
SENATE BILL 5741

State of Washington

53rd Legislature

1993 Regular Session

By Senators Vognild, Haugen, Drew, Bauer, Moore, Gaspard, Owen and Winsley

Read first time 02/11/93. Referred to Committee on Government Operations.

1 AN ACT Relating to creating the department of emergency services;
2 amending RCW 43.17.010, 43.17.020, 38.52.010, 38.52.040, 38.52.050,
3 38.54.010, 38.54.020, 38.54.030, 38.54.050, 43.63A.300, 43.63A.310,
4 43.63A.320, 43.63A.340, and 43.63A.350; adding a new section to chapter
5 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections;
6 recodifying RCW 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.340,
7 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375, 43.63A.377 and
8 43.63A.380; and repealing RCW 43.63A.330.

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

10 NEW SECTION. **Sec. 1.** It is the purpose of this chapter to
11 consolidate emergency management and fire protection services under a
12 department that has those functions as its sole mission.

13 NEW SECTION. **Sec. 2.** As used in this chapter, unless the context
14 indicates otherwise:

- 15 (1) "Department" means the department of emergency services; and
16 (2) "Director" means the director of emergency services.

1 NEW SECTION. **Sec. 3.** There is hereby created a department of
2 state government to be known as the department of emergency services.
3 The department shall be vested with all powers and duties transferred
4 to it under this chapter and such other powers and duties as may be
5 authorized by law.

6 NEW SECTION. **Sec. 4.** The executive head and appointing authority
7 of the department shall be the director. The director shall be
8 appointed by the governor, with the consent of the senate, and shall
9 serve, except upon board action, at the pleasure of the governor. The
10 appointment shall be made from a list of three names submitted by the
11 state emergency services policy board, which may remove the director by
12 a two-thirds vote of the members of the board. The director shall be
13 paid a salary to be fixed by the governor in accordance with RCW
14 43.03.040. If a vacancy occurs in the position while the senate is not
15 in session, the governor shall make a temporary appointment.

16 NEW SECTION. **Sec. 5.** It is the intent of the legislature wherever
17 possible to place the internal affairs of the department under the
18 control of the director in order that the director may institute
19 therein the flexible, alert, and intelligent management of its business
20 that changing contemporary circumstances require. Therefore, whenever
21 the director's authority is not specifically limited by law, the
22 director shall have complete charge and supervisory powers over the
23 department. The director may create such administrative structures as
24 the director considers appropriate, except as otherwise specified by
25 law. The director may employ such assistants and personnel as may be
26 necessary for the general administration of the department. This
27 employment shall be in accordance with the state civil service law,
28 chapter 41.06 RCW, except as otherwise provided.

29 NEW SECTION. **Sec. 6.** The department of emergency services shall
30 be subdivided into two divisions, including divisions of emergency
31 management and fire protection services. Except as otherwise specified
32 or as federal requirements may differently require, these divisions
33 shall be established and organized in accordance with plans to be
34 prepared by the director and approved by the governor. In preparing
35 such plans, the director shall endeavor to promote efficient public
36 management, to improve programs, and to take full advantage of the

1 economies, both fiscal and administrative, to be gained from the
2 consolidation of functions and agencies under this chapter.

3 NEW SECTION. **Sec. 7.** The director may appoint such assistant
4 directors as may be authorized and approved by the board subject to
5 appropriation.

6 NEW SECTION. **Sec. 8.** Any power or duty vested in or transferred
7 to the director by law, or executive order, may be delegated by the
8 director to any subordinate; but the director shall be responsible for
9 the official acts of the officers and employees of the department.

10 NEW SECTION. **Sec. 9.** In furtherance of the policy of the state to
11 cooperate with the federal government in all of the programs under the
12 jurisdiction of the department, such rules as may become necessary to
13 entitle the state to participate in federal funds may be adopted,
14 unless expressly prohibited by law. Any internal reorganization
15 carried out under the terms of this chapter shall meet federal
16 requirements which are a necessary condition to state receipt of
17 federal funds. Any section or provision of law dealing with the
18 department which may be susceptible to more than one construction shall
19 be interpreted in favor of the construction most likely to comply with
20 federal laws entitling this state to receive federal funds for the
21 various programs of the department. If any law dealing with the
22 department is ruled to be in conflict with federal requirements which
23 are a prescribed condition of the allocation of federal funds to the
24 state, or to any departments or agencies thereof, the conflicting part
25 is declared to be inoperative solely to the extent of the conflict.

