

## CHAPTER 265

[Substitute Senate Bill No. 4769]

FEED CONSUMED BY LIVESTOCK AT PUBLIC LIVESTOCK MARKETS—SALES  
AND USE TAX EXEMPT

AN ACT Relating to excise taxation of sales of feed; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

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

**NEW SECTION.** Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed consumed by livestock at a public livestock market.

**NEW SECTION.** Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of feed consumed by livestock at a public livestock market.

Passed the Senate March 9, 1986.

Passed the House March 6, 1986.

Approved by the Governor April 3, 1986.

Filed in Office of Secretary of State April 3, 1986.

## CHAPTER 266

[Substitute House Bill No. 1709]

CONSOLIDATION OF CERTAIN AGENCIES INTO THE DEPARTMENT OF  
COMMUNITY DEVELOPMENT

AN ACT Relating to consolidation of agencies into the department of community development; amending RCW 27.34.020, 27.34.210, 27.34.220, 27.34.230, 27.34.240, 27.34.270, 27.34.280, 27.53.020, 27.53.030, 27.53.060, 27.53.080, 27.53.090, 28A.24.172, 38.52.005, 38.52.010, 38.52.020, 38.52.030, 38.52.037, 38.52.050, 38.52.070, 38.52.090, 38.52.170, 38.52.207, 38.52.210, 38.52.240, 38.52.250, 38.52.300, 38.52.310, 38.52.320, 38.52.330, 38.52.340, 38.52.360, 38.52.370, 38.52.390, 38.52.400, 38.52.410, 40.10.020, 43.131.313, 43.131.314, 46.16.340, 70.136.030, 28C.50.010, 28C.50.050, 28C.51.010, 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, 48.50.020, 28C.04.040, 4.24.400, 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 19.27A.110, 28A.04.120, 43.43.710, 46.37.467, 48.48.140, 48.48.150, 48.50.040, 48.53.020, 48.53.060, 70.41.080, 70.62.290, 70.75.020, 70.75.030, 70.75.040, 70.77.170, 70.77.250, 70.77.305, 70.77.315, 70.77.325, 70.77.330, 70.77.355, 70.77.360, 70.77.365, 70.77.375, 70.77.415, 70.77.430, 70.77.435, 70.77.440, 70.77.450, 70.77.455, 70.77.460, 70.77.465, 70.77.575, 70.77.580, 70.105.020, 70.108.040, 70.160.060, 71.12.485, 74.15.050, 74.15.080, 43.63A.020, and 43.63A.065; reenacting and amending RCW 43.220.070 and 80.50.030; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.63A RCW; creating new sections; decodifying RCW 27.34.905; repealing RCW 27.34.290, 28C.04.142, 28C.04.144, 48.48.001, 48.48.005, 48.48.011, 48.48.015, 48.48.021, 48.48.025, 48.48.028, 41.06.091; repealing section 28, chapter 470, Laws of 1985 (uncodified); repealing section 29, chapter 470, Laws of 1985 (uncodified); repealing section 30, chapter 470, Laws of 1985 (uncodified); repealing section 31, chapter 470, Laws of 1985 (uncodified); repealing section 32, chapter 470, Laws of 1985 (uncodified); repealing section 33, chapter 470, Laws of 1985 (uncodified); repealing section 34, chapter 470, Laws of 1985 (uncodified); repealing section 35, chapter 470, Laws of 1985

(uncodified), and repealing section 36, chapter 470, Laws of 1985 (uncodified); providing an effective date; and declaring an emergency.

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

**OFFICE OF ARCHAEOLOGY AND HISTORIC  
PRESERVATION/DEPARTMENT OF EMERGENCY  
MANAGEMENT**

**NEW SECTION.** Sec. 1. The department of emergency management and the office of archaeology and historic preservation are hereby abolished and their powers, duties, and functions are hereby transferred to the department of community development. All references to the director of emergency management or the department of emergency management and the office of archaeology and historic preservation in the Revised Code of Washington shall be construed to mean the director or department of community development.

**NEW SECTION.** Sec. 2. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of emergency management and the office of archaeology and historic preservation shall be delivered to the custody of the department of community development. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of emergency management and the office of archaeology and historic preservation shall be made available to the department of community development. All funds, credits, or other assets held by the department of emergency management and the office of archaeology and historic preservation shall be assigned to the department of community development.

Any appropriations made to the department of emergency management and the office of archaeology and historic preservation shall, on the effective date of this act, be transferred and credited to the department of community development.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or 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. 3. All employees of the department of emergency management and the office of archaeology and historic preservation are transferred to the jurisdiction of the department of community development. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community development 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. 4. All rules and all pending business before the department of emergency management and the office of archaeology and historic preservation shall be continued and acted upon by the department of community development. All existing contracts and obligations shall remain in full force and shall be performed by the department of community development.

NEW SECTION. Sec. 5. The transfer of the powers, duties, functions, and personnel of the department of emergency management and the office of archaeology and historic preservation shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 6. If apportionments of budgeted funds are required because of the transfers directed by sections 2 through 5 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. 7. Nothing contained in sections 1 through 6 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in this chapter, this chapter shall not apply within the department of community development to the state historic preservation officer and up to two professional staff members within the emergency management program.

Sec. 9. Section 2, chapter 91, Laws of 1983 and RCW 27.34.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advisory council" means the advisory council on historic preservation.

(2) "Department" means the department of community development.

(3) "Director" means the director of community development.

(4) "Federal act" means the national historic preservation act of 1966 (Public Law 89-655; 80 Stat. 915).

~~((3))~~ (5) "Heritage council" means the Washington state heritage council.

~~((4))~~ (6) "Historic preservation" includes the protection, rehabilitation, restoration, identification, scientific excavation, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington state history, architecture, archaeology, or culture.

~~((5))~~ (7) "Office" means the office of archaeology and historic preservation within the department of community development.

~~((6))~~ (8) "Preservation officer" means the state historic preservation officer as provided for in RCW 27.34.210.

~~((7))~~ (9) "Project" means programs leading to the preservation for public benefit of historical properties, whether by state and local governments or other public bodies, or private organizations or individuals, including the acquisition of title or interests in, and the development of, any district, site, building, structure, or object that is significant in American and Washington state history, architecture, archaeology, or culture, and property used in connection therewith, or for its development.

~~((8))~~ (10) "State historical agencies" means the state historical societies and the office of archaeology and historic preservation within the department of community development.

~~((9))~~ (11) "State historical societies" means the Washington state historical society, the eastern Washington state historical society, and the state capital historical association.

~~((10))~~ (12) "Cultural resource management plan" means a comprehensive plan which identifies and organizes information on the state of Washington's historic, archaeological, and architectural resources into a set of management criteria, and which is to be used for producing reliable decisions, recommendations, and advice relative to the identification, evaluation, and protection of these resources.

Sec. 10. Section 11, chapter 91, Laws of 1983 and RCW 27.34.210 are each amended to read as follows:

There is hereby established the office of archaeology and historic preservation within the department of community development.

The ~~((governor))~~ director shall appoint the preservation officer ~~((with the consent of the senate, as the director of the office and set the salary for the position))~~ to assist the director in implementing this chapter. The preservation officer shall have a background in program administration, an active involvement in historic preservation, and a knowledge of the national, state, and local preservation programs as they affect the state of Washington.

Sec. 11. Section 12, chapter 91, Laws of 1983 as amended by section 2, chapter 64, Laws of 1985 and RCW 27.34.220 are each amended to read as follows:

The ~~((preservation officer shall supervise and administer the activities of the office. The preservation officer))~~ director or the director's designee is authorized:

(1) To promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington

state history, architecture, archaeology, and culture, and to prepare comprehensive state-wide historic surveys and plans and research and evaluation of surveyed resources for the preparation of nominations to the state and national registers of historic places, in accordance with criteria approved by the advisory council established under RCW 27.34.250. The nominations shall comply with any standards and regulations promulgated by the United States secretary of the interior for the preservation, acquisition, and development of such properties.

(2) To establish a program of matching grants-in-aid to public agencies, public or private organizations, or individuals for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington state history, architecture, archaeology, and culture.

(3) To promote historic preservation efforts throughout the state, including private efforts and those of city, county, and state agencies.

(4) To enhance the effectiveness of the state preservation program through the initiation of legislation, the use of varied funding sources, the creation of special purpose programs, and contact with state, county, and city officials, civic groups, and professionals.

(5) To spend funds, subject to legislative appropriation and the availability of funds, where necessary to assist the Indian tribes of Washington state in removing prehistoric human remains for scientific examination and reburial, if the human remains have been unearthed inadvertently or through vandalism and if no other public agency is legally responsible for their preservation.

(6) To consult with the governor and the legislature on issues relating to the conservation of the man-made environment and their impact on the well-being of the state and its citizens. The ~~((office))~~ department shall submit periodic reports of its activities under this chapter to the governor and the legislature.

(7) To charge fees for professional and clerical services provided by the office.

(8) To adopt such rules, in accordance with chapter 34.04 RCW, as are necessary to carry out RCW 27.34.200 through 27.34.290.

Sec. 12. Section 13, chapter 91, Laws of 1983 and RCW 27.34.230 are each amended to read as follows:

The ~~((preservation officer))~~ director or the director's designee shall:

(1) Submit the budget requests for the office to the heritage council for review and comment;

~~(2) ((Maintain and administer all funds appropriated by the legislature to the office for the purpose of carrying out the duties, functions, and responsibilities of the office under both state and federal law;~~

~~(3))~~) Receive, administer, and disburse such gifts, grants, and endowments from private sources as may be made in trust or otherwise for the purposes of RCW 27.34.200 through 27.34.290 or the federal act; and

~~((4))~~) (3) Develop and implement a cultural resource management plan.

Sec. 13. Section 14, chapter 91, Laws of 1983 and RCW 27.34.240 are each amended to read as follows:

The amounts made available for grants to the public agencies, public or private organizations, or individuals for projects for each fiscal year shall be apportioned among program applicants by the director or the director's designee, with the advice of the preservation officer, in accordance with needs as contained in state-wide archaeology and historic preservation plans developed by the ~~((office and approved by the governor))~~ department.

Sec. 14. Section 17, chapter 91, Laws of 1983 and RCW 27.34.270 are each amended to read as follows:

The advisory council shall:

(1) Advise the governor and the ~~((office))~~ department on matters relating to historic preservation; recommend measures to coordinate activities of state and local agencies, private institutions, and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities; and

(2) Review and recommend nominations for the state and national registers of historic places to the preservation officer and the director.

Sec. 15. Section 16, chapter 91, Laws of 1983 and RCW 27.34.280 are each amended to read as follows:

The ~~((office))~~ department shall provide administrative and financial services to the advisory council on historic preservation and to the Washington state heritage council.

Sec. 16. Section 2, chapter 134, Laws of 1975 1st ex. sess. as last amended by section 12, chapter 195, Laws of 1977 ex. sess. and RCW 27.53.020 are each amended to read as follows:

The discovery, identification, excavation, and study of the state's archaeological resources, the providing of information on archaeological sites for their nomination to the state and national registers of historic places, the maintaining of a complete inventory of archaeological sites and collections, and the providing of information to state, federal, and private construction agencies regarding the possible impact of construction activities on the state's archaeological resources, are proper public functions; and the Washington archaeological research center, created under the authority of chapter 39.34 RCW as now existing or hereafter amended, is hereby designated as an appropriate agency to carry out these functions. The ~~((preservation officer))~~ director, in consultation with the Washington archaeological research center, shall provide guidelines for the selection of depositories

designated by the state for archaeological resources. The legislature directs that there shall be full cooperation amongst the ~~((office))~~ department, the Washington archaeological research center, and other agencies of the state.

Sec. 17. Section 3, chapter 134, Laws of 1975 1st ex.-sess. as last amended by section 20, chapter 91, Laws of 1983 and RCW 27.53.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through ~~((his))~~ material remains.

(2) "Department" means the department of community development.

(3) "Director" means the director of community development or the director's designee.

(4) "Historic" means peoples and cultures who are known through written documents in their own or other languages.

~~((3))~~ (5) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

~~((4))~~ (6) "Professional archaeologist" means a person who has met the educational, training, and experience requirements of the society of professional archaeologists.

~~((5))~~ (7) "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists.

~~((6))~~ (8) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

~~((7))~~ "Preservation officer" means the state historic preservation officer as provided for in chapter 27.34 RCW.

~~((8))~~ "Office" means the office of archaeology and historic preservation.)

Sec. 18. Section 6, chapter 134, Laws of 1975 1st ex. sess. as last amended by section 14, chapter 195, Laws of 1977 ex. sess. and RCW 27.53.060 are each amended to read as follows:

On the private and public lands of this state it shall be unlawful for any person, firm, corporation, or any agency or institution of the state or a political subdivision thereof to knowingly alter, dig into, or excavate by use of any mechanical, hydraulic, or other means, or to damage, deface, or destroy any historic or prehistoric archaeological resource or site, American Indian or aboriginal camp site, dwelling site, rock shelter, cave dwelling site, storage site, grave, burial site, or skeletal remains and grave goods, cairn, or tool making site, or to remove from any such land, site, or area, grave,

burial site, cave, rock shelter, or cairn, any skeletal remains, artifact or implement of stone, bone, wood, or any other material, including, but not limited to, projectile points, arrowheads, knives, awls, scrapers, beads or ornaments, basketry, matting, mauls, pestles, grinding stones, rock carvings or paintings, or any other artifacts or implements, or portions or fragments thereof without having obtained written permission from the (~~(preservation officer)~~) director for such activities on public property or from the private landowner for such activities on private land. A private landowner may request the (~~(preservation officer)~~) director to assume the duty of issuing such permits. The (~~(preservation officer)~~) director must obtain the consent of the public property owner or agency responsible for the management thereof, prior to issuance of the permit. The (~~(preservation officer)~~) director, in consultation with the Washington state archaeological research center, shall develop guidelines for the issuance and processing of such permits. Such written permission shall be physically present while any such activity is being conducted. The provisions of this section shall not apply to the removal of artifacts found exposed on the surface of the ground nor to the excavation and removal of artifacts from state owned shorelands below the line of ordinary high water or within the intertidal zone.

Sec. 19. Section 8, chapter 134, Laws of 1975 1st ex. sess. as amended by section 15, chapter 195, Laws of 1977 ex. sess. and RCW 27.53.080 are each amended to read as follows:

Qualified or professional archaeologists, in performance of their duties, are hereby authorized to enter upon public lands of the state of Washington and its political subdivisions, at such times and in such manner as not to interfere with the normal management thereof, for the purposes of doing archaeological resource location and evaluation studies, including site sampling activities. Scientific excavations are to be carried out only after appropriate agreement has been made between a professional archaeologist or an institution of higher education and the agency or political subdivision responsible for such lands. Notice of such agreement shall be filed with the Washington archaeological research center and by them to the (~~(office)~~) department. Amateur societies may engage in such activities by submitting and having approved by the responsible agency or political subdivision a written proposal detailing the scope and duration of the activity. Before approval, a proposal from an amateur society shall be submitted to the Washington archaeological research center for review and recommendation.

Sec. 20. Section 9, chapter 134, Laws of 1975 1st ex. sess. as last amended by section 16, chapter 195, Laws of 1977 ex. sess. and RCW 27.53.090 are each amended to read as follows:

Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor. Each day of continued violation



of any provision of this chapter shall constitute a distinct and separate offense. Offenses shall be reported to the appropriate law enforcement agency; or to the ((preservation officer)) director.

Sec. 21. Section 2, chapter 24, Laws of 1971 as last amended by section 88, chapter 7, Laws of 1985 and RCW 28A.24.172 are each amended to read as follows:

Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of RCW 28A.24.170, and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the state director of ((emergency management)) community development or any of his or her agents so authorized has, at the request of an involved governmental agency, declared that an emergency exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto.

Sec. 22. Section 1, chapter 6, Laws of 1972 ex. sess. as amended by section 1, chapter 38, Laws of 1984 and RCW 38.52.005 are each amended to read as follows:

((On and after July 1, 1984, the state department of emergency services shall be known and designated as the department of emergency management which)) The department of community development shall administer the comprehensive emergency management program of the state of Washington as provided for in this chapter. All local organizations, organized and performing emergency management functions pursuant to RCW 38.52.070, may change their name and be called the ..... department/division of emergency management.

Sec. 23. Section 3, chapter 178, Laws of 1951 as last amended by section 2, chapter 38, Laws of 1984 and RCW 38.52.010 are each amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive

emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

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

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

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

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

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

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47-.68 RCW.

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

(9) "Director" means the director of ~~((the state department of emergency management as established by this chapter))~~ community development.

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

(11) "Department" means the department of community development.

Sec. 24. Section 2, chapter 178, Laws of 1951 as last amended by section 3, chapter 38, Laws of 1984 and RCW 38.52.020 are each amended to read as follows:

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness as defined in RCW 38.52.010(6), and in order to insure that preparations of this state will be adequate to deal with such disasters, to insure the administration of state and federal programs providing disaster relief to individuals, and further to insure adequate support for search and rescue operations, and generally to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(a) To ~~((create a state department of))~~ provide for emergency management by the state, and to authorize the creation of local organizations for emergency management in the political subdivisions of the state;

(b) To confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein;

(c) To provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of emergency management functions;

(d) To provide a means of compensating emergency management workers who may suffer any injury, as herein defined, or death; who suffer economic harm including personal property damage or loss; or who incur expenses for transportation, telephone or other methods of communication, and the use of personal supplies as a result of participation in emergency management activities; and

(e) To provide programs, with intergovernmental cooperation, to educate and train the public to be prepared for emergencies.

(2) It is further declared to be the purpose of this chapter and the policy of the state that all emergency management functions of this state and its political subdivision be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Sec. 25. Section 4, chapter 178, Laws of 1951 as last amended by section 4, chapter 38, Laws of 1984 and RCW 38.52.030 are each amended to read as follows:

(1) ~~((There is hereby created within the executive branch of the state government a department of emergency management. The department shall be headed by the director of emergency management. The director shall be appointed by the governor with the advice and consent of the senate, the director shall not hold any other state office, the director shall hold office at the pleasure of the governor, and shall be compensated at the rate established by the governor, subject to RCW 43.03.040.~~

(2)) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

((3)) (2) The director, subject to the direction and control of the governor, shall be ~~((the executive head of the department and shall be))~~ responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

((4)) (3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

((5)) (4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

((6)) (5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

((7)) (6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the

director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

~~((8))~~ (7) The director shall appoint a state coordinator of search and rescue operations(~~(, who shall)~~) to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and (~~who shall~~) on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

~~((9))~~ (8) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(9) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

Sec. 26. Section 6, chapter 459, Laws of 1985 and RCW 38.52.037 are each amended to read as follows:

The department (~~(of emergency management)~~) shall consult with appropriate local, state, federal, and private sector officials in developing a comprehensive state mine rescue plan. The plan shall identify mine rescue resources, set forth a framework for a coordinated response to mine rescue emergencies, identify shortfalls, and recommend solutions.

The draft of the comprehensive state mine rescue plan and a schedule for submittal of the final plan shall be submitted to the legislature on January 13, 1986.

Sec. 27. Section 6, chapter 178, Laws of 1951 as last amended by section 6, chapter 38, Laws of 1984 and RCW 38.52.050 are each amended to read as follows:

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

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

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

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

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

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

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

(e) To cooperate with the president and the heads of the armed forces, the emergency management agency of the United States, and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation.

Sec. 28. Section 8, chapter 178, Laws of 1951 as last amended by section 7, chapter 38, Laws of 1984 and RCW 38.52.070 are each amended to read as follows:

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization for emergency management in accordance with the state emergency management plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for emergency management to the state director (~~(of emergency management)~~) and secure his or her recommendations thereon, and certification for consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency management may be coordinated with the plan and program of the state. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director (~~(of emergency management)~~) may authorize two or more political subdivisions to join in the establishment and operation of a local organization for emergency management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a local organization for emergency management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the . . . . . emergency management fund. Each local organization for emergency management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or officers. In the case of a jointly established and operated organization for emergency management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to

combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

Sec. 29. Section 10, chapter 178, Laws of 1951 as last amended by section 9, chapter 38, Laws of 1984 and RCW 38.52.090 are each amended to read as follows:

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

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

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

#### INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other



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

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

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

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

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

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

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

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

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

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

(i) Mobile support units.

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

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

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

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

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

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

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into

supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

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

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

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

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

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

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

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

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

1. Searches for and rescue of person who are lost, marooned, or otherwise in danger.
2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.
3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.
4. The giving and receiving of aid by subdivisions of party States.
5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

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

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

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

## INTERSTATE MUTUAL AID COMPACT

### Purpose

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

### Authorization

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

### Implementation

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

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

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

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

4. An aiding state shall have the right to withdraw some or all of their personnel and/or equipment whenever the personnel or equipment are

needed by that state. Notice of intention to withdraw should be communicated to the requesting party as soon as possible.

#### **General Fiscal Provisions**

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and on the same terms as if the injury or death were sustained within such state.

#### **Privileges and Immunities**

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workmen's compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

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

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

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

5. Upon enactment of this Agreement by two or more states, and by January 1, annually thereafter, the participating states will exchange with

each other the names of officials designated to request and/or provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it shall be permissible and desirable for the parties to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.

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

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

Sec. 30. Section 20, chapter 178, Laws of 1951 as last amended by section 16, chapter 38, Laws of 1984 and RCW 38.52.170 are each amended to read as follows:

Whenever the ~~((state))~~ director ~~((of emergency management))~~ finds that it will be in the interest of the emergency management of this state or of the United States, ~~((he))~~ the director may, with the approval of the governor, agree with the federal government, or any agency thereof carrying on activities within this state, upon a plan of emergency management applicable to a federally owned area, which plan may or may not conform to all of the other provisions of this chapter with the view to integrating federally owned areas into the comprehensive plan and program of the emergency management of this state. Such plan may confer upon persons carrying out such plan any or all of the rights, powers, privileges and immunities granted employees or representatives of the state and/or its political subdivisions by this chapter. The plan of emergency management authorized under this section may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

Sec. 31. Section 5, chapter 8, Laws of 1971 ex. sess. as last amended by section 22, chapter 38, Laws of 1984 and RCW 38.52.207 are each amended to read as follows:

The director ~~((of the state department of emergency management))~~, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle property loss or damage claims arising out of conduct or circumstances for which the state of Washington would be liable in law for money damages of two thousand dollars or less. The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant; and upon the state of

Washington, unless procured by fraud, and shall constitute a complete release of any claim against the state of Washington. A request for administrative settlement shall not preclude a claimant from filing court action pending administrative determination, or limit the amount recoverable in such a suit, or constitute an admission against interest of either the claimant or the state.

Sec. 32. Section 4, chapter 223, Laws of 1953 as last amended by section 23, chapter 38, Laws of 1984 and RCW 38.52.210 are each amended to read as follows:

(1) In each local organization for emergency management established by the legislative authority of the county in accordance with the provisions of RCW 38.52.070, there is hereby created and established a compensation board for the processing of claims as provided in this chapter. The compensation board shall be composed of: (a) The county executive if the county has an elected county executive or, if it does not, one member of the county legislative authority selected by the authority. The executive or the member will serve as the chair of the compensation board; (b) the county director of emergency services; (c) the prosecuting attorney; (d) the emergency services coordinator for medical and health services; and (e) the county auditor who will serve as secretary of the compensation board.

(2) In each local organization for emergency management established by cities and towns in accordance with RCW 38.52.070, there is hereby created and established a compensation board for the processing of claims as provided in this chapter. The compensation board shall be composed of the mayor; the city director of emergency management; one councilmember or commissioner selected by the council or the commission; the city attorney or corporation counsel; and the local coordinator of medical and health services. The councilmember or commissioner so selected shall serve as the chair of the compensation board and the city director of emergency management shall serve as secretary of the board.

Sec. 33. Section 7, chapter 223, Laws of 1953 as last amended by section 25, chapter 38, Laws of 1984 and RCW 38.52.240 are each amended to read as follows:

The compensation board shall hear and decide all applications for compensation under this chapter. The board shall submit its recommendations to the director (~~(of the department of emergency management)~~) on such forms as he or she may prescribe. In case the decision of the director is different from the recommendation of the compensation board, the matter shall be submitted to the state emergency management council for action.

Sec. 34. Section 8, chapter 223, Laws of 1953 as last amended by section 26, chapter 38, Laws of 1984 and RCW 38.52.250 are each amended to read as follows:



A majority of the compensation board shall constitute a quorum, and no business shall be transacted when a majority is not present, and no claim shall be allowed when a majority of the board has not voted favorably thereon.

The board shall send a copy of the minutes of all meetings to the department (~~(of emergency management)~~) with copies of all material pertaining to each claim submitted and noting the action of the board on each claim. Appeals may be made by the emergency worker from any action by the board within one year by writing to the department (~~(of emergency management)~~).

Sec. 35. Section 14, chapter 223, Laws of 1953 as last amended by section 31, chapter 38, Laws of 1984 and RCW 38.52.300 are each amended to read as follows:

If the injury to an emergency worker is due to the negligence or wrong of another not on emergency duty, the injured worker, or if death results from the injury, the surviving spouse, children, parents or dependents, as the case may be, shall elect whether to take under this chapter or seek a remedy against such other, such election to be in advance of any suit under this chapter; and if the surviving spouse takes under this chapter, the cause of action against such other shall be assigned to the department (~~(of emergency management)~~); if the other choice is made, the compensation under this chapter shall be only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated for such case under authority of this chapter: PROVIDED, That the department (~~(of emergency management)~~) shall prosecute all claims assigned to it and do any and all things necessary to recover on behalf of the state any and all amounts which an employer or insurance carrier might recover under the provisions of the law.

Sec. 36. Section 15, chapter 223, Laws of 1953 as last amended by section 32, chapter 38, Laws of 1984 and RCW 38.52.310 are each amended to read as follows:

The department (~~(of emergency management)~~) shall establish by rule and regulation various classes of emergency workers, the scope of the duties of each class, and the conditions under which said workers shall be deemed to be on duty and covered by the provisions of this chapter. The department shall also adopt rules and regulations prescribing the manner in which emergency workers of each class are to be registered.

Sec. 37. Section 16, chapter 223, Laws of 1953 as last amended by section 33, chapter 38, Laws of 1984 and RCW 38.52.320 are each amended to read as follows:

The department (~~(of emergency management)~~) shall provide each compensation board with the approved maximum schedule of payments for injury or death prescribed in chapter 51.32 RCW: PROVIDED, That

nothing in this chapter shall be construed as establishing any liability on the part of the department of labor and industries.

Sec. 38. Section 17, chapter 223, Laws of 1953 as last amended by section 34, chapter 38, Laws of 1984 and RCW 38.52.330 are each amended to read as follows:

The department (~~(of emergency management)~~) is authorized to make all expenditures necessary and proper to carry out the provisions of this chapter including payments to claimants for compensation as emergency workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board. When medical treatment is necessary, the department (~~(of emergency management)~~) is authorized to make medical and compensation payments on an interim basis. Nothing herein shall be construed to mean that the department (~~(of emergency management)~~) or the state emergency management council or its officers or agents shall have the final decision with respect to the compensability of any case or the amount of compensation or benefits due, but any emergency worker or his or her dependents shall have the same right of appeal from any order, decision, or award to the same extent as provided in chapter 51.32 RCW (~~(as amended by this 1971 amendatory act)~~).

Sec. 39. Section 18, chapter 223, Laws of 1953 as last amended by section 35, chapter 38, Laws of 1984 and RCW 38.52.340 are each amended to read as follows:

Nothing in this chapter shall deprive any emergency worker or his or her dependents of any right to compensation for injury or death sustained in the course of his or her regular employment even though his or her regular work is under direction of emergency management authorities: PROVIDED, That such worker, if he or she is eligible for some other compensation plan, and receives the benefits of such plan shall not also receive any compensation under this chapter. The department (~~(of emergency management)~~) shall adopt such rules and regulations as may be necessary to protect the rights of such workers and may enter into agreements with authorities in charge of other compensation plans to insure protection of such workers: PROVIDED, That if the compensation from some other plan is less than would have been available under this chapter, he or she shall be entitled to receive the deficiency between the amount received under such other plan and the amount available under this chapter.

Sec. 40. Section 20, chapter 223, Laws of 1953 as last amended by section 37, chapter 38, Laws of 1984 and RCW 38.52.360 are each amended to read as follows:

If, in addition to monetary assistance, benefits or other temporary or permanent relief, the United States or any agent thereof furnishes medical, surgical or hospital treatment or any combination thereof to an injured

emergency worker, then the emergency worker has no right to receive similar medical, surgical or hospital treatment as provided in this chapter. However, the department (~~(of emergency management)~~) may furnish medical, surgical or hospital treatment as part of the compensation provided under the provisions of this chapter.

Sec. 41. Section 21, chapter 223, Laws of 1953 as last amended by section 38, chapter 38, Laws of 1984 and RCW 38.52.370 are each amended to read as follows:

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States or any agent thereof, will reimburse an emergency worker or his or her dependents for medical, surgical or hospital treatment, or any combination thereof, furnished to the injured emergency worker, the emergency worker has no right to receive similar medical, surgical or hospital treatment as provided in this chapter, but the department (~~(of emergency management)~~), may furnish a medical, surgical or hospital treatment as part of the compensation provided under the provisions of this chapter and apply to the United States or its agent for the reimbursement which will be made to the emergency worker or his or her dependents. As a condition to the furnishing of such medical, surgical or hospital treatment, the department shall require the emergency worker and his dependents to assign to the state of Washington, for the purpose of reimbursing for any medical, surgical or hospital treatment furnished or to be furnished by the state, any claim or right such emergency worker or his or her dependents may have to reimbursement from the United States or any agent thereof.

Sec. 42. Section 6, chapter 8, Laws of 1971 ex. sess. as amended by section 40, chapter 38, Laws of 1984 and RCW 38.52.390 are each amended to read as follows:

The governor, or upon his or her direction, the (~~(state emergency management)~~) director, or any political subdivision of the state, is authorized to contract with any person, firm, corporation, or entity to provide construction or work on a cost basis to be used in emergency management functions or activities as defined in RCW 38.52.010(1) or as hereafter amended, said functions or activities to expressly include natural disasters, as well as all other emergencies of a type contemplated by RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390. All funds received for purposes of RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390, whether appropriated funds, local funds, or from whatever source, may be used to pay for the construction, equipment, or work contracted for under this section.

Sec. 43. Section 4, chapter 268, Laws of 1979 ex. sess. as amended by section 41, chapter 38, Laws of 1984 and RCW 38.52.400 are each amended to read as follows:

(1) The chief law enforcement officer of each political subdivision shall be responsible for local search and rescue activities. Operation of search and rescue activities shall be in accordance with state and local operations plans adopted by the elected governing body of each local political subdivision. The local emergency management director shall notify the ~~((state))~~ department ~~((of emergency management))~~ of all search and rescue missions. The local director of emergency management shall work in a coordinating capacity directly supporting all search and rescue activities in that political subdivision and in registering emergency search and rescue workers for employee status. The chief law enforcement officer of each political subdivision may restrict access to a specific search and rescue area to personnel authorized by him. Access shall be restricted only for the period of time necessary to accomplish the search and rescue mission. No unauthorized person shall interfere with a search and rescue mission.

(2) When search and rescue activities result in the discovery of a deceased person or search and rescue workers assist in the recovery of human remains, the chief law enforcement officer of the political subdivision shall insure compliance with chapter 68.08 RCW.

Sec. 44. Section 5, chapter 268, Laws of 1979 ex. sess. as amended by section 42, chapter 38, Laws of 1984 and RCW 38.52.410 are each amended to read as follows:

Funds received by the department ~~((of emergency management))~~ specifically for the purposes of compensating search and rescue volunteers shall be distributed by the director ~~((of emergency management))~~ to help fund medical and compensation coverage provided by this chapter and provide reimbursement by the state for: (1) Costs involved in extraordinary search and rescue operations such as search and rescue operations lasting over twenty-four hours where food and lodging for workers is necessary; (2) excessive transportation and rescue costs incurred by out-of-county residents which would not be otherwise collectible; and (3) compensation as provided in RCW 38.52.020(1)(d) as now or hereafter amended.

Sec. 45. Section 2, chapter 241, Laws of 1963 as last amended by section 106, chapter 7, Laws of 1985 and RCW 40.10.020 are each amended to read as follows:

The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of the state and local government by microfilm or other miniature photographic process and to assist and cooperate in the storage and safeguarding of such reproductions in such place as is recommended by the state archivist with the advice of the director of ~~((emergency management))~~ community development. The state archivist shall coordinate the essential records protection program and shall carry out the provisions of the state emergency plan as they relate to the preservation of essential records. The state archivist is authorized to charge the several departments of the state and local

government the actual cost incurred in reproducing, storing and safeguarding such documents: PROVIDED, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof.

**\*Sec. 46. Section 22, chapter 91, Laws of 1983 and RCW 43.131.313 are each amended to read as follows:**

*The state capital historical association, the eastern Washington state historical society, the Washington state historical society, the office of archaeology and historic preservation within the department of community development, the advisory council on historic preservation, and the Washington state heritage council, and their powers and duties, shall be terminated on June 30, 1993, as provided in RCW 43.131.314.*

\*Sec. 46 was vetoed, see message at end of chapter.

**\*Sec. 47. Section 23, chapter 91, Laws of 1983 and RCW 43.131.314 are each amended to read as follows:**

*The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1994:*

- (1) *Section 1, chapter 91, Laws of 1983 and RCW 27.34.010;*
- (2) *Section 2, chapter 91, Laws of 1983, section 9 of this 1986 act and RCW 27.34.020;*
- (3) *Section 3, chapter 91, Laws of 1983 and RCW 27.34.030;*
- (4) *Section 4, chapter 91, Laws of 1983 and RCW 27.34.040;*
- (5) *Section 5, chapter 91, Laws of 1983 and RCW 27.34.050;*
- (6) *Section 6, chapter 91, Laws of 1983 and RCW 27.34.060;*
- (7) *Section 7, chapter 91, Laws of 1983 and RCW 27.34.070;*
- (8) *Section 8, chapter 91, Laws of 1983 and RCW 27.34.080;*
- (9) *Section 9, chapter 91, Laws of 1983 and RCW 27.34.090;*
- (10) *Section 10, chapter 91, Laws of 1983 and RCW 27.34.200;*
- (11) *Section 11, chapter 91, Laws of 1983, section 10 of this 1986 act and RCW 27.34.210;*
- (12) *Section 12, chapter 91, Laws of 1983, section 11 of this 1986 act and RCW 27.34.220;*
- (13) *Section 13, chapter 91, Laws of 1983, section 12 of this 1986 act and RCW 27.34.230;*
- (14) *Section 14, chapter 91, Laws of 1983, section 13 of this 1986 act and RCW 27.34.240;*
- (15) *Section 15, chapter 91, Laws of 1983 and RCW 27.34.250;*
- (16) *Section 16, chapter 91, Laws of 1983, section 15 of this 1986 act and RCW 27.34.280;*
- (17) *Section 17, chapter 91, Laws of 1983, section 14 of this 1986 act and RCW 27.34.270;*
- (18) *Section 18, chapter 91, Laws of 1983 and RCW 27.34.260; and*
- (19) *Section 19, chapter 91, Laws of 1983 and RCW 27.34.290.*

\*Sec. 47 was vetoed, see message at end of chapter.

Sec. 48. Section 7, chapter 40, Laws of 1983 1st ex. sess. as amended by section 110, chapter 7, Laws of 1985 and by section 7, chapter 230, Laws of 1985 and RCW 43.220.070 are each reenacted and amended to read as follows:

(1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew leaders, who shall be project employees, and the administrative and supervisory personnel.

(3) Enrollment shall be for a period of six months which may be extended for an additional six months by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law: PROVIDED, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of (~~emergency management~~) community development or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

Sec. 49. Section 46.16.340, chapter 12, Laws of 1961 as last amended by section 112, chapter 7, Laws of 1985 and RCW 46.16.340 are each amended to read as follows:

The director, from time to time, shall furnish the state department of (~~emergency management~~) community development, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

Sec. 50. Section 4, chapter 172, Laws of 1982 as last amended by section 132, chapter 7, Laws of 1985 and RCW 70.136.030 are each amended to read as follows:

The governing body of each applicable political subdivision of this state may designate a hazardous materials incident command agency within its respective boundaries, and file this designation with the director of (~~emergency management or its successor agency~~) community development. In designating an incident command agency, the political subdivision shall consider the training, manpower, expertise, and equipment of various available agencies as well as the Uniform Fire Code and other existing codes and regulations. Along state and interstate highway corridors, the Washington state patrol shall be the designated incident command agency unless by mutual agreement that role has been assumed by another designated incident command agency.

Sec. 51. Section 151, chapter 7, Laws of 1985 as amended by section 1, chapter 67, Laws of 1985 and by section 71, chapter 466, Laws of 1985 and RCW 80.50.030 are each reenacted and amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2) (a) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The salary of the chairman shall be determined under RCW 43.03.040. The chairman is a "state employee" for the purposes of chapter 42.18 RCW.

(b) The chairman is the chief executive officer of the council and shall, with the concurrence of the council, execute all official documents, contracts, and other materials on behalf of the council. The chairman shall appoint an executive secretary to serve at the pleasure of the chairman. The chairman may appoint a confidential secretary to serve at the pleasure of the chairman. The chairman shall appoint and prescribe the duties of such clerks, employees, and agents as may be necessary to carry out this chapter: PROVIDED, That such persons shall be employed pursuant to chapter 41.06 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of fisheries;
- (c) Department of game;
- (d) Department of parks and recreation;
- (e) Department of social and health services;

- (f) State energy office;
- (g) Department of trade and economic development;
- (h) Utilities and transportation commission;
- (i) Office of financial management;
- (j) Department of natural resources;
- (k) Department of community development;
- (l) (~~(Department of emergency management;~~
- ~~(m)))~~ Department of agriculture;
- ~~((n)))~~ (m) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

NEW SECTION. Sec. 52. RCW 27.34.905 is decodified.

NEW SECTION. Sec. 53. Section 19, chapter 91, Laws of 1983 and RCW 27.34.290 are each repealed.

#### FIRE PROTECTION BOARD

NEW SECTION. Sec. 54. A new section is added to chapter 43.63A RCW to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the



responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the director of community development and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy.

**\*NEW SECTION.** Sec. 55. A new section is added to chapter 43.63A RCW to read as follows:

There is created the state fire protection policy board consisting of ten members appointed by the governor:

(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 governor, the commissioner of public lands, the insurance commissioner, the chairperson of the commission for vocational education or its successor organization, and the director of fire protection or their designees, shall be nonvoting ex officio members of the board. If an ex officio member of the board elects to send a designee to any or all meetings of the board, then that designee shall be selected from the immediate staff of that ex officio member and may not be a person who otherwise serves as a member of the 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.

The terms of the appointed members of the board shall be three years and until a successor is appointed and qualified. However, initial board members shall be appointed as follows: 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 of a member appointed under subsections (1) through (7) of this section, the governor shall appoint a new representative to fill the unexpired term of the member whose office has become vacant. A vacancy shall occur whenever an appointed member ceases to be employed in the occupation the member was appointed to represent.

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

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

\*Sec. 55 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 56. A new section is added to chapter 43.63A RCW to read as follows:

Except for matters relating to the statutory duties of the director of community development which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

- (1) Adopt 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 ensure development of local arson control programs;
- (4) Provide representation for local fire protection services to the governor in state-level fire protection planning 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) Promote mutual aid and disaster planning for fire services in this state;
- (7) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;
- (8) Submit annually a report to the governor containing a statement of its official acts pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested;
- (9) Adopt a state fire training and education master plan;
- (10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;
- (11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;
- (12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;
- (13) Assure the administration of 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;

(14) Cooperate with the common schools, community colleges, 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.

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 established by rule.

**NEW SECTION.** Sec. 57. A new section is added to chapter 43.63A RCW to read as follows:

In regards to the statutory duties of the director of community development which are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

(1) Advise the director of community development and the director of fire protection on matters pertaining to their duties under law; and

(2) Advise the director of community development and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board.

**NEW SECTION.** Sec. 58. A new section is added to chapter 43.63A RCW to read as follows:

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

(2) The director of community development shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the director, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the director a list containing the names of three persons whom the board believes meet its qualifications. If requested by the director, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

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

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

(5) The director of community development, through the director of fire protection, shall implement and administer, within the constraints established by budgeted resources, the policies of the board and all duties of the director of community development which are to be carried out through the director of fire protection.

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

NEW SECTION. Sec. 59. A new section is added to chapter 43.63A RCW to read as follows:

The department may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in section 56 of this act.

NEW SECTION. Sec. 60. A new section is added to chapter 43.63A RCW to read as follows:

The department may: (1) Impose and collect fees for fire service training; and (2) establish and set fee schedules for fire service training.

NEW SECTION. Sec. 61. A new section is added to chapter 43.63A RCW to read as follows:

The fire service training account is hereby established in the state treasury. The department shall deposit in the account all fees received by the department for fire service training. Moneys in the account may be appropriated only for fire service training.

Sec. 62. Section 1, chapter 349, Laws of 1977 ex. sess. as amended by section 12, chapter 470, Laws of 1985 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 ((state fire protection board)) department of community development, 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. 63. Section 5, chapter 349, Laws of 1977 ex. sess. as amended by section 13, chapter 470, Laws of 1985 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 ~~((state fire protection board))~~ department of community development.

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. 64. Section 1, chapter 225, Laws of 1979 ex. sess. as last amended by section 14, chapter 470, Laws of 1985 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 ~~((state fire protection board))~~ department of community development, 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. 65. Section 5, chapter 225, Laws of 1979 ex. sess. as amended by section 15, chapter 470, Laws of 1985 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 ~~((state fire protection board))~~ department of community development.

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. 66. Section .05.32, chapter 79, Laws of 1947 as amended by section 16, chapter 470, Laws of 1985 and RCW 48.05.320 are each amended to read as follows:

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

(2) Each such insurer shall likewise report to the ~~((board))~~ director of community development, through the director of fire protection, 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. 67. Section .33.03, chapter 79, Laws of 1947 as amended by section 17, chapter 470, Laws of 1985 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,))~~ director of community development, through the director of fire protection or his or her authorized deputy, 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,))~~ director of community development, through the director of fire protection or his or her authorized deputy, 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 protection board. Such power in a resident fire marshal shall not be to the exclusion of any power of the state fire protection board.))~~

Sec. 68. Section .33.04, chapter 79, Laws of 1947 as amended by section 18, chapter 470, Laws of 1985 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,))~~ The director of community development, through the director of fire

protection or his or her authorized deputy, 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 protection board.~~

(3) ~~In areas covered by such fire prevention and safety codes the state fire protection board))~~ The director of community development, through the director of fire protection or his or her authorized deputy, 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. 69. Section 1, chapter 70, Laws of 1972 ex. sess. as last amended by section 19, chapter 470, Laws of 1985 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 protection board~~((, which))~~. The director of community development, through the director of fire protection, 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 ~~((state fire protection board))~~ director of community development, through the director of fire protection, 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 protection board))~~ adopted 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. 70. Section .33.05, chapter 79, Laws of 1947 as amended by section 20, chapter 470, Laws of 1985 and RCW 48.48.050 are each amended to read as follows:

(1) If the ~~((state fire marshal or the marshal's))~~ director of community development, through the director of fire protection or his or her authorized 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))~~ director of community development, through the director of fire protection or his or her deputy, may ~~((within five days after the date of the order appeal to the state fire protection board))~~ appeal such order pursuant to chapter 34.04 RCW. If the ~~((state fire protection board confirms the))~~ order is confirmed, 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. 71. Section .33.06, chapter 79, Laws of 1947 as last amended by section 21, chapter 470, Laws of 1985 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 protection board))~~ director of community development, through the director of fire protection, 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 protection board))~~ director of community development, through the director of fire protection or his or her deputy, may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The ~~((state fire protection board))~~ director of community



development, through the director of fire protection or his or her deputy, 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)) director of community development and the director of fire protection or his or her deputy, are vested with police powers to enforce the laws of this state. To exercise these powers, ((state deputy and resident fire marshals)) authorized deputies must receive prior written authorization from the ((state fire protection board)) director of community development, through the director of fire protection, and shall have completed a course of training prescribed by the Washington state criminal justice training commission.

Sec. 72. Section 2, chapter 181, Laws of 1980 as amended by section 22, chapter 470, Laws of 1985 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 protection board)) director of community development, through the director of fire protection, 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)) director of community development, through the director of fire protection. The ((state fire protection board)) director of community development, through the director of fire protection, 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 protection board)) director of community development, through the director of fire protection, 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 protection board)) director of community development, through the director of fire protection, shall also furnish a copy of the report to any other interested person at cost.

Sec. 73. Section .33.07, chapter 79, Laws of 1947 as amended by section 23, chapter 470, Laws of 1985 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 protection board)) director of community development and the director of fire protection 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 insurance 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. 74. Section .33.08, chapter 79, Laws of 1947 as amended by section 24, chapter 470, Laws of 1985 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 it, the state fire protection board)~~), the director of community development, through the director of fire protection, is of the opinion that there is evidence sufficient to charge any person with any crime, ~~((it))~~ he or she 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 ~~((its))~~ his or her possession relative to the offense.

Sec. 75. Section .33.09, chapter 79, Laws of 1947 as amended by section 25, chapter 470, Laws of 1985 and RCW 48.48.090 are each amended to read as follows:

The ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall keep on file all reports of fires made to ~~((it or to the commissioner))~~ him or her 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 protection board))~~ director of community development, through the director of fire protection, be withheld from public scrutiny. The ~~((state fire protection board))~~ director of community development, through the director of fire protection, may destroy any such report after five years from its date.

Sec. 76. Section .33.11, chapter 79, Laws of 1947 as last amended by section 26, chapter 470, Laws of 1985 and RCW 48.48.110 are each amended to read as follows:

The ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall submit annually a report to the governor of this state. The report shall contain a statement of ~~((its))~~ his or her official acts pursuant to this chapter.

Sec. 77. Section 2, chapter 80, Laws of 1979 ex. sess. as amended by section 27, chapter 470, Laws of 1985 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 persons and agencies:

(a) The ~~((state fire protection board))~~ director of community development and the director of fire protection;

(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.

Sec. 78. Section 4, chapter 174, Laws of 1975 1st ex. sess. as last amended by section 89, chapter 370, Laws of 1985 and RCW 28C.04.040 are each amended to read as follows:

The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the higher education coordinating board and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by

said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

~~(4) ((Fire service training program. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 28C.04.140.~~

(5)) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government,

information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of RCW 28C.04.420 through 28C.04.480;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program.

Sec. 79. Section 1, chapter 320, Laws of 1981 and RCW 4.24.400 are each amended to read as follows:

No building warden, who acts in good faith, with or without compensation, shall be personally liable for civil damages arising from his or her negligent acts or omissions during the course of assigned duties in assisting others to evacuate industrial, commercial, governmental or multi-unit residential buildings or in attempting to control or alleviate a hazard to the building or its occupants caused by fire, earthquake or other threat to life or limb. The term "building warden" means an individual who is assigned to take charge of the occupants on a floor or in an area of a building during an emergency in accordance with a predetermined fire safety or evacuation plan; and/or an individual selected by a municipal fire chief or the ((state fire marshal)) director of community development, through the director of fire protection, after an emergency is in progress to assist in evacuating the occupants of such a building or providing for their safety. This section shall not apply to any acts or omissions constituting gross negligence or wilful or wanton misconduct.

Sec. 80. Section 1, chapter 204, Laws of 1967 and RCW 9.40.100 are each amended to read as follows:

Any person who wilfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who wilfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not

prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or ~~((state fire marshal official))~~ the director of community development, through the director of fire protection.

Sec. 81. Section 13, chapter 253, Laws of 1957 and RCW 18.20.130 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall promptly make a written report to the boarding home and the department or authorized department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, authorized department, applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department or authorized department, a written report approving same with respect to fire protection before a full license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to be equal to the minimum standards of the ~~((state fire marshal's))~~ code for boarding homes adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the

~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 82. Section 12, chapter 168, Laws of 1951 and RCW 18.46.110 are each amended to read as follows:

Fire protection with respect to all maternity homes to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt by reference, such recognized standards as may be applicable to nursing homes, places of refuge, and maternity homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the maternity home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall promptly make a written report to the department as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the maternity home to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made such inspection of such maternity homes as he or she deems necessary.

In cities which have in force a comprehensive building code, the regulation of which is equal to the minimum standards of the ~~((state fire marshals))~~ code for maternity homes adopted by the director of community development, through the director of fire protection, the building inspector and the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection and shall approve the premises before a license can be issued.

In cities where such building codes are in force, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may, upon request by the chief fire official, or the local governing body, or of a taxpayer of such city, assist in the enforcement of any such code pertaining to maternity homes.

Sec. 83. Section 15, chapter 117, Laws of 1951 as amended by section 9, chapter 160, Laws of 1953 and RCW 18.51.140 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to be equal to the minimum standards of the ~~((state fire marshal's))~~ code for nursing



homes adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 84. Section 16, chapter 2, Laws of 1981 1st ex. sess. as amended by section 45, chapter 67, Laws of 1983 1st ex. sess. and RCW 18.51.145 are each amended to read as follows:

Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for nursing home residents. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall have exclusive authority to determine appropriate corrective action under this section.

Sec. 85. Section 5, chapter 134, Laws of 1983 as amended by section 16, chapter 360, Laws of 1985 and RCW 19.27A.110 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, is the only authority having jurisdiction over the approval of portable oil-fueled heaters. The sale and use of portable oil-fueled heaters is governed exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED, That cities and counties may adopt local standards as provided in RCW 19.27.040.

Sec. 86. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 40, Laws of 1984 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary

for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02-.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(10) By rule or regulation promulgated upon the advice of the (~~state fire marshal~~) director of community development, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(11) Hear and decide appeals as otherwise provided by law.

Sec. 87. Section 7, chapter 36, Laws of 1979 ex. sess. as amended by section 9, chapter 201, Laws of 1985 and RCW 43.43.710 are each amended to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon the filing of an application as provided in RCW 43.43.705.

Dependency record information contained in the files and records of the section shall be considered privileged and shall not be made public. Dependency record information may be disclosed as authorized by this chapter or may be disclosed to the same extent that information regarding dependency proceedings may generally be disclosed, as authorized by applicable laws or court rules.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

Sec. 88. Section 2, chapter 237, Laws of 1983 as amended by section 1, chapter 145, Laws of 1984 and RCW 46.37.467 are each amended to read as follows:

(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an alternative fuel source shall bear a reflective placard issued by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "alternative fuel source" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall be required. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall develop rules for the design, size, and placement of the placard which shall remain effective until a specific placard is issued by the national fire protection association.

Sec. 89. Section 1, chapter 50, Laws of 1980 and RCW 48.48.140 are each amended to read as follows:

- (1) Smoke detection devices shall be installed inside all dwelling units:
  - (a) Occupied by persons other than the owner on and after December 31, 1981; or
  - (b) Built or manufactured in this state after December 31, 1980.
- (2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:
  - (a) Nationally accepted standards; and
  - (b) As provided by the administrative procedure act, chapter 34.04 RCW, rules and regulations promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices shall be the responsibility of the tenant, who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.

(4) Any owner or tenant failing to comply with this section shall be punished by a fine of not more than fifty dollars.

(5) For the purposes of this section:

(a) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) "Smoke detection device" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation.

Sec. 90. Section 1, chapter 258, Laws of 1983 and RCW 48.48.150 are each amended to read as follows:

(1) All premises guarded by guard animals, which are animals professionally trained to defend and protect premises or the occupants of the premises, shall be registered with the local fire department. Front entrances to residences and all entrances to business premises shall be posted in a visible location with signs approved by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, indicating that guard animals are present.

(2) A fire fighter, who reasonably believes that his or her safety is endangered by the presence of a guard animal, may without liability: (a) Refuse to enter the premises, or (b) take any reasonable action necessary to protect himself or herself from attack by the guard animal.

(3) If the person responsible for the guard animal being on the premises does not comply with subsection (1) of this section, that person may be held liable for any injury to the fire fighter caused by the presence of the guard animal.

Sec. 91. Section 4, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.040 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency.

Sec. 92. Section 2, chapter 110, Laws of 1982 and RCW 48.53.020 are each amended to read as follows:

(1) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may designate certain classes of occupancy within a geographic area or may designate geographic areas as having an abnormally high incidence of arson. This designation shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy.

(2) A fire insurance policy may not be issued to insure any property within a class of occupancy within a geographic area or within a geographic area designated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, as having an abnormally high incidence of arson until the applicant has submitted an anti-arson application and the insurer or the insurer's representative has inspected the property. The application shall be prescribed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, and shall contain but not be limited to the following:

(a) The name and address of the prospective insured and any mortgagees or other parties having an ownership interest in the property to be insured;

(b) The amount of insurance requested and the method of valuation used to establish the amount of insurance;

(c) The dates and selling prices of the property, if any, during the previous three years;

(d) Fire losses exceeding one thousand dollars during the previous five years for property in which the prospective insured held an equity interest or mortgage;

(e) Current corrective orders pertaining to fire, safety, health, building, or construction codes that have not been complied with within the time period or any extension of such time period authorized by the authority issuing such corrective order applicable to the property to be insured;

(f) Present or anticipated occupancy of the structure, and whether a certificate of occupancy has been issued;

(g) Signature and title, if any, of the person submitting the application.

(3) If the facts required to be reported by subsection (2) of this section materially change, the insured shall notify the insurer of any such change within fourteen days.

(4) An anti-arson application is not required for: (a) Fire insurance policies covering one to four-unit owner-occupied residential dwellings; (b) policies existing as of June 10, 1982; or (c) the renewal of these policies.

(5) An anti-arson application shall contain a notice stating: "Designation of a class of occupancy within a geographic area or geographic areas as having an abnormally high incidence of arson shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy."

Sec. 93. Section 6, chapter 110, Laws of 1982 and RCW 48.53.060 are each amended to read as follows:

Rules designating geographic areas or classes of occupancy as having an abnormally high incidence of arson, and any other rules necessary to implement this chapter shall be adopted by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under chapter 34.04 RCW.

Sec. 94. Section 8, chapter 267, Laws of 1955 as amended by section 19, chapter 213, Laws of 1985 and RCW 70.41.080 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt, after approval by the department, such recognized standards as may be applicable to hospitals for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this chapter, he or she shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any corrections required by him or her, and the ~~((state fire marshal))~~ director of community development, through the director of fire

protection, or his or her deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the ((state fire marshal)) director of community development, through the director of fire protection, he or she shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The ((state fire marshal)) director of community development, through the director of fire protection, shall make or cause to be made inspections of such hospitals at least once a year.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ((state fire marshal)) director of community development, through the director of fire protection, to be equal to the minimum standards of the ((state fire marshal's)) code for hospitals adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ((state fire marshal)) director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 95. Section 11, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.290 are each amended to read as follows:

Rules and regulations establishing fire and life safety requirements, not inconsistent with the provisions of this chapter, shall continue to be promulgated and enforced by the ((state fire marshal's office)) director of community development, through the director of fire protection.

Sec. 96. Section 2, chapter 152, Laws of 1967 and RCW 70.75.020 are each amended to read as follows:

The standardization of existing fire protection equipment in this state shall be arranged for and carried out by or under the direction of the ((state fire marshal)) director of community development, through the director of fire protection. He or she shall provide the appliances necessary for carrying on this work, shall proceed with such standardization as rapidly as possible, and shall require the completion of such work within a period of five years from June 8, 1967: PROVIDED, That the ((state fire marshal)) director of community development, through the director of fire protection, may exempt special purpose fire equipment and existing fire protection equipment from standardization when it is established that such equipment is not essential to the coordination of public fire protection operations.

Sec. 97. Section 3, chapter 152, Laws of 1967 and RCW 70.75.030 are each amended to read as follows:

The ((state fire marshal)) director of community development, through the director of fire protection, shall notify industrial establishments and

property owners having equipment, which may be necessary for fire department use in protecting the property or putting out fire, of any changes necessary to bring their equipment up to the requirements of the standard established by RCW 70.75.020, and shall render such assistance as may be available for converting substandard equipment to meet standard specifications and requirements.

Sec. 98. Section 4, chapter 152, Laws of 1967 and RCW 70.75.040 are each amended to read as follows:

Any person who, without approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, sells or offers for sale in Washington any fire hose, fire engine or other equipment for fire protection purposes which is fitted or equipped with other than the standard thread is guilty of a misdemeanor: PROVIDED, That fire equipment for special purposes, research, programs, forest fire fighting, or special features of fire protection equipment found appropriate for uniformity within a particular protection area may be specifically exempted from this requirement by order of the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

Sec. 99. Section 11, chapter 228, Laws of 1961 as amended by section 7, chapter 230, Laws of 1982 and RCW 70.77.170 are each amended to read as follows:

"License" means a nontransferable formal authorization which the ~~((state fire marshal is))~~ director of community development and the director of fire protection are permitted to issue under this chapter to engage in the act specifically designated therein.

Sec. 100. Section 27, chapter 228, Laws of 1961 as last amended by section 7, chapter 249, Laws of 1984 and RCW 70.77.250 are each amended to read as follows:

(1) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall enforce and administer this chapter.

(2) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may prescribe such rules relating to fireworks as may be necessary for the protection of life and property and for the implementation of this chapter.

(4) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall prescribe such rules as may be necessary to ensure state-wide minimum standards for the enforcement of this chapter. Counties, cities, and towns shall comply with such state rules.



Any local rules adopted by local authorities that are more restrictive than state law as to the types of fireworks that may be sold shall have an effective date no sooner than one year after their adoption.

(5) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency or local government.

Sec. 101. Section 38, chapter 228, Laws of 1961 as last amended by section 18, chapter 249, Laws of 1984 and RCW 70.77.305 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, has the power to issue licenses for the manufacture, importation, sale, and use of all fireworks in this state. A person may be licensed as a manufacturer, importer, or wholesaler under this chapter only if the person has a designated agent in this state who is registered with the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

Sec. 102. Section 40, chapter 228, Laws of 1961 as amended by section 20, chapter 230, Laws of 1982 and RCW 70.77.315 are each amended to read as follows:

Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall make a written application to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, on forms provided by him or her. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

Sec. 103. Section 42, chapter 228, Laws of 1961 as last amended by section 20, chapter 249, Laws of 1984 and RCW 70.77.325 are each amended to read as follows:

(1) Application for a license shall be made annually by every person holding an existing license who wishes to continue the activity requiring the license. The application shall be accompanied by the annual license fee as prescribed in RCW 70.77.340.

(2) A person applying for an annual license as a retailer under this chapter shall file an application by June 10 of the current year. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall grant or deny the license within fifteen days of receipt of the application.

(3) A person applying for an annual license as a manufacturer, importer, or wholesaler under this chapter shall file an application by January 31 of the current year. The ~~((state fire marshal))~~ director of community

development, through the director of fire protection, shall grant or deny the license within ninety days of receipt of the application.

Sec. 104. Section 43, chapter 228, Laws of 1961 as amended by section 22, chapter 230, Laws of 1982 and RCW 70.77.330 are each amended to read as follows:

If the (~~state fire marshal~~) director of community development, through the director of fire protection, finds that the granting of such license would not be contrary to public safety or welfare, he or she shall issue a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

Sec. 105. Section 48, chapter 228, Laws of 1961 as last amended by section 21, chapter 249, Laws of 1984 and RCW 70.77.355 are each amended to read as follows:

(1) Any adult person may secure a general license from the (~~state fire marshal~~) director of community development, through the director of fire protection, for the public display of fireworks within the state of Washington. A general license is subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city, county, or fire protection district, except that in lieu of filing the bond or certificate of public liability insurance with the appropriate local official under RCW 70.77.260 as required in RCW 70.77.285, the same bond or certificate shall be filed with the (~~state fire marshal~~) director of community development, through the director of fire protection. The bond or certificate of insurance for a general license in addition shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the (~~state fire marshal~~) director of community development, through the director of fire protection; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The (~~state fire marshal~~) director of community development, through the director of fire protection, may issue such general licenses. The holder of a general license shall file a certificate from the (~~state fire marshal~~) director of community development, through the director of fire protection, evidencing the license with any application for a local permit for the public display of fireworks under RCW 70.77.260.

Sec. 106. Section 49, chapter 228, Laws of 1961 as last amended by section 22, chapter 249, Laws of 1984 and RCW 70.77.360 are each amended to read as follows:

If the ~~((state fire marshal))~~ director of community development, through the director of fire protection, finds that an application for any license under this chapter contains a material misrepresentation or that the granting of any license would be contrary to the public safety or welfare, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may deny the application for the license.

Sec. 107. Section 50, chapter 228, Laws of 1961 as last amended by section 23, chapter 249, Laws of 1984 and RCW 70.77.365 are each amended to read as follows:

A written report by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or a local fire official, or any of their authorized representatives, disclosing that the applicant for a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license constitutes grounds for the denial by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, of any application for a license.

Sec. 108. Section 52, chapter 228, Laws of 1961 as amended by section 30, chapter 230, Laws of 1982 and RCW 70.77.375 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he or she finds that:

(1) The licensee has violated any provisions of this chapter or any rule or regulations made by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under and with the authority of this chapter;

(2) The licensee has created or caused a fire nuisance;

(3) Any licensee has failed or refused to file any required reports; or

(4) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in refusing originally to issue such license.

Sec. 109. Section 60, chapter 228, Laws of 1961 as last amended by section 25, chapter 249, Laws of 1984 and RCW 70.77.415 are each amended to read as follows:

Every public display of fireworks shall be handled or supervised by a pyrotechnic operator licensed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under RCW 70.77.255.

Sec. 110. Section 63, chapter 228, Laws of 1961 as last amended by section 28, chapter 249, Laws of 1984 and RCW 70.77.430 are each amended to read as follows:

Notwithstanding RCW 70.77.255, following the revocation or expiration of a license, a licensee in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks, but only under supervision of the ~~((state fire marshal))~~ director of community development, through the director of fire protection. Any sale under this section shall be solely to persons who are authorized to buy, possess, sell, or use such fireworks.

Sec. 111. Section 64, chapter 228, Laws of 1961 as amended by section 37, chapter 230, Laws of 1982 and RCW 70.77.435 are each amended to read as follows:

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or the rules or regulations of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall be subject to seizure by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or ~~((any))~~ his or her deputy ((state fire marshal)). Any fireworks seized under this section may be disposed of by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, by summary destruction at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of RCW 70.77.440, whichever is later.

Sec. 112. Section 65, chapter 228, Laws of 1961 as amended by section 29, chapter 249, Laws of 1984 and RCW 70.77.440 are each amended to read as follows:

(1) Any person whose fireworks are seized under the provisions of RCW 70.77.435 may within ten days after such seizure petition the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall be served upon the petitioner. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, is final unless within sixty days an action is commenced in a court of competent jurisdiction in the state of Washington for the recovery of the fireworks seized by the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

(2) If the fireworks are not returned to the petitioner or destroyed pursuant to RCW 70.77.435, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may sell confiscated common fireworks and special fireworks that are legal for use and possession under this chapter to wholesalers licensed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection. Sale shall be by public auction after publishing a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the auction is to be held, at least three days before the date of the auction. The proceeds of the sale of the seized fireworks under this section shall be deposited in the general fund. Fireworks that are not legal for use and possession in this state shall be destroyed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

Sec. 113. Section 67, chapter 228, Laws of 1961 and RCW 70.77.450 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the ~~((state fire marshal))~~ director of community development, through the director of fire protection, his or her deputies, his or her salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Sec. 114. Section 68, chapter 228, Laws of 1961 as amended by section 38, chapter 230, Laws of 1982 and RCW 70.77.455 are each amended to read as follows:

All licensees shall maintain and make available to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class.

Sec. 115. Section 69, chapter 228, Laws of 1961 and RCW 70.77.460 are each amended to read as follows:

When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

Sec. 116. Section 70, chapter 228, Laws of 1961 and RCW 70.77.465 are each amended to read as follows:

In addition to any other reports required under this chapter, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports.

Sec. 117. Section 8, chapter 249, Laws of 1984 and RCW 70.77.575 are each amended to read as follows:

(1) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall adopt by rule a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall file the list by October 1st of each year with the code reviser for publication, unless the previously published list has remained current.

(2) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall provide the list adopted under subsection (1) of this section by November 1st of each year to all manufacturers, wholesalers, and importers licensed under this chapter, unless the previously distributed list has remained current.

Sec. 118. Section 9, chapter 249, Laws of 1984 and RCW 70.77.580 are each amended to read as follows:

Retailers required to be licensed under this chapter shall post prominently at each retail outlet a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The posted list shall be in a form approved by the ~~((state fire marshal))~~ director of community development, through the director of fire protection. The ~~((fire marshal))~~ director of community development, through the director of fire protection, shall make available the list.

Sec. 119. Section 2, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.020 are each amended to read as follows:

The department after notice and public hearing shall:

(1) Adopt regulations designating as extremely hazardous wastes subject to the provisions of this chapter those substances which exhibit characteristics consistent with the definition provided in RCW 70.105.010(6);

(2) Adopt and may revise when appropriate, minimum standards and regulations for disposal of extremely hazardous wastes to protect against hazards to the public, and to the environment. Before adoption of such standards and regulations, the department shall consult with appropriate agencies of interested local governments and secure technical assistance from the department of agriculture, the department of social and health services, the department of game, the department of natural resources, the department of fisheries, the department of labor and industries, and the

((state fire marshal)) department of community development, through the director of fire protection.

Sec. 120. Section 23, chapter 302, Laws of 1971 ex. sess. as amended by section 1, chapter 123, Laws of 1972 ex. sess. and RCW 70.108.040 are each amended to read as follows:

Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

(1) The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;

(2) A financial statement of the applicant;

(3) The nature of the business organization of the applicant;

(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

(5) The principal place of business of applicant;

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program;

(8) Written confirmation from the local health officer that he or she has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health:

(a) Submission of plans

(b) Site

(c) Water supply

(d) Sewage disposal

(e) Food preparation facilities

(f) Toilet facilities

(g) Solid waste

(h) Insect and rodent control

(i) Shelter

(j) Dust control

(k) Lighting

(l) Emergency medical facilities

(m) Emergency air evacuation

(n) Attendant physicians

## (o) Communication systems

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: PROVIDED, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972 any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he or she is a member for the time he is so employed or for any injuries received during the course of such employment.

(c) During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned police officer employed by the jurisdiction wherein the festival site is located for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site.

(d) All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available on the actual site of the festival or immediately adjacent thereto which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the ~~((office of the state fire marshal))~~ director of community development, through the director of fire protection, that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this chapter.



