicular traffic, prior, during, and
28 subsequent to drills or attacks;

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

30 (i) Mobile support units.

31 Article 3. Any party State requested to render mutual aid shall
32 take such action as is necessary to provide and make available the
33 resources covered by this compact in accordance with the terms hereof;
34 provided that it is understood that the State rendering aid may
35 withhold resources to the extent necessary to provide reasonable
36 protection for such State. Each party State shall extend to the civil
37 defense forces of any other party State, while operating within its
38 State limits under the terms and conditions of this compact, the same
39 powers (except that of arrest unless specifically authorized by the

1 receiving State), duties, rights, privileges and immunities as if they
2 were performing their duties in the State in which normally employed or
3 rendering services. Civil defense forces will continue under the
4 command and control of their regular leaders but the organizational
5 units will come under the operational control of the civil defense
6 authorities of the State receiving assistance.

7 Article 4. Whenever any person holds a license, certificate or
8 other permit issued by any State evidencing the meeting of
9 qualifications for professional, mechanical or other skills, such
10 person may render aid involving such skill in any party State to meet
11 an emergency or disaster and such State shall give due recognition to
12 such license, certificate or other permit as if issued in the State in
13 which aid is rendered.

14 Article 5. No party State or its officers or employees rendering
15 aid in another State pursuant to this compact shall be liable on
16 account of any act or omission in good faith on the part of such forces
17 while so engaged, or on account of the maintenance or use of any
18 equipment or supplies in connection therewith.

19 Article 6. Inasmuch as it is probable that the pattern and detail
20 of the machinery for mutual aid among two or more states may differ
21 from that appropriate among other States party hereto, this instrument
22 contains elements of a broad base common to all States, and nothing
23 herein contained shall preclude any State from entering into
24 supplementary agreements with another State or States. Such
25 supplementary agreements may comprehend, but shall not be limited to,
26 provisions for evacuation and reception of injured and other persons,
27 and the exchange of medical, fire, police, public utility,
28 reconnaissance, welfare, transportation and communications personnel,
29 equipment and supplies.

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

36 Article 8. Any party State rendering aid in another State pursuant
37 to this compact shall be reimbursed by the party State receiving such
38 aid for any loss or damage to, or expense incurred in the operation of
39 any equipment answering a request for aid, and for the cost incurred in

1 connection with such requests; provided, that any aiding State may
2 assume in whole or in part such loss, damage, expense, or other cost,
3 or may loan such equipment or donate such services to the receiving
4 party State without charge or cost; and provided further that any two
5 or more party States may enter into supplementary agreements
6 establishing a different allocation of costs as among those States.
7 The United States Government may relieve the party State receiving aid
8 from any liability and reimburse the party State supplying civil
9 defense forces for the compensation paid to and the transportation,
10 subsistence and maintenance expenses of such forces during the time of
11 the rendition of such aid or assistance outside the State and may also
12 pay fair and reasonable compensation for the use or utilization of the
13 supplies, materials, equipment or facilities so utilized or consumed.

14 Article 9. Plans for the orderly evacuation and reception of the
15 civilian population as the result of an emergency or disaster shall be
16 worked out from time to time between representatives of the party
17 States and the various local civil defense areas thereof. Such plans
18 shall include the manner of transporting such evacuees, the number of
19 evacuees to be received in different areas, the manner in which food,
20 clothing, housing, and medical care will be provided, the registration
21 of the evacuees, the providing of facilities for the notification of
22 relatives or friends and the forwarding of such evacuees to other areas
23 or the bringing in of additional materials, supplies, and all other
24 relevant factors. Such plans shall provide that the party State
25 receiving evacuees shall be reimbursed generally for the out-of-pocket
26 expenses incurred in receiving and caring for such evacuees, for
27 expenditures for transportation, food, clothing, medicines and medical
28 care and like items. Such expenditures shall be reimbursed by the
29 party State of which the evacuees are residents, or by the United
30 States Government under plans approved by it. After the termination of
31 the emergency or disaster the party State of which the evacuees are
32 resident shall assume the responsibility for the ultimate support or
33 repatriation of such evacuees.

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

38 Article 11. The committee established pursuant to Article 1 of
39 this compact may request the Civil Defense Agency of the United States

1 Government to act as an informational and coordinating body under this
2 compact, and representatives of such agency of the United States
3 Government may attend meetings of such committee.

