

Each code city shall designate an official newspaper by resolution. The newspaper shall be of general circulation in the city and have the qualifications prescribed by chapter 65.16 RCW.

Passed the Senate March 20, 1985.

Passed the House April 15, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, Senate Bill No. 3800, entitled:

"AN ACT Relating to publications."

Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85 conflict with provisions contained in Substitute House Bill No. 150 and House Bill No. 331. While the proposed amendatory language contained in these sections is consistent with the intent of Senate Bill No. 3800, they would no longer be applicable since Substitute House Bill No. 150 and House Bill No. 331 are approved. I have, therefore, determined to veto these sections in order to avoid difficulties in codification and future interpretation of these sections.

With the exception of Sections 14, 65, 66, 70, 71, 74, 77, 79, 81, 82 and 85, which I have vetoed, Senate Bill No. 3800 is approved."

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## CHAPTER 470

[Engrossed Substitute Senate Bill No. 3856]

### STATE FIRE PROTECTION BOARD CREATED—STATE FIRE MARSHAL'S OFFICE POWERS AND DUTIES TRANSFERRED—COMMISSION FOR VOCATIONAL EDUCATION FIRE SERVICE TRAINING POWERS AND DUTIES TRANSFERRED

AN ACT Relating to fire protection; amending RCW 28C.50.010, 28C.51.050, 48.05.320, 48.48.030, 48.48.040, 48.48.045, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, and 48.50.020; adding a new section to chapter 41.06 RCW; adding new sections to chapter 48.48 RCW; creating new sections; repealing RCW 28C.04.140, 48.48.010, 48.48.020, 48.48.100, and 48.48.130; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature finds that fire protection services have lacked a comprehensive state-level focus. This has resulted in a lack of cooperation and coordination between local and state agencies. The purpose of this chapter is to create a broadly representative state board which will: (1) Advise and assist local fire protection agencies in program development without encroaching upon their historic autonomy; (2) centralize traditional state fire protection services under the jurisdiction of a single state board; and (3) advise the governor and the legislature on fire protection matters in this state.

**NEW SECTION.** Sec. 2. There is created the state fire protection board consisting of the following ten members appointed by the governor with the advice and consent of the senate:

(1) Three representatives of fire chiefs. At least one shall be from a fire department east of the Cascade mountains and at least one shall be from a fire department west of the Cascade mountains. One shall be from a fire protection district;

(2) One insurance industry representative;

(3) One representative of cities and towns;

(4) One representative of counties;

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

(6) One volunteer fire fighter; and

(7) One representative of fire commissioners.

The commissioner of public lands, the insurance commissioner, and the chairperson of the commission for vocational education, or their designees, are nonvoting ex officio members of the state fire protection board.

In making the appointments required under subsections (1) through (7) of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

***\*NEW SECTION. Sec. 3. Each voting member of the state fire protection board shall be appointed to a term of three years and until a successor is appointed and qualified. However, in making the initial appointments to the board, the governor shall stagger the terms of office by appointing three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy, the governor shall fill the unexpired term of the member whose office has become vacant. An office shall become vacant whenever a member ceases to be employed in the occupation the member was appointed to represent.***

\*Sec. 3 was vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 4. Members of the state fire protection board shall be compensated in accordance with RCW 43.03.240. Members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

***\*NEW SECTION. Sec. 5. The governor shall select one member of the board to serve as chairperson. The board shall be convened at least six times annually at the call of the chairperson or a majority of the board. A majority of the board constitutes a quorum for the transaction of business.***

\*Sec. 5 was vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 6. The state fire protection board shall:

(1) Adopt and implement a state fire protection master plan;

(2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;

(3) Establish and promote state arson control programs and encourage development of local arson control programs;

(4) Represent fire protection services in all state level fire protection planning in matters such as, but not limited to, hazardous materials;

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

(6) When funds are available, make grants for use in pursuing the board's objectives;

(7) Promote mutual aid and disaster planning for fire services in this state;

(8) Disseminate within the state information concerning the amount of fire damage, including that damage caused by arson, and its causes and prevention;

(9) Make studies, reports, and recommendations to the governor and the legislature when requested or warranted; and

(10) Adopt such rules as necessary for the administration of this chapter.

