
HOUSE BILL 1214

State of Washington

61st Legislature

2009 Regular Session

By Representatives O'Brien, Goodman, Hurst, and Roberts

Read first time 01/15/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to establishing the volunteer search and rescue
2 account; amending RCW 38.52.010 and 77.32.050; and adding new sections
3 to chapter 38.52 RCW.

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

5 **Sec. 1.** RCW 38.52.010 and 2007 c 292 s 1 are each amended to read
6 as follows:

7 As used in this chapter:

8 (1) "Emergency management" or "comprehensive emergency management"
9 means the preparation for and the carrying out of all emergency
10 functions, other than functions for which the military forces are
11 primarily responsible, to mitigate, prepare for, respond to, and
12 recover from emergencies and disasters, and to aid victims suffering
13 from injury or damage, resulting from disasters caused by all hazards,
14 whether natural, technological, or human caused, and to provide support
15 for search and rescue operations for persons and property in distress.
16 However, "emergency management" or "comprehensive emergency management"
17 does not mean preparation for emergency evacuation or relocation of
18 residents in anticipation of nuclear attack.

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

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

6 (4) "Emergency worker" means any person who is registered with a
7 local emergency management organization or the department and holds an
8 identification card issued by the local emergency management director
9 or the department for the purpose of engaging in authorized emergency
10 management activities or is an employee of the state of Washington or
11 any political subdivision thereof who is called upon to perform
12 emergency management activities.

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

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

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

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

34 (8) "Executive head" and "executive heads" means the county
35 executive in those charter counties with an elective office of county
36 executive, however designated, and, in the case of other counties, the
37 county legislative authority. In the case of cities and towns, it
38 means the mayor in those cities and towns with mayor-council or

1 commission forms of government, where the mayor is directly elected,
2 and it means the city manager in those cities and towns with council
3 manager forms of government. Cities and towns may also designate an
4 executive head for the purposes of this chapter by ordinance.

5 (9) "Director" means the adjutant general.

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

8 (11) "Department" means the state military department.

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

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

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

24 (15) "Incident command system" means: (a) An all-hazards, on-scene
25 functional management system that establishes common standards in
26 organization, terminology, and procedures; provides a means (unified
27 command) for the establishment of a common set of incident objectives
28 and strategies during multiagency/multijurisdiction operations while
29 maintaining individual agency/jurisdiction authority, responsibility,
30 and accountability; and is a component of the national interagency
31 incident management system; or (b) an equivalent and compatible all-
32 hazards, on-scene functional management system.

33 (16) "Radio communications service company" has the meaning
34 ascribed to it in RCW 82.14B.020.

35 (17) "Volunteer search and rescue organization" means any group or
36 entity formed for the purpose of participating in the search for and
37 provision of aid to people in distress or imminent danger. A volunteer

1 search and rescue organization is deemed authorized if the chief law
2 enforcement officer for the political subdivision in which aid is
3 needed has approved its participation in search and rescue activities.

4 NEW SECTION. Sec. 2. (1) The volunteer search and rescue account
5 is created in the custody of the state treasurer. The account is
6 established to reimburse any authorized volunteer search and rescue
7 organization operating within the state for costs incurred in assisting
8 law enforcement in search and rescue activities.

9 (a) The appropriate official of the department is authorized to
10 make expenditures from the volunteer search and rescue account without
11 an appropriation.

12 (b) Reimbursable costs are limited to actual operational expenses.
13 A volunteer search and rescue organization may not collect more than
14 the actual operational expenses from any source or combination of
15 sources.

16 (2) The volunteer search and rescue account consists of all revenue
17 collected from a surcharge of twenty-five cents which shall be
18 collected on the sale of all licenses, permits, tags, and stamps
19 required by chapter 77.32 RCW.

20 (a) Receipts from the surcharge shall be deposited in the volunteer
21 search and rescue account.