26 NEW SECTION. **Sec. 10.** A new section is added to chapter 41.06 RCW
27 to read as follows:

28 In addition to the exemptions under RCW 41.06.070, the provisions
29 of this chapter shall not apply in the department of emergency services
30 to the director, the director's administrative assistant, or any
31 assistant directors.

32 NEW SECTION. **Sec. 11.** All powers, duties, and functions of the
33 department of community development pertaining to comprehensive
34 emergency management and fire protection services under chapters 38.52,

1 38.54, and 43.63A RCW are transferred to the department of emergency
2 services. All references to the director or department of community
3 development in the Revised Code of Washington shall be construed to
4 mean the director or department of emergency services when referring to
5 the functions transferred in this section.

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

17 Any appropriations made to the department of community development
18 for carrying out the powers, functions, and duties transferred shall,
19 on the effective date of this section, be transferred and credited to
20 the department of emergency services.

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

27 NEW SECTION. **Sec. 13.** All rules and all pending business before
28 the department of community development pertaining to the powers,
29 functions, and duties transferred shall be continued and acted upon by
30 the department of emergency services. All existing contracts and
31 obligations shall remain in full force and shall be performed by the
32 department of emergency services.

33 NEW SECTION. **Sec. 14.** The transfer of the powers, duties,
34 functions, and any personnel of the department of community development
35 shall not affect the validity of any act performed prior to the
36 effective date of this section.

1 NEW SECTION. **Sec. 15.** If apportionments of budgeted funds are
2 required because of the transfers directed by sections 12 through 14 of
3 this act, the director of financial management shall certify the
4 apportionments to the agencies affected, the state auditor, and the
5 state treasurer. Each of these shall make the appropriate transfer and
6 adjustments in funds and appropriation accounts and equipment records
7 in accordance with the certification.

8 NEW SECTION. **Sec. 16.** Nothing contained in sections 11 through 15
9 of this act may be construed to alter any existing collective
10 bargaining unit or the provisions of any existing collective bargaining
11 agreement until the agreement has expired or until the bargaining unit
12 has been modified by action of the personnel board as provided by law.

13 NEW SECTION. **Sec. 17.** (1) The governor, through the director,
14 shall have general supervision and control of the department, and shall
15 be responsible for the carrying out of the provisions of this chapter,
16 and in the event of disaster beyond local control, may assume direct
17 operational control over all or any part of the department.

18 (2) In performing his or her duties under this chapter, the
19 governor is authorized to cooperate with the federal government, with
20 other states, and with private agencies in all matters pertaining to
21 the department.

22 (3) In performing his or her duties under this chapter and to
23 effect its policy and purpose, the governor is further authorized and
24 empowered:

25 (a) To make, amend, and rescind the necessary orders, rules, and
26 regulations to carry out the provisions of this chapter within the
27 limits of the authority conferred upon him or her herein, with due
28 consideration of the plans of the federal government;

29 (b) On behalf of this state, to enter into mutual aid arrangements
30 with other states and territories, or provinces of the Dominion of
31 Canada and to coordinate mutual aid plans between political
32 subdivisions of this state;

33 (c) To delegate any administrative authority vested in him or her
34 under this chapter, and to provide for the subdelegation of any such
35 authority;

36 (d) To appoint, with the advice of local authorities, metropolitan
37 or regional area coordinators, or both, when practicable; and

1 (e) To cooperate with the president and the heads of the armed
2 forces, the emergency management agency of the United States, and other
3 appropriate federal officers and agencies, and with the officers and
4 agencies of other states in matters pertaining to the emergency
5 management of the state and nation and all other functions of the
6 department.

7 NEW SECTION. **Sec. 18.** The emergency services fund is created in
8 the state treasury. There shall be imposed an additional premium tax
9 on all insurance policies sold within the state, the proceeds of which
10 shall be deposited into the account. The legislature shall set the
11 insurance premium tax rate as may be necessary to carry out the
12 purposes of this chapter. Money in the account may be spent only after
13 appropriation. Expenditures from the account may be used only for
14 purposes authorized for the department of emergency services.

