

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

4

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

17 As used in this chapter:

18 (1) "Emergency management" or "comprehensive emergency management"  
19 means the preparation for and the carrying out of all emergency  
20 functions, other than functions for which the military forces are  
21 primarily responsible, to mitigate, prepare for, respond to, and  
22 recover from emergencies and disasters, and to aid victims suffering  
23 from injury or damage, resulting from disasters caused by all hazards,  
24 whether natural or man-made, and to provide support for search and  
25 rescue operations for persons and property in distress. However,  
26 "emergency management" or "comprehensive emergency management" does not  
27 mean preparation for emergency evacuation or relocation of residents in  
28 anticipation of nuclear attack.

29 (2) "Local organization for emergency services or management" means  
30 an organization created in accordance with the provisions of this  
31 chapter by state or local authority to perform local emergency  
32 management functions.

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

34 (4) "Emergency worker" means any person, including but not limited  
35 to an architect registered under chapter 18.08 RCW or a professional

1 engineer registered under chapter 18.43 RCW, who is registered with a  
2 local emergency management organization or the department (~~of~~  
3 ~~community development~~) and holds an identification card issued by the  
4 local emergency management director or the department (~~of community~~  
5 ~~development~~) for the purpose of engaging in authorized emergency  
6 management activities or is an employee of the state of Washington or  
7 any political subdivision thereof who is called upon to perform  
8 emergency management activities.

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

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

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

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

30 (8) "Executive head" and "executive heads" means the county  
31 executive in those charter counties with an elective office of county  
32 executive, however designated, and, in the case of other counties, the  
33 county legislative authority. In the case of cities and towns, it  
34 means the mayor.

35 (9) "Director" means the (~~director of community development~~)  
36 adjutant general.

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

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

1 ~~community development~~)).

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

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

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

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

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

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

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

5 INTERSTATE CIVIL DEFENSE  
6 AND DISASTER COMPACT

7 The contracting States solemnly agree:

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

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

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

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

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

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

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

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

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

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

13 (i) Mobile support units.

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

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

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

1 equipment or supplies in connection therewith.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

## 11 INTERSTATE MUTUAL AID COMPACT

### 12 Purpose

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

### 21 Authorization

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

### 29 Implementation

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

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



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

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

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

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

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

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

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

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

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

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

14 (2) The model contingency plan shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 The director, from time to time, shall furnish the state military  
35 department, the department of community, trade, and economic  
36 development, the Washington state patrol, and all county sheriffs a  
37 list of the names, addresses, and license plate or radio station call

1 letters of each person possessing the special amateur radio station  
2 license plates so that the facilities of such radio stations may be  
3 utilized to the fullest extent in the work of these governmental  
4 agencies.

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

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

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

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

15 (2) The ~~((division of emergency management of the))~~ state military  
16 department ~~((of community development))~~ and the office shall request  
17 the coast guard to notify the ~~((division of emergency management))~~  
18 state military department as soon as possible after the coast guard  
19 receives notice of a disabled covered vessel or of a collision or near  
20 miss incident within twelve miles of the shore of the state. The  
21 office shall negotiate an agreement with the coast guard governing  
22 procedures for coast guard notification to the state regarding disabled  
23 covered vessels and collisions and near miss incidents.

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

28 (4) For the purposes of this section:

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

31 (i) Any accidental or intentional grounding;

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

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

38 (iv) Any other occurrence that creates the serious possibility of

1 an oil spill or an occurrence that may result in such a spill.

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

3 (i) The towing mechanism becomes disabled;

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

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

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

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

15 All powers, duties, and functions of the department of community,  
16 trade, and economic development pertaining to emergency management are  
17 transferred to the state military department. All references to the  
18 director or the department of community development or the department  
19 of community, trade, and economic development in the Revised Code of  
20 Washington shall be construed to mean the adjutant general or the state  
21 military department when referring to the functions transferred in this  
22 section.

23 NEW SECTION. **Sec. 10.** All reports, documents, surveys, books,  
24 records, files, papers, or written material in the possession of the  
25 department of community, trade, and economic development pertaining to  
26 the powers, functions, and duties transferred shall be delivered to the  
27 custody of the state military department. All cabinets, furniture,  
28 office equipment, motor vehicles, and other tangible property employed  
29 by the department of community, trade, and economic development in  
30 carrying out the powers, functions, and duties transferred shall be  
31 made available to the state military department. All funds, credits,  
32 or other assets held in connection with the powers, functions, and  
33 duties transferred shall be assigned to the state military department.

34 Any appropriations made to the department of community, trade, and  
35 economic development for carrying out the powers, functions, and duties  
36 transferred shall, on the effective date of this section, be  
37 transferred and credited to the state military department.



1 Whenever any question arises as to the transfer of any personnel,  
2 funds, books, documents, records, papers, files, equipment, or other  
3 tangible property used or held in the exercise of the powers and the  
4 performance of the duties and functions transferred, the director of  
5 financial management shall make a determination as to the proper  
6 allocation and certify the same to the state agencies concerned.

7 NEW SECTION. **Sec. 11.** All employees of the department of  
8 community, trade, and economic development engaged in performing the  
9 powers, functions, and duties transferred are transferred to the  
10 jurisdiction of the state military department. All employees  
11 classified under chapter 41.06 RCW, the state civil service law, are  
12 assigned to the state military department to perform their usual duties  
13 upon the same terms as formerly, without any loss of rights, subject to  
14 any action that may be appropriate thereafter in accordance with the  
15 laws and rules governing state civil service. All employees of the  
16 department of community, trade, and economic development exempted under  
17 chapter 41.06 RCW shall retain such exemption after transfer.

18 NEW SECTION. **Sec. 12.** All rules and all pending business before  
19 the department of community, trade, and economic development pertaining  
20 to the powers, functions, and duties transferred shall be continued and  
21 acted upon by the state military department. All existing contracts  
22 and obligations shall remain in full force and shall be performed by  
23 the state military department.

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

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

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

7            (a) Evaluate all current programs and services;

8            (b) Develop new and innovative techniques for the administration of  
9 programs and delivery of services;

10           (c) Strengthen military department linkages with local agencies;  
11 and

12           (d) Assess the use of private sector equipment, materials, and  
13 services.

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

16        NEW SECTION.    **Sec. 16.**    Nothing contained in sections 9 through 14  
17 of this act may be construed to alter any existing collective  
18 bargaining unit or the provisions of any existing collective bargaining  
19 agreement until the agreement has expired or until the bargaining unit  
20 has been modified by action of the personnel board as provided by law.

21        NEW SECTION.    **Sec. 17.**    This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and shall take  
24 effect July 1, 1995."

25    **SHB 1017** - S COMM AMD  
26        By Committee on Government Operations

27

28        On page 1, line 1 of the title, after "management;" strike the  
29 remainder of the title and insert "amending RCW 38.52.005, 38.52.090,  
30 38.52.420, 38.54.010, 38.54.020, 46.16.340, and 88.46.100; reenacting  
31 and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW;  
32 creating new sections; providing an effective date; and declaring an  
33 emergency."

--- END ---