4 Article 12. This compact shall become operative immediately upon
5 its ratification by any State as between it and any other State or
6 States so ratifying and shall be subject to approval by Congress unless
7 prior Congressional approval has been given. Duly authenticated copies
8 of this compact and of such supplementary agreements as may be entered
9 into shall, at the time of their approval, be deposited with each of
10 the party States and with the Civil Defense Agency and other
11 appropriate agencies of the United States Government.

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

18 Article 14. This compact shall be construed to effectuate the
19 purposes stated in Article 1 hereof. If any provision of this compact
20 is declared unconstitutional, or the applicability thereof to any
21 person or circumstance is held invalid, the constitutionality of the
22 remainder of this compact and the applicability thereof to other
23 persons and circumstances shall not be effected thereby.

24 Article 15. (a) This Article shall be in effect only as among
25 those states which have enacted it into law or in which the Governors
26 have adopted it pursuant to constitutional or statutory authority
27 sufficient to give it the force of law as part of this compact.
28 Nothing contained in this Article or in any supplementary agreement
29 made in implementation thereof shall be construed to abridge, impair or
30 supersede any other provision of this compact or any obligation
31 undertaken by a State pursuant thereto, except that if its terms so
32 provide, a supplementary agreement in implementation of this Article
33 may modify, expand or add to any such obligation as among the parties
34 to the supplementary agreement.

35 (b) In addition to the occurrences, circumstances and subject
36 matters to which preceding articles of this compact make it applicable,
37 this compact and the authorizations, entitlements and procedures
38 thereof shall apply to:

1 Authorization

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

9 Implementation

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

12 1. Participating states through their designated officials are
13 authorized to request and to receive assistance from a participating
14 state. Requests will be granted only if the requesting state is
15 committed to the mitigation of the emergency, and other resources are
16 not immediately available.

17 2. Requests for assistance may be verbal or in writing. If the
18 request is made by other than written communication, it shall be
19 confirmed in writing as soon as practical after the request. A written
20 request shall provide an itemization of equipment and operators, types
21 of expertise, personnel or other resources needed. Each request must
22 be signed by an authorized official.

23 3. Personnel and equipment of the aiding party made available to
24 the requesting party shall, whenever possible, remain under the control
25 and direction of the aiding party. The activities of personnel and
26 equipment of the aiding party must be coordinated by the requesting
27 party.

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

32 General Fiscal Provisions

33 The state government of the requesting party shall reimburse the state
34 government of the aiding party. It is understood that reimbursement
35 shall be made as soon as possible after the receipt by the requesting
36 party of an itemized voucher requesting reimbursement of costs.

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

8 6. This compact shall enter into force and become effective and
9 binding upon the states so acting when it has been enacted into law by
10 any two states. Thereafter, this compact shall enter into force and
11 become effective and binding as to any other of said states upon
12 similar action by such state.

13 7. This compact shall continue in force and remain binding upon a
14 party state until it shall have enacted a statute repealing the same
15 and providing for the sending of formal written notice of withdrawal
16 from the compact to the appropriate official of all other party states.
17 An actual withdrawal shall not take effect until the thirtieth
18 consecutive day after the notice provided in the statute has been sent.
19 Such withdrawal shall not relieve the withdrawing state from its
20 obligations assumed hereunder prior to the effective date of
21 withdrawal.

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

24 (1) The military department (~~(of community development)~~), in
25 consultation with appropriate federal agencies, the departments of
26 natural resources, wildlife, fisheries, and ecology, representatives of
27 local government, and any other person the director may deem
28 appropriate, shall develop a model contingency plan, consistent with
29 other plans required for hazardous materials by federal and state law,
30 to serve as a draft plan for local governments which may be
31 incorporated into the state and local emergency management plans.

32 (2) The model contingency plan shall:

33 (a) Include specific recommendations for pollution control
34 facilities which are deemed to be most appropriate for the control,
35 collection, storage, treatment, disposal, and recycling of oil and
36 other spilled material and furthering the prevention and mitigation of
37 such pollution;

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

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

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

12 (e) Promote formal agreements between the military department (~~of~~
13 ~~community—development~~) and local entities for effective spill
14 response; and

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

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

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

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

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

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

31 (4) "Fire chief" includes the chief officer of a statutorily
32 authorized fire agency, or the fire chief's authorized representative.
33 Also included are the department of natural resources fire control
34 chief, and the department of natural resources regional managers.

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

1 (6) "Mobilization" means that fire fighting resources beyond those
2 available through existing agreements will be requested and, when
3 available, sent ~~((to fight a fire))~~ in response to an emergency or
4 disaster situation that has ~~((or soon will exceed))~~ exceeded the
5 capabilities of available local resources. During a large scale
6 ~~((fire))~~ emergency, mobilization includes the redistribution of
7 regional or state-wide fire fighting resources to either direct ~~((fire~~
8 ~~fighting))~~ emergency incident assignments or to assignment in
9 communities where fire fighting resources are needed.

