

SENATE BILL 5094

State of Washington 54th Legislature 1995 Regular Session

By Senators Haugen, Winsley, Rinehart, Drew, Rasmussen, Pelz and Oke

Read first time 01/10/95. 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; providing an effective date; and
5 declaring an emergency.

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

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

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

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

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

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

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

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

37 (b) "Emergency" as used in RCW 38.52.430 means an incident that
38 requires a normal police, coroner, fire, rescue, emergency medical

1 services, or utility response as a result of a violation of one of the
2 statutes enumerated in RCW 38.52.430.

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

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

15 (9) "Director" means the ~~((director of community development))~~
16 adjutant general.

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

19 (11) "Department" means the state military department ~~((of
20 community development))~~.

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

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

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

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

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

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

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

25 INTERSTATE CIVIL DEFENSE
26 AND DISASTER COMPACT

27 The contracting States solemnly agree:

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

1 be developed among the civil defense agencies or similar bodies of the
2 States that are parties hereto. The Directors of Civil Defense
3 (Emergency Services) of all party States shall constitute a committee
4 to formulate plans and take all necessary steps for the implementation
5 of this compact.

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

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

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

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

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

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

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

29 (g) The conduct of civilians and the movement and cessation of
30 movement of pedestrians and vehicular traffic, prior, during, and
31 subsequent to drills or attacks;

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

33 (i) Mobile support units.

34 Article 3. Any party State requested to render mutual aid shall
35 take such action as is necessary to provide and make available the
36 resources covered by this compact in accordance with the terms hereof;
37 provided that it is understood that the State rendering aid may
38 withhold resources to the extent necessary to provide reasonable
39 protection for such State. Each party State shall extend to the civil

1 defense forces of any other party State, while operating within its
2 State limits under the terms and conditions of this compact, the same
3 powers (except that of arrest unless specifically authorized by the
4 receiving State), duties, rights, privileges and immunities as if they
5 were performing their duties in the State in which normally employed or
6 rendering services. Civil defense forces will continue under the
7 command and control of their regular leaders but the organizational
8 units will come under the operational control of the civil defense
9 authorities of the State receiving assistance.

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

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

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

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

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

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

38 Article 10. This compact shall be available to any State,
39 territory or possession of the United States, and the District of

1 Columbia. The term "State" may also include any neighboring foreign
2 country or province or state thereof.

3 Article 11. The committee established pursuant to Article 1 of
4 this compact may request the Civil Defense Agency of the United States
5 Government to act as an informational and coordinating body under this
6 compact, and representatives of such agency of the United States
7 Government may attend meetings of such committee.

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

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

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

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

1 (b) In addition to the occurrences, circumstances and subject
2 matters to which preceding articles of this compact make it applicable,
3 this compact and the authorizations, entitlements and procedures
4 thereof shall apply to:

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

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

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

13 4. The giving and receiving of aid by subdivisions of party
14 States.

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

18 (c) Except as expressly limited by this compact or a supplementary
19 agreement in force pursuant thereto, any aid authorized by this compact
20 or such supplementary agreement may be furnished by any agency of a
21 party State, a subdivision of such State, or by a joint agency
22 providing such aid shall be entitled to reimbursement therefor to the
23 same extent and in the same manner as a State. The personnel of such
24 a joint agency, when rendering aid pursuant to this compact shall have
25 the same rights, authority and immunity as personnel of party States.

26 (d) Nothing in this Article shall be construed to exclude from the
27 coverage of Articles 1-15 of this compact any matter which, in the
28 absence of this Article, could reasonably be construed to be covered
29 thereby.

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

33 INTERSTATE MUTUAL AID COMPACT

34 Purpose

35 The purpose of this Compact is to provide voluntary assistance among
36 participating states in responding to any disaster or imminent
37 disaster, that over extends the ability of local and state governments
38 to reduce, counteract or remove the danger. Assistance may include,

1 but not be limited to, rescue, fire, police, medical, communication,
2 transportation services and facilities to cope with problems which
3 require use of special equipment, trained personnel or personnel in
4 large numbers not locally available.

5 Authorization

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

13 Implementation

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

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

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

27 3. Personnel and equipment of the aiding party made available to
28 the requesting party shall, whenever possible, remain under the control
29 and direction of the aiding party. The activities of personnel and
30 equipment of the aiding party must be coordinated by the requesting
31 party.

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

1 corresponding entities and personnel thereof from the other state with
2 respect to the acts and omissions of its own agents and employees that
3 occur while providing assistance pursuant to the common plan.

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

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

13 6. This compact shall enter into force and become effective and
14 binding upon the states so acting when it has been enacted into law by
15 any two states. Thereafter, this compact shall enter into force and
16 become effective and binding as to any other of said states upon
17 similar action by such state.

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

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

29 (1) The department ((of community, trade, and economic
30 development)), in consultation with appropriate federal agencies, the
31 departments of natural resources, fish and wildlife, and ecology,
32 representatives of local government, and any other person the director
33 may deem appropriate, shall develop a model contingency plan,
34 consistent with other plans required for hazardous materials by federal
35 and state law, to serve as a draft plan for local governments which may
36 be incorporated into the state and local emergency management plans.

37 (2) The model contingency plan shall:

1 (a) Include specific recommendations for pollution control
2 facilities which are deemed to be most appropriate for the control,
3 collection, storage, treatment, disposal, and recycling of oil and
4 other spilled material and furthering the prevention and mitigation of
5 such pollution;

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

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

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

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

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

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

27 Unless the context clearly requires otherwise, the definitions in
28 this section apply throughout this chapter.

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

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

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

36 (4) "Fire chief" includes the chief officer of a statutorily
37 authorized fire agency, or the fire chief's authorized representative.

1 Also included are the department of natural resources fire control
2 chief, and the department of natural resources regional managers.

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

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

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

24 This chapter shall not reduce or suspend the authority or
25 responsibility of the department of natural resources under chapter
26 76.04 RCW.

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

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

32 Because of the possibility of the occurrence of disastrous fires or
33 other disasters of unprecedented size and destructiveness, the need to
34 insure that the state is adequately prepared to respond to such a fire
35 or disaster, the need to establish a mechanism and a procedure to
36 provide for reimbursement to fire fighting agencies that respond to
37 help others in time of need, and generally to protect the public peace,

1 health, safety, lives, and property of the people of Washington, it is
2 hereby declared necessary to:

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

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

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

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

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

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

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

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

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

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

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

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

18 (4) For the purposes of this section:

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

21 (i) Any accidental or intentional grounding;

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

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

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

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

31 (i) The towing mechanism becomes disabled;

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

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

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

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

5 All powers, duties, and functions of the department of community,
6 trade, and economic development pertaining to emergency management are
7 transferred to the state military department. All references to the
8 director or the department of community development or the department
9 of community, trade, and economic development in the Revised Code of
10 Washington shall be construed to mean the adjutant general or the state
11 military department when referring to the functions transferred in this
12 section.

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

24 Any appropriations made to the department of community, trade, and
25 economic development for carrying out the powers, functions, and duties
26 transferred shall, on the effective date of this section, be
27 transferred and credited to the state military department.

28 Whenever any question arises as to the transfer of any personnel,
29 funds, books, documents, records, papers, files, equipment, or other
30 tangible property used or held in the exercise of the powers and the
31 performance of the duties and functions transferred, the director of
32 financial management shall make a determination as to the proper
33 allocation and certify the same to the state agencies concerned.

34 NEW SECTION. **Sec. 11.** All employees of the department of
35 community, trade, and economic development engaged in performing the
36 powers, functions, and duties transferred are transferred to the

1 jurisdiction of the state military department. All employees
2 classified under chapter 41.06 RCW, the state civil service law, are
3 assigned to the state military department to perform their usual duties
4 upon the same terms as formerly, without any loss of rights, subject to
5 any action that may be appropriate thereafter in accordance with the
6 laws and rules governing state civil service. All employees of the
7 department of community, trade, and economic development exempted under
8 chapter 41.06 RCW shall retain such exemption after transfer.

9 NEW SECTION. **Sec. 12.** All rules and all pending business before
10 the department of community, trade, and economic development pertaining
11 to the powers, functions, and duties transferred shall be continued and
12 acted upon by the state military department. All existing contracts
13 and obligations shall remain in full force and shall be performed by
14 the state military department.

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

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

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

31 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect July 1, 1995.

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