22 (b) State and county officers receiving any moneys collected
23 pursuant to this section shall deposit them in the state treasury to be
24 credited to the volunteer search and rescue account.

25 (3) Any authorized volunteer search and rescue organization shall
26 have the right to make a claim on the volunteer search and rescue
27 account for reimbursement of costs incurred in the performance of
28 search and rescue activities within the state. Claims for
29 reimbursement shall be submitted to the department for immediate
30 consideration.

31 (4) The department shall establish rules for:

32 (a) The procedure through which claims shall be submitted;

33 (b) The procedure through which claims shall be paid;

34 (c) The procedure through which an individual who is charged a fee
35 for reimbursement by a volunteer search and rescue organization under
36 section 3 of this act may appeal.

1 (5) Any claim for reimbursement that has been certified by the
2 chief law enforcement officer of the political subdivision in which the
3 search and rescue activity occurred shall be eligible for payment by
4 the department.

5 NEW SECTION. **Sec. 3.** (1) Any authorized volunteer search and
6 rescue organization may seek reimbursement for costs incurred from each
7 person for whose benefit search and rescue activities were conducted,
8 provided that:

9 (a) Reasonable care was not exercised by the individuals for whose
10 benefit the search and rescue activities are conducted; or

11 (b) Applicable laws were violated by the individuals.

12 (2) For the purposes of implementing this section, the department
13 is authorized to determine whether reasonable care was exercised by the
14 individuals for whose benefit the search and rescue activities were
15 conducted.

16 (3) The volunteer search and rescue organization may not collect
17 more than five hundred dollars from an individual under this section
18 and may not collect more than the actual cost of the search and rescue
19 activities from all of the individuals for whose benefit the activities
20 are conducted.

21 (4) Any individual who is charged a fee for reimbursement under
22 this section may appeal the charge or the amount of the fee to the
23 department.

24 (5) For the purposes of subsection (1)(a) of this section, the
25 following circumstances are evidence of reasonable care:

26 (a) The individuals possessed experience and used equipment that
27 was appropriate for the known conditions of weather and terrain.

28 (b) The individuals used or attempted to use locating devices or
29 cellular telephones when appropriate.

30 (c) The individuals notified responsible persons or organizations
31 of the expected time of departure and the expected time of return and
32 the planned location or route of activity.

33 (d) The individuals possessed maps and orienteering equipment and
34 used trails or other routes that were appropriate for the conditions.

35 (6) A volunteer search and rescue organization shall not seek
36 reimbursement from any person who was not at fault or who took
37 reasonable precautions but still required search and rescue services.

1 **Sec. 4.** RCW 77.32.050 and 2003 c 389 s 1 are each amended to read
2 as follows:

3 (1) All recreational licenses, permits, tags, and stamps required
4 by this title and raffle tickets authorized under chapter 77.12 RCW
5 shall be issued under the authority of the commission.

6 (2) The commission shall adopt rules for the issuance of
7 recreational licenses, permits, tags, stamps, and raffle tickets, and
8 for the collection, payment, and handling of license fees and
9 surcharges, terms and conditions to govern dealers, and dealers' fees.

10 (3)(a) A transaction fee on recreational documents issued through
11 an automated licensing system may be set by the commission and
12 collected from licensees. The department may authorize all or part of
13 such fee to be paid directly to a contractor providing automated
14 licensing system services. Fees retained by dealers shall be uniform
15 throughout the state.

16 (b) The department shall authorize dealers to collect and retain
17 dealer fees of at least two dollars for purchase of a standard hunting
18 or fishing recreational license document, except that the commission
19 may set a lower dealer fee for issuance of tags or when a licensee buys
20 a license that involves a stamp or display card format rather than a
21 standard department licensing document form.

22 (4) A surcharge of twenty-five cents shall be imposed on all
23 recreational documents issued under the authority of the commission to
24 fund the volunteer search and rescue account created under section 2 of
25 this act.

26 NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act are each added
27 to chapter 38.52 RCW.

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