10 When mobilization is declared and authorized as provided in this
11 chapter, all fire fighting resources except those of the host fire
12 protection authorities, i.e. incident jurisdiction, shall be deemed as
13 mobilized under this chapter, including those that responded earlier
14 under existing mutual aid or other agreement. All nonhost fire
15 protection authorities providing fire fighting resources in response to
16 a mobilization declaration shall be eligible for expense reimbursement
17 as provided by this chapter from the time of the mobilization
18 declaration.

19 This chapter shall not reduce or suspend the authority or
20 responsibility of the department of natural resources under chapter
21 76.04 RCW.

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

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

27 Because of the possibility of the occurrence of disastrous fires or
28 other disasters of unprecedented size and destructiveness, the need to
29 insure that the state is adequately prepared to respond to such a fire
30 or disaster, the need to establish a mechanism and a procedure to
31 provide for reimbursement to fire fighting agencies that respond to
32 help others in time of need, and generally to protect the public peace,
33 health, safety, lives, and property of the people of Washington, it is
34 hereby declared necessary to:

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

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

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

6 It is the intent of the legislature that mutual aid and other
7 interlocal agreements providing for enhanced emergency response be
8 encouraged as essential to the public peace, safety, health, and
9 welfare, and for the protection of the lives and property of the people
10 of the state of Washington. If possible, mutual aid agreements should
11 be without stated limitations as to resources available, time, or area.
12 Nothing in this chapter shall be construed or interpreted to limit the
13 eligibility of any nonhost fire protection authority for reimbursement
14 of expenses incurred in providing fire fighting resources for
15 mobilization.

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

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

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

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

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

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

36 (2) The ~~((division of emergency management of the))~~ state military
37 department ((of community development)) and the office shall request

1 the coast guard to notify the ((~~division of emergency management~~))
2 state military department as soon as possible after the coast guard
3 receives notice of a disabled covered vessel or of a collision or near
4 miss incident within twelve miles of the shore of the state. The
5 office shall negotiate an agreement with the coast guard governing
6 procedures for coast guard notification to the state regarding disabled
7 covered vessels and collisions and near miss incidents.

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

12 (4) For the purposes of this section:

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

15 (i) Any accidental or intentional grounding;

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

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

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

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

25 (i) The towing mechanism becomes disabled;

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

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

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

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

37 All powers, duties, and functions of the department of community,
38 trade, and economic development pertaining to emergency management are

1 transferred to the state military department. All references to the
2 director or the department of community development or the department
3 of community, trade, and economic development in the Revised Code of
4 Washington shall be construed to mean the adjutant general or the state
5 military department when referring to the functions transferred in this
6 section.

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

18 Any appropriations made to the department of community, trade, and
19 economic development for carrying out the powers, functions, and duties
20 transferred shall, on the effective date of this section, be
21 transferred and credited to the state military department.

22 Whenever any question arises as to the transfer of any personnel,
23 funds, books, documents, records, papers, files, equipment, or other
24 tangible property used or held in the exercise of the powers and the
25 performance of the duties and functions transferred, the director of
26 financial management shall make a determination as to the proper
27 allocation and certify the same to the state agencies concerned.

28 NEW SECTION. **Sec. 11.** All employees of the department of
29 community, trade, and economic development engaged in performing the
30 powers, functions, and duties transferred are transferred to the
31 jurisdiction of the state military department. All employees
32 classified under chapter 41.06 RCW, the state civil service law, are
33 assigned to the state military department to perform their usual duties
34 upon the same terms as formerly, without any loss of rights, subject to
35 any action that may be appropriate thereafter in accordance with the
36 laws and rules governing state civil service. All employees of the

1 department of community, trade, and economic development exempted under
2 chapter 41.06 RCW shall retain such exemption after transfer.

3 NEW SECTION. **Sec. 12.** All rules and all pending business before
4 the department of community, trade, and economic development pertaining
5 to the powers, functions, and duties transferred shall be continued and
6 acted upon by the state military department. All existing contracts
7 and obligations shall remain in full force and shall be performed by
8 the state military department.

9 NEW SECTION. **Sec. 13.** The transfer of the powers, duties,
10 functions, and personnel of the department of community, trade, and
11 economic development shall not affect the validity of any act performed
12 prior to the effective date of this section.

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

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

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

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