15 **Sec. 19.** RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each
16 amended to read as follows:

17 There shall be departments of the state government which shall be
18 known as (1) the department of social and health services, (2) the
19 department of ecology, (3) the department of labor and industries, (4)
20 the department of agriculture, (5) the department of fisheries, (6) the
21 department of wildlife, (7) the department of transportation, (8) the
22 department of licensing, (9) the department of general administration,
23 (10) the department of trade and economic development, (11) the
24 department of veterans affairs, (12) the department of revenue, (13)
25 the department of retirement systems, (14) the department of
26 corrections, (15) the department of community development, ~~((and))~~ (16)
27 the department of health, and (17) the department of emergency
28 services, which shall be charged with the execution, enforcement, and
29 administration of such laws, and invested with such powers and required
30 to perform such duties, as the legislature may provide.

31 **Sec. 20.** RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each
32 amended to read as follows:

33 There shall be a chief executive officer of each department to be
34 known as: (1) The secretary of social and health services, (2) the
35 director of ecology, (3) the director of labor and industries, (4) the
36 director of agriculture, (5) the director of fisheries, (6) the

1 director of wildlife, (7) the secretary of transportation, (8) the
2 director of licensing, (9) the director of general administration, (10)
3 the director of trade and economic development, (11) the director of
4 veterans affairs, (12) the director of revenue, (13) the director of
5 retirement systems, (14) the secretary of corrections, (15) the
6 director of community development, (~~and~~) (16) the secretary of
7 health, and (17) the director of emergency services.

8 Such officers, except the secretary of transportation, shall be
9 appointed by the governor, with the consent of the senate, and hold
10 office at the pleasure of the governor. The director of wildlife,
11 however, shall be appointed according to the provisions of RCW
12 77.04.080. If a vacancy occurs while the senate is not in session, the
13 governor shall make a temporary appointment until the next meeting of
14 the senate. A temporary director of wildlife shall not serve more than
15 one year. The secretary of transportation shall be appointed by the
16 transportation commission as prescribed by RCW 47.01.041.

17 **Sec. 21.** RCW 38.52.010 and 1986 c 266 s 23 are each amended to
18 read as follows:

19 As used in this chapter:

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

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

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

36 (4) "Emergency worker" means any person who is registered with a
37 local emergency management organization or the department of community
38 development and holds an identification card issued by the local

1 emergency management director or the department of community
2 development for the purpose of engaging in authorized emergency
3 management activities or is an employee of the state of Washington or
4 any political subdivision thereof who is called upon to perform
5 emergency management activities.

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

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

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

23 (8) "Executive head" and "executive heads" means the county
24 executive in those charter counties with an elective office of county
25 executive, however designated, and, in the case of other counties, the
26 county legislative authority. In the case of cities and towns, it
27 means the mayor.

28 (9) "Director" means the director of ~~((community development))~~
29 emergency services.

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

32 (11) "Department" means the department of ~~((community development))~~
33 emergency services.

34 **Sec. 22.** RCW 38.52.040 and 1988 c 81 s 18 are each amended to read
35 as follows:

36 There is hereby created the emergency management council
37 ~~((hereinafter called the council))~~, to consist of not less than seven
38 nor more than seventeen members who shall be appointed by the governor.

1 The council shall advise the governor and the director on all matters
2 pertaining to emergency management (~~and shall advise the chief of the~~
3 ~~Washington state patrol on safety in the transportation of hazardous~~
4 ~~materials described in RCW 46.48.170~~). The membership of the council
5 shall include, but not be limited to, representatives of city and
6 county governments, sheriffs and police chiefs, the Washington state
7 patrol, local emergency management directors, search and rescue
8 volunteers, medical professions who have expertise in emergency medical
9 care, private industry, and local fire chiefs. (~~The representatives~~
10 ~~of private industry shall include persons knowledgeable in the handling~~
11 ~~and transportation of hazardous materials.~~) The council members shall
12 elect a chairman from within the council membership. The members of
13 the council shall serve without compensation, but may be reimbursed for
14 their travel expenses incurred in the performance of their duties in
15 accordance with RCW 43.03.050 and 43.03.060 as now existing or
16 hereafter amended.