This section does not apply to forest fire service personnel and programs.

**NEW SECTION.** Sec. 7. The state fire protection board shall:

(1) Administer any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of congress insofar as the provisions thereof may apply to the administration of fire service training;

(2) Establish and provide state-wide fire service training and education courses, including courses in arson detection and investigation, for personnel of fire, police, and prosecutors' departments;

(3) Construct, equip, maintain, and operate necessary fire service training and education facilities. The board's authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;

(4) Purchase, lease, rent, or otherwise acquire real estate necessary to establish and operate fire service training and education facilities in the manner provided by law;

(5) Cooperate with the common schools, the community colleges, the institutions of higher education, and any department or division of the state or of any county or municipal corporation, in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof, and in establishing, building, and operating training and education facilities;

(6) Administer the funds provided by the federal government and by the state under any federal or state acts for the promotion of fire service training and education; and

(7) Adopt and implement a state fire training and education master plan.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee under rules established by the board.

**NEW SECTION.** Sec. 8. Any person who receives an adverse decision under this chapter may appeal that decision in accordance with chapter 34-.04 RCW, the administrative procedure act.

**\*NEW SECTION.** Sec. 9. *The board shall determine the qualifications of and employ a chief executive officer who shall be known as the director of fire protection.*

\*Sec. 9 was vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 10. The director of fire protection shall supervise the staff necessary to carry out functions under the board's jurisdiction.

**NEW SECTION.** Sec. 11. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, this chapter shall not apply in the office of the state fire protection board to the director appointed under section 9 of this act.

Sec. 12. Section 1, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the ~~((commission for vocational education))~~ state fire protection board, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 13. Section 5, chapter 349, Laws of 1977 ex. sess. and RCW 28C.50.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the ~~((commission for vocational education))~~ state fire protection board.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any

such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

Sec. 14. Section 1, chapter 225, Laws of 1979 ex. sess. as amended by section 1, chapter 48, Laws of 1982 1st ex. sess. and RCW 28C.51.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the (~~commission for vocational education~~) state fire protection board, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 15. Section 5, chapter 225, Laws of 1979 ex. sess. and RCW 28C.51.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds and notes authorized under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the (~~commission for vocational education~~) state fire protection board.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Sec. 16. Section .05.32, chapter 79, Laws of 1947 and RCW 48.05.320 are each amended to read as follows:

(1) Each authorized insurer shall promptly report to the (~~commissioner~~) state fire protection board, upon forms as prescribed and furnished by (~~him~~) the board, each fire loss of property in this state reported to it (~~and of undetermined or suspected criminal origin~~) and whether the loss is due to criminal activity or to undetermined causes.

(2) ~~((As may be requested by the commissioner,))~~ Each such insurer shall likewise report to ((him)) the board upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner.

Sec. 17. Section .33.03, chapter 79, Laws of 1947 and RCW 48.48.030 are each amended to read as follows:

(1) The state fire protection board, through the state fire marshal or any deputy state fire marshal, shall have authority at all times of day and night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto.

(2) The state fire protection board, through the state fire marshal or any deputy state fire marshal, shall have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards.

(3) Within his or her jurisdiction a resident fire marshal may exercise like powers as are conferred by subsections (1) and (2) of this section upon the state fire ((marshal)) protection board. Such power in a resident fire marshal shall not be to the exclusion of any power of the state fire ((marshal or of any deputy state fire marshal)) protection board.