(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

Sec. 121. Section 6, chapter 236, Laws of 1985 and RCW 70.160.060 are each amended to read as follows:

This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or by other law, ordinance, or regulation.

Sec. 122. Section 1, chapter 224, Laws of 1959 as amended by section 135, chapter 141, Laws of 1979 and RCW 71.12.485 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all establishments to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to such establishments for the protection of life against the cause and spread of fire and fire hazards. The department of social and health services, upon receipt of an application for a license, or renewal of a license, shall submit to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy shall make an inspection of the establishment to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall promptly make a written report to the establishment and the department of social and health services as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department of social and health services, applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the state fire marshal or his or her deputy shall make a reinspection of such premises. Whenever the establishment to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department of social and health services a written report approving same with respect to fire protection before a full license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of

fire protection, shall make or cause to be made inspections of such establishments at least annually. The department of social and health services shall not license or continue the license of any establishment unless and until it shall be approved by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, as herein provided.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to be equal to the minimum standards of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, for such establishments, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 123. Section 5, chapter 172, Laws of 1967 as last amended by section 8, chapter 118, Laws of 1982 and RCW 74.15.050 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(6) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

Sec. 124. Section 8, chapter 172, Laws of 1967 as amended by section 359, chapter 141, Laws of 1979 and RCW 74.15.080 are each amended to read as follows:

All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall accord the department of social and health services (~~(and the state fire marshal)~~), the director of community development, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted thereunder.

NEW SECTION. Sec. 125. All reports, documents, surveys, books, records, files, papers, or other written material in the possession of the insurance commissioner or the state fire protection board pertaining to the office of the state fire marshal or the state fire protection board shall be delivered to the custody of the department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the insurance commissioner or the state fire protection board in carrying out the powers and duties of the state fire marshal or the state fire protection board shall be transferred to the department. All funds, credits, or other assets held in connection with the state fire marshal's office or the state fire protection board shall be assigned to the department.

Any appropriations made to the insurance commissioner or the state fire protection board for the purpose of carrying out the powers and duties of the state fire marshal or the state fire protection board, shall, on the effective date of this section, be transferred and credited to the department 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 or the state fire protection board, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 126. All employees of the state fire marshal's office and the state fire protection board are transferred to the jurisdiction of the department. All classified employees subject to chapter 41.06 RCW, the state civil service law, shall be assigned to the department 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. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 127. All rules and all pending business before the state fire marshal's office or the state fire protection board on the effective date of this section shall be continued and acted upon in accordance with the provisions of sections 54 through 124 of this act. All existing contracts and obligations shall remain in full force and effect and shall be performed in accordance with the provisions of this act.

NEW SECTION. Sec. 128. The transfer of the powers, duties, functions, and personnel of the state fire marshal's office and the state fire protection board shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION. Sec. 129. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education or the state fire protection board and pertaining to fire service training shall be delivered to the custody of the department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education or the state fire protection board in fire service training shall be transferred to the department. All funds, credits, or other assets held in connection with fire service training shall be assigned to the department.

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

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. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 130. All employees of the commission for vocational education and the state fire protection board engaged in fire service training are transferred to the department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department 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. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 131. All rules and all pending business before the commission for vocational education or the state fire protection board

pertaining to fire service training shall be continued and acted upon in accordance with the provisions of sections 54 through 124 of this act. All existing contracts and obligations shall remain in full force and effect and shall be performed in accordance with sections 54 through 124 of this act.

NEW SECTION. Sec. 132. The transfer of the powers, duties, functions, and personnel of the commission for vocational education or the state fire protection board pertaining to fire service training shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION. Sec. 133. If apportionments of budgeted funds are required because of the transfers directed by sections 125 through 132 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. 134. As used in sections 125 through 133 of this act, "department" means the department of community development.

NEW SECTION. Sec. 135. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 312, Laws of 1985 and RCW 28C.04.142;
- (2) Section 2, chapter 312, Laws of 1985 and RCW 28C.04.144;
- (3) Section 1, chapter 470, Laws of 1985 and RCW 48.48.001;
- (4) Section 2, chapter 470, Laws of 1985 and RCW 48.48.005;
- (5) Section 4, chapter 470, Laws of 1985 and RCW 48.48.011;
- (6) Section 6, chapter 470, Laws of 1985 and RCW 48.48.015;
- (7) Section 7, chapter 470, Laws of 1985 and RCW 48.48.021;
- (8) Section 8, chapter 470, Laws of 1985 and RCW 48.48.025;
- (9) Section 10, chapter 470, Laws of 1985 and RCW 48.48.028;
- (10) Section 11, chapter 470, Laws of 1985 and RCW 41.06.091;
- (11) Section 28, chapter 470, Laws of 1985 (uncodified);
- (12) Section 29, chapter 470, Laws of 1985 (uncodified);
- (13) Section 30, chapter 470, Laws of 1985 (uncodified);
- (14) Section 31, chapter 470, Laws of 1985 (uncodified);
- (15) Section 32, chapter 470, Laws of 1985 (uncodified);
- (16) Section 33, chapter 470, Laws of 1985 (uncodified);
- (17) Section 34, chapter 470, Laws of 1985 (uncodified);
- (18) Section 35, chapter 470, Laws of 1985 (uncodified); and
- (19) Section 36, chapter 470, Laws of 1985 (uncodified).

## DEPARTMENT OF COMMUNITY DEVELOPMENT

Sec. 136. Section 2, chapter 74, Laws of 1967 as amended by section 2, chapter 125, Laws of 1984 and RCW 43.63A.020 are each amended to read as follows:

For the purposes of this chapter and unless the context shall clearly indicate otherwise:

- (1) "Department" means the department of community development.
- (2) "Director" means the director of community development.
- (3) "Board" means the state fire protection policy board created under section 55 of this 1986 act.

Sec. 137. Section 5, chapter 125, Laws of 1984 and RCW 43.63A.065 are each amended to read as follows:

The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, non-profit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

### MISCELLANEOUS

**NEW SECTION.** Sec. 138. 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. 139. Sections 54 through 135 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

**\*NEW SECTION.** Sec. 140. *Sections 1 through 53 of this act shall take effect January 1, 1987.*

\*Sec. 140 was vetoed, see message at end of chapter.

Passed the House March 11, 1986.

Passed the Senate March 11, 1986.

Approved by the Governor April 3, 1986, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 3, 1986.

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

"I am returning herewith, without my approval as to several sections, Substitute House Bill No. 1709, entitled:

"AN ACT Relating to consolidation of agencies into the department of community development."

This bill would consolidate the Office of Archaeology and Historic Preservation, the Department of Emergency Management, and the Fire Protection Board into the Department of Community Development. The original bill was introduced at my request in order to consolidate programs that deal with local government officials. I also encouraged this bill in order to reduce the number of executive agencies and to achieve better efficiencies by centralized support services. However, a number of partial vetoes are necessary to perfect the measure.

Sections 46 and 47 of Substitute House Bill No. 1709 would amend the Sunset Act provisions affecting the Office of Archaeology and Historic Preservation. Since I intend to sign the portion of Substitute House Bill 1333 that will repeal the same statute, I have vetoed sections 46 and 47 of Substitute House Bill 1709 to avoid a double amendment situation.

I have also vetoed portions of section 55 that would have put several officials on the State Fire Protection Policy Board as nonvoting ex-officio members. These members included the Governor, the Commissioner of Public Lands, the Insurance Commissioner, the Chair of the Commission for Vocational Education and the Director of Fire Protection. The latter official will, in fact, serve as the primary staff person for the Board, so it is inappropriate that he/she serve as a voting member. I believe the other officials will monitor the Board's activities with appropriate staff. Also, having the officials on the Board as ex-officio members makes the Board unnecessarily large.

Finally, I have vetoed section 140 so that the transfer of the Office of Archaeology and Historic Preservation and the Department of Emergency Management to the Department of Community Development can take place in June 1986 rather than in January 1987. The departments indicate the change can be accomplished earlier and the delay is not necessary.

For these reasons, I have vetoed sections 46, 47, 55 in part, and 140. With the exception of these vetoes, Substitute House Bill No. 1709 has been approved."

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## CHAPTER 267

[Engrossed Substitute House Bill No. 495]

### COLVILLE INDIAN RESERVATION—RETROCESSION OF CRIMINAL JURISDICTION

AN ACT Relating to the health, safety, and welfare of the confederated tribes of the Colville reservation; authorizing retrocession of jurisdiction over Indian lands; and adding new sections to chapter 37.12 RCW.

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

NEW SECTION. Sec. 1. Sections 1 through 6 of this act may be known and cited as the Colville Indian reservation criminal jurisdiction retrocession act.

NEW SECTION. Sec. 2. It is the intent of the legislature to authorize a procedure for the retrocession, to the Colville Confederated Tribes of Washington and the United States, of criminal jurisdiction over Indians for acts occurring on tribal lands or allotted lands within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States.

Sections 1 through 6 of this act in no way expand the Colville tribe's criminal or civil jurisdiction, if any, over non-Indians or fee title property. Sections 1 through 6 of this act shall have no effect whatsoever on water rights, hunting and fishing rights, the established pattern of civil jurisdiction existing on the lands of the Colville Indian reservation, the established pattern of regulatory jurisdiction existing on the lands of the Colville Indian reservation, taxation, or any other matter not specifically included within the terms of sections 1 through 6 of this act.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the following definitions apply throughout sections 1 through 6 of this act:

(1) "Colville reservation," or "Colville Indian reservation," means all tribal lands or allotted lands lying within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States, but does not include those lands which lie north of the present reservation which were included in original reservation boundaries created in 1872 and which are referred to as the "diminished reservation."