17 **Sec. 23.** RCW 38.52.050 and 1986 c 266 s 27 are each amended to
18 read as follows:

19 (1) The governor, through the director, shall have general
20 supervision and control of (~~the emergency management functions in~~)
21 the department, and shall be responsible for the carrying out of the
22 provisions of this chapter, and in the event of disaster beyond local
23 control, may assume direct operational control over all or any part of
24 the (~~emergency management functions within this state~~) department.

25 (2) In performing his or her duties under this chapter, the
26 governor is authorized to cooperate with the federal government, with
27 other states, and with private agencies in all matters pertaining to
28 the (~~emergency management of this state and of the nation~~)
29 department.

30 (3) In performing his or her duties under this chapter and to
31 effect its policy and purpose, the governor is further authorized and
32 empowered:

33 (a) To make, amend, and rescind the necessary orders, rules, and
34 regulations to carry out the provisions of this chapter within the
35 limits of the authority conferred upon him or her herein, with due
36 consideration of the plans of the federal government;

37 (b) On behalf of this state, to enter into mutual aid arrangements
38 with other states and territories, or provinces of the Dominion of

1 Canada and to coordinate mutual aid plans between political
2 subdivisions of this state;

3 (c) To delegate any administrative authority vested in him or her
4 under this chapter, and to provide for the subdelegation of any such
5 authority;

6 (d) To appoint, with the advice of local authorities, metropolitan
7 or regional area coordinators, or both, when practicable; and

8 (e) To cooperate with the president and the heads of the armed
9 forces, the emergency management agency of the United States, and other
10 appropriate federal officers and agencies, and with the officers and
11 agencies of other states in matters pertaining to the emergency
12 management of the state and nation and all other functions of the
13 department.

14 **Sec. 24.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read
15 as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout this chapter.

18 (1) "Department" means the department of (~~community development~~)
19 emergency services.

20 (2) "Director" means the director of (~~the department of community~~
21 ~~development~~) emergency services.

22 (3) "State fire marshal" means the assistant director of the
23 division of fire protection services in the department of (~~community~~
24 ~~development~~) emergency services.

25 (4) "Fire chief" (~~includes~~) means the chief officer of a
26 statutorily authorized fire agency(~~, or the fire chief's authorized~~
27 ~~representative~~). Also included are the department of natural
28 resources fire control chief, and the department of natural resources
29 regional managers.

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

33 (6) "Mobilization" means that fire fighting resources beyond those
34 available through existing agreements will be requested and, when
35 available, sent to (~~fight a fire~~) provide emergency services that has
36 or soon will exceed the capabilities of available local resources.
37 During a large scale fire emergency, mobilization includes
38 redistribution of regional or state-wide fire fighting resources to

1 either direct fire fighting assignments or to assignment in communities
2 where fire fighting resources are needed. This chapter shall not
3 reduce or suspend the authority or responsibility of the department of
4 natural resources under chapter 76.04 RCW.

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

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

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

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

21 (2) Confer upon the director of ~~((the department of community
22 development))~~ emergency services the powers provided herein; and

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

26 **Sec. 26.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to
27 read as follows:

28 There is created the state fire defense board consisting of the
29 state fire marshal, a representative from the department of natural
30 resources appointed by the commissioner of public lands, the assistant
31 director of the emergency management division of the department of
32 ~~((community development))~~ emergency services, and one representative
33 selected by each regional fire defense board in the state. Members of
34 the state fire defense board shall select from among themselves a
35 chairperson. Members serving on the board do so in a voluntary
36 capacity and are not eligible for reimbursement for meeting-related
37 expenses from the state.

1 The state fire defense board shall develop and maintain the
2 Washington state fire services mobilization plan, which shall include
3 the procedures to be used during fire emergencies for coordinating
4 local, regional, and state fire jurisdiction resources. The Washington
5 state fire services mobilization plan shall be consistent with, and
6 made part of, the Washington state comprehensive emergency management
7 plan. The director shall review the fire services mobilization plan as
8 submitted by the state fire defense board and after consultation with
9 the fire protection policy board, recommend changes that may be
10 necessary, and approve the fire services mobilization plan for
11 inclusion within the state comprehensive emergency management plan.

12 It is the responsibility of the director to mobilize jurisdictions
13 under the Washington state fire services mobilization plan. The state
14 fire marshal shall serve as the state fire resources coordinator when
15 the Washington state fire services mobilization plan is mobilized.

16 **Sec. 27.** RCW 38.54.050 and 1992 c 117 s 13 are each amended to
17 read as follows:

18 The department of (~~community development~~) emergency services in
19 consultation with the office of financial management shall develop
20 procedures to facilitate reimbursement to jurisdictions from
21 appropriate federal and state funds when jurisdictions are mobilized by
22 the director under the Washington state fire services mobilization
23 plan.

24 **Sec. 28.** RCW 43.63A.300 and 1986 c 266 s 54 are each amended to
25 read as follows:

26 The legislature finds that fire protection services at the state
27 level are provided by different, independent state agencies. This has
28 resulted in a lack of a comprehensive state-level focus for state fire
29 protection services, funding, and policy. It is the intent of the
30 legislature to consolidate fire protection services into a single state
31 agency and to create a state board with the responsibility of (1)
32 establishing a comprehensive state policy regarding fire protection
33 services and (2) advising the director of (~~community development and~~
34 ~~the director of fire protection~~) emergency services on matters
35 relating to (~~their~~) his or her duties under state law. It is also
36 the intent of the legislature that the fire protection services program

1 created herein will assist local fire protection agencies in program
2 development without encroaching upon their historic autonomy.

3 **Sec. 29.** RCW 43.63A.310 and 1986 c 266 s 55 are each amended to
4 read as follows:

5 There is created the state (~~(fire protection)~~) emergency services
6 policy board consisting of (~~(ten)~~) seven members appointed by the
7 governor:

8 (1) (~~(Three)~~) One representative(~~(s of)~~) from the fire chiefs(~~(-~~
9 ~~At least one shall be from a fire department east of the Cascade~~
10 ~~mountains and at least one shall be from a fire department west of the~~
11 ~~Cascade mountains. One shall be from a fire protection district;~~

12 ~~(2) One insurance industry representative;~~

13 ~~(3) One representative of cities and towns;~~

14 ~~(4) One representative of counties;~~

15 ~~(5) Two full time, paid, career fire fighters;~~

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

17 ~~(7) One representative of fire commissioners.))i~~

18 (2) One representative of the Washington state council of fire
19 fighters;

20 (3) One representative from the fire commissioners;

21 (4) One representative from the volunteer fire fighters;

22 (5) Two representatives from the emergency services, one
23 representing Washington cities and one representing Washington
24 counties; and

25 (6) One representative from the general public.

26 In making the appointments required under subsections (1) through
27 (~~(+7)~~) (6) of this section, the governor shall (a) seek the advice of
28 and consult with organizations involved in fire protection and and
29 emergency services; and (b) ensure that racial minorities, women, and
30 persons with disabilities are 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)~~) One
34 member(~~(s)~~) to a term(~~(s)~~) of one year, three members to terms of two
35 years, and (~~(four)~~) three members to terms of three years. In the case
36 of a vacancy of a member appointed under subsections (1) through
37 (~~(+7)~~) (6) of this section, the governor shall appoint a new
38 representative to fill the unexpired term of the member whose office

1 has become vacant. A vacancy shall occur whenever an appointed member
2 ceases to be employed in the occupation the member was appointed to
3 represent.

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

6 The board shall select its own chairperson and shall meet at the
7 request of the governor or the chairperson and at least four times per
8 year.

9 **Sec. 30.** RCW 43.63A.320 and 1986 c 266 s 56 are each amended to
10 read as follows:

11 Except for matters relating to the statutory duties of the director
12 of ~~((community development))~~ emergency services which are to be carried
13 out through the ~~((director))~~ division of fire protection services, the
14 board shall have the responsibility of developing a comprehensive state
15 policy regarding fire protection and emergency management services. In
16 carrying out its duties, the board shall:

17 ~~((1))~~ ~~((Adopt a state fire protection master plan;~~
18 ~~(2))~~ Monitor fire protection and emergency management services in
19 the state and develop objectives and priorities to improve fire
20 protection and emergency management services for the state's citizens;

21 ~~((3))~~ (2) Establish and promote state arson control programs and
22 ensure development of local arson control programs;

23 ~~((4))~~ (3) Provide representation for local fire protection and
24 emergency management services to the governor in state-level fire
25 protection and emergency management planning matters such as, but not
26 limited to, hazardous materials;

27 ~~((5))~~ (4) Seek and solicit grants, gifts, bequests, devices, and
28 matching funds for use in furthering the objectives and duties of the
29 board, and establish procedures for administering them;

30 ~~((6))~~ (5) Promote mutual aid and disaster planning for fire and
31 emergency management services in this state;

32 ~~((7))~~ (6) Assure the dissemination of information concerning the
33 amount of fire damage including that damage caused by arson, and its
34 causes and prevention;

35 ~~((8))~~ (7) Submit annually a report to the governor containing a
36 statement of its official acts pursuant to this chapter, and make such
37 studies, reports, and recommendations to the governor and the
38 legislature as are requested;

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

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

10 ~~(12))~~ (8) Adopt standards for state-wide fire service and
11 emergency management training and education courses including courses
12 in arson detection and investigation for personnel of fire, police, and
13 prosecutor's departments;

14 ~~((13))~~ (9) Assure the administration of any legislation enacted
15 by the legislature in pursuance of the aims and purposes of any acts of
16 Congress insofar as the provisions thereof may apply;

17 ~~((14))~~ (10) Cooperate with the common schools, community
18 colleges, institutions of higher education, and any department or
19 division of the state, or of any county or municipal corporation in
20 establishing and maintaining instruction in fire service training and
21 education in accordance with any act of Congress and legislation
22 enacted by the legislature in pursuance thereof and in establishing,
23 building, and operating training and education facilities.

24 This section does not apply to forest fire service personnel and
25 programs. Industrial fire departments and private fire investigators
26 may participate in training and education programs under this chapter
27 for a reasonable fee established by rule.

28 **Sec. 31.** RCW 43.63A.340 and 1986 c 266 s 58 are each amended to
29 read as follows:

30 (1) Wherever the term state fire marshal appears in the Revised
31 Code of Washington or the Washington Administrative Code it shall mean
32 the assistant director of fire protection.

33 (2) The director of ~~((community development))~~ emergency services
34 shall appoint an assistant director who shall be known as the assistant
35 director of fire protection. The board, after consulting with the
36 director, shall prescribe qualifications for the position of assistant
37 director of fire protection. The board shall submit to the director a
38 list containing the names of three persons whom the board believes meet

1 its qualifications. If requested by the director, the board shall
2 submit one additional list of three persons whom the board believes
3 meet its qualifications. The appointment shall be from one of the
4 lists of persons submitted by the board.

5 (3) The assistant director of fire protection may designate one or
6 more deputies and may delegate to those deputies his or her duties and
7 authorities as deemed appropriate.

8 (4) The director of (~~community development, through the director~~
9 ~~of fire protection,~~) emergency services, shall, after consultation
10 with the board, prepare a biennial budget pertaining to fire protection
11 services. Such biennial budget shall be submitted as part of the
12 department's budget request.

13 (5) The director of (~~community development~~) emergency services,
14 through the assistant director of fire protection, shall implement and
15 administer, within the constraints established by budgeted resources,
16 the policies of the board and all duties of the director of (~~community~~
17 ~~development~~) emergency services which are to be carried out through
18 the assistant director of fire protection.

19 (6) The director of (~~community development, through the director~~
20 ~~of fire protection,~~) emergency services shall seek the advice of the
21 board in carrying out his or her duties under law.

22 **Sec. 32.** RCW 43.63A.350 and 1986 c 266 s 59 are each amended to
23 read as follows:

24 The department may accept any and all donations, grants, bequests,
25 and devices, conditional or otherwise, or money, property, service, or
26 other things of value which may be received from the United States or
27 any agency thereof, any governmental agency, any institution, person,
28 firm, or corporation, public and private, to be held, used, or applied
29 for the purposes of the fire service and emergency management training
30 program established in RCW 43.63A.320.

31 NEW SECTION. **Sec. 33.** RCW 43.63A.330 and 1986 c 266 s 57 are each
32 repealed.

33 NEW SECTION. **Sec. 34.** Sections 1 through 9, 11, 17, and 18 of
34 this act shall constitute a new chapter in Title 43 RCW.

1 NEW SECTION. **Sec. 35.** RCW 43.63A.300, 43.63A.310, 43.63A.320,
2 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375, 43.63A.377
3 and 43.63A.380 are each recodified into chapter 43.-- RCW (sections 1
4 through 9, 11, 17, and 18 of this act).

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