Sec. 18. Section .33.04, chapter 79, Laws of 1947 and RCW 48.48.040 are each amended to read as follows:

(1) In jurisdictions within this state other than those in which there is in force a comprehensive local fire prevention and safety code, the state fire protection board, through the state fire marshal or any deputy fire marshal, shall have authority to enter upon all premises and into all buildings except private dwellings for the purpose of inspection to ascertain if any fire hazard exists, and to require conformance with minimum standards for the prevention of fire and for the protection of life and property against fire and panic as to use of premises, and may adopt by reference nationally recognized standards applicable to local conditions.

(2) A resident fire marshal shall have authority to enforce within his or her jurisdiction such ordinances and laws relative to fire prevention and safety and use of premises as may be in force therein. In areas outside those covered by such local fire prevention and safety codes, the jurisdiction of any such resident fire marshal shall be subordinate to that of the state fire ((marshal)) protection board.

(3) In areas covered by such fire prevention and safety codes the state fire ((marshal)) protection board may, upon request by the chief fire official or the local governing body or of taxpayers of such area, assist in the enforcement of any such code.

Sec. 19. Section 1, chapter 70, Laws of 1972 ex. sess. as amended by section 3, chapter 198, Laws of 1981 and RCW 48.48.045 are each amended to read as follows:

Standards for construction relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire (~~marshal; who~~) protection board, which shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, the (~~fire marshal~~) state fire protection board shall make or cause to be made plan reviews and construction inspections as may be necessary to insure compliance with said codes and standards.

Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those by the state fire (~~marshal~~) protection board as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivision for as long as such codes and standards are enforced.

Sec. 20. Section .33.05, chapter 79, Laws of 1947 and RCW 48.48.050 are each amended to read as follows:

(1) If the state fire marshal or (~~his~~) the marshal's deputy finds in any building or premises subject to their inspection under this chapter, any combustible material or flammable conditions or fire hazards dangerous to the safety of the building, premises, or to the public, he or she shall by written order require such condition to be remedied, and such order shall forthwith be complied with by the owner or occupant of the building or premises.

(2) An owner or occupant aggrieved by any such order made by the state fire marshal or a deputy state fire marshal may within five days after the date of the order appeal to the state fire (~~marshal~~) protection board. If the state fire (~~marshal~~) protection board confirms the order, the order shall remain in force and be complied with by the owner or occupant.

(3) Any owner or occupant failing to comply with any such order not appealed from or with any order so confirmed shall be punishable by a fine of not less than ten dollars nor more than fifty dollars for each day such failure exists.

Sec. 21. Section .33.06, chapter 79, Laws of 1947 as last amended by section 1, chapter 104, Laws of 1981 and RCW 48.48.060 are each amended to read as follows:

(1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause, origin, and extent of loss of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall

forthwith notify the state fire ((~~marshal~~)) protection board of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire department, unless such areas are within the boundaries of a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause, origin, and extent of loss of all fires occurring within his or her respective jurisdiction.

(2) The state fire ((~~marshal~~)) protection board may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The state fire ((~~marshal~~)) protection board shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the state fire protection board, the state fire marshal, deputy state fire marshals, or resident fire marshals, acting within their jurisdiction, are vested with police powers to enforce the laws of this state. To exercise these powers, state deputy and resident fire marshals must receive prior written authorization from the state fire ((~~marshal~~)) protection board, and have completed a course of training prescribed by the Washington state criminal justice training commission.

Sec. 22. Section 2, chapter 181, Laws of 1980 and RCW 48.48.065 are each amended to read as follows:

(1) Beginning September 1, 1980, the chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the state fire ((~~marshal~~)) protection board on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the state fire marshal. The state fire ((~~marshal~~)) protection board and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The state fire ((~~marshal~~)) protection board shall analyze the information and data reported, compile a report, and distribute a copy annually by January 31 to each chief fire official in the state. Upon request, the state



fire ((~~marshal~~)) protection board shall also furnish a copy of the report to any other interested person at cost.

Sec. 23. Section .33.07, chapter 79, Laws of 1947 and RCW 48.48.070 are each amended to read as follows:

In the conduct of any investigation into the cause, origin, or loss resulting from any fire, the state fire ((~~marshal~~)) protection board shall have the same power and rights relative to securing the attendance of witnesses and the taking of testimony under oath as is conferred upon the commissioner under RCW 48.03.070. False swearing by any such witness shall be deemed to be perjury and shall be subject to punishment as such.

Sec. 24. Section .33.08, chapter 79, Laws of 1947 and RCW 48.48.080 are each amended to read as follows:

If as the result of any such investigation, or because of any information received by ((~~him, the state fire marshal~~)) it, the state fire protection board is of the opinion that there is evidence sufficient to charge any person with any crime, ((~~he~~)) it may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed, the names of witnesses and all pertinent and material evidence and testimony within ((~~his~~)) its possession relative to the offense.

Sec. 25. Section .33.09, chapter 79, Laws of 1947 and RCW 48.48.090 are each amended to read as follows:

The state fire ((~~marshal~~)) protection board shall keep on file ((~~in his office~~)) all reports of fires made to ((~~him~~)) it or to the commissioner pursuant to this code. Such records shall at all times during business hours be open to public inspection; except, that any testimony taken in a fire investigation may, in the discretion of the state fire ((~~marshal~~)) protection board, be withheld from public scrutiny. The state fire ((~~marshal~~)) protection board may destroy any such report after five years from its date.

Sec. 26. Section .33.11, chapter 79, Laws of 1947 as amended by section 71, chapter 75, Laws of 1977 and RCW 48.48.110 are each amended to read as follows:

The state fire ((~~marshal~~)) protection board shall submit annually a report to the governor of this state. The report shall contain a statement of ((~~his~~)) its official acts pursuant to this chapter.

Sec. 27. Section 2, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.020 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following agencies:

- (a) The state fire ((~~marshal~~) protection board);
  - (b) The prosecuting attorney of the county where the fire occurred;
  - (c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;
  - (d) The Federal Bureau of Investigation, or any other federal agency;
- and
- (e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information.

NEW SECTION. Sec. 28. All reports, documents, surveys, books, records, files, papers, or other written material in the possession of the insurance commissioner pertaining to the office of the state fire marshal shall be delivered to the custody of the state fire protection board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the insurance commissioner in carrying out the powers and duties of the state fire marshal shall be made available to the state fire protection board. All funds, credits, or other assets held in connection with the state fire marshal's office shall be assigned to the state fire protection board.

Any appropriations made to the insurance commissioner for the purpose of carrying out the powers and duties of the state fire marshal, shall, on the effective date of this act, be transferred and credited to the state fire protection board for the purpose of carrying out the transferred powers and duties.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions of the state fire marshal's office, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 29. All classified employees of the state fire marshal's office are transferred to the jurisdiction of the state fire protection board. All such employees shall be subject to chapter 41.06 RCW, the state civil service law, and shall be assigned to the state fire protection board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 30. All rules and regulations and all pending business before the state fire marshal's office on the effective date of this act shall be continued and acted upon under the jurisdiction of the state fire protection board. All existing contracts and obligations shall remain in full force and effect and shall be performed by the state fire protection board.

NEW SECTION. Sec. 31. The transfer of the powers, duties, functions, and personnel of the state fire marshal's office shall not affect the validity of any act performed by such employee prior to the effective date of this act.

NEW SECTION. Sec. 32. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education and pertaining to fire service training shall be delivered to the custody of the state fire protection board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education in fire service training shall be made available to the state fire protection board. All funds, credits, or other assets held in connection with fire service training shall be assigned to the state fire protection board.

Any appropriations made to the commission for vocational education for fire service training shall, on the effective date of this act, be transferred and credited to the state fire protection board.

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

NEW SECTION. Sec. 33. All classified employees of the commission for vocational education engaged in fire service training are transferred to the jurisdiction of the state fire protection board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state fire protection board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 34. All rules and regulations and all pending business before the commission for vocational education pertaining to fire service training shall be continued and acted upon by the state fire protection board. All existing contracts and obligations shall remain in full force and effect and shall be performed by the state fire protection board.

NEW SECTION. Sec. 35. The transfer of the powers, duties, functions, and personnel of the commission for vocational education pertaining

to fire service training shall not affect the validity of any act performed by such employee prior to the effective date of this act.

**NEW SECTION.** Sec. 36. If apportionments of budgeted funds are required because of the transfers directed by sections 28 through 35 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION.** Sec. 37. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28C.04-.140;
- (2) Section .33.01, chapter 79, Laws of 1947 and RCW 48.48.010;
- (3) Section .33.02, chapter 79, Laws of 1947, section 17, chapter 241, Laws of 1969 ex. sess. and RCW 48.48.020;
- (4) Section .33.10, chapter 79, Laws of 1947 and RCW 48.48.100; and
- (5) Section .33.13, chapter 79, Laws of 1947 and RCW 48.48.130.

**NEW SECTION.** Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 39. Sections 1 through 10 of this act are each added to chapter 48.48 RCW.

**\*NEW SECTION.** Sec. 40. This act shall take effect on January 1, 1986. *However, to insure that this act is fully implemented on its effective date, the state fire protection board and its director shall be appointed in accordance with this act by October 1, 1985.*

\*Sec. 40 was partially vetoed, see message at end of chapter.

Passed the Senate April 23, 1985.

Passed the House April 18, 1985.

Approved by the Governor May 21, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 3, 5, 9 and Section 40 in part, Engrossed Substitute Senate Bill No. 3856, entitled:

"AN ACT Relating to fire protection."

This bill would create a ten-member Fire Protection Board to administer the fire protection services that are now under the Insurance Commissioner and the fire training services that are now under the Commission for Vocational Education.

I agree that the fire protection functions which are brought together in this measure ought to be located within a single agency. I do not believe that it is wise to

create a separate, single-purpose state agency governed by a new board for this purpose. The functions should properly be located within the executive branch in an agency responsible to the Governor.

Since I believe the purposes of this measure are worthwhile, I am approving it with several exceptions. I am vetoing the following:

Section 3: establishes the terms of the Board.

Section 5: says the Governor selects one member to serve as chairperson.

Section 9: authorizes the Board to employ an Executive Director.

Section 40: as to the portion requiring the Board and Director to be appointed by October 1, 1985.

By vetoing these sections, a board will be established which may later act in an advisory capacity to the fire protection unit. The board will not, however, be able to proceed to implement the substantive provisions of this act until the legislature passes new legislation.

I intend to ask the next regular session of the legislature to perfect this measure by placing the functions of the board in an existing executive agency and making the board advisory to that agency.

For these reasons, I have vetoed Sections 3, 5, 9 and a part of Section 40 of Engrossed Substitute Senate Bill No. 3856.\*

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## CHAPTER 471

[Engrossed Substitute Senate Bill No. 4228]

**BUSINESS AND OCCUPATION TAX—MEAT PROCESSOR RATE REDUCED—  
METAL BULLION SALES RECLASSIFIED, EXEMPTION CREATED—  
NONPROFIT ARTISTIC OR CULTURAL ORGANIZATIONS INCOME EXEMPT—  
FUEL CONSUMED ON THE HIGH SEAS TAX EXEMPT—PUBLIC WORKS  
ASSISTANCE ACCOUNT CREATED—PUBLIC UTILITY TAX AND  
CONVEYANCE TAX MODIFIED**

AN ACT Relating to revenue and excise taxation; amending RCW 82.04.260, 82.04.330, 82.04.100, 82.04.4328, 82.02.030, 82.16.020, and 82.20.010; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 43.63A.200, 43.79.450, and 43.79.452; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 5, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.