
SENATE BILL 5093

State of Washington

54th Legislature

1995 Regular Session

By Senators Haugen, Winsley, Rasmussen and Drew

Read first time 01/10/95. Referred to Committee on Government Operations.

1 AN ACT Relating to fire protection; amending RCW 4.24.400,
2 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 19.27A.110,
3 28A.305.130, 35.21.779, 38.54.010, 38.54.030, 38.54.050, 43.43.710,
4 43.63A.300, 43.63A.310, 43.63A.320, 43.63A.330, 43.63A.340, 43.63A.350,
5 43.63A.360, 43.63A.370, 43.63A.377, 46.37.467, 48.05.320, 48.48.030,
6 48.48.040, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080,
7 48.48.090, 48.48.110, 48.48.140, 48.48.150, 48.50.020, 48.50.040,
8 48.53.020, 48.53.060, 70.41.080, 70.75.020, 70.75.030, 70.75.040,
9 70.77.170, 70.77.250, 70.77.305, 70.77.315, 70.77.330, 70.77.360,
10 70.77.365, 70.77.375, 70.77.415, 70.77.430, 70.77.455, 70.77.460,
11 70.77.465, 70.77.575, 70.77.580, 70.108.040, 70.160.060, 71.12.485,
12 74.15.050, 74.15.080, and 52.12.031; adding a new section to chapter
13 43.10 RCW; adding new sections to chapter 43.43 RCW; creating new
14 sections; recodifying RCW 43.63A.300, 43.63A.310, 43.63A.320,
15 43.63A.330, 43.63A.340, 43.63A.350, 43.63A.360, 43.63A.370, 43.63A.375,
16 43.63A.377, and 43.63A.380; repealing RCW 48.48.120; providing an
17 effective date; and declaring an emergency.

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

1 NEW SECTION. **Sec. 1.** (1) All powers, duties, and functions of the
2 department of community development or the department of community,
3 trade, and economic development pertaining to fire protection are
4 transferred to the Washington state patrol. All references to the
5 director or the department of community development or the department
6 of community, trade, and economic development in the Revised Code of
7 Washington shall be construed to mean the chief of the Washington state
8 patrol or the Washington state patrol when referring to the functions
9 transferred in this section.

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

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

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

34 (3) All employees of the department of community development or the
35 department of community, trade, and economic development engaged in
36 performing the powers, functions, and duties transferred are
37 transferred to the jurisdiction of the Washington state patrol. All
38 employees classified under chapter 41.06 RCW, the state civil service
39 law, are assigned to the Washington state patrol to perform their usual

1 duties upon the same terms as formerly, without any loss of rights,
2 subject to any action that may be appropriate thereafter in accordance
3 with the laws and rules governing state civil service.

4 (4) All rules and all pending business before the department of
5 community development or the department of community, trade, and
6 economic development pertaining to the powers, functions, and duties
7 transferred shall be continued and acted upon by the Washington state
8 patrol. All existing contracts and obligations shall remain in full
9 force and shall be performed by the Washington state patrol.

10 (5) The transfer of the powers, duties, functions, and personnel of
11 the department of community development or the department of community,
12 trade, and economic development shall not affect the validity of any
13 act performed before the effective date of this section.

14 (6) If apportionments of budgeted funds are required because of the
15 transfers directed by this section, the director of financial
16 management shall certify the apportionments to the agencies affected,
17 the state auditor, and the state treasurer. Each of these shall make
18 the appropriate transfer and adjustments in funds and appropriation
19 accounts and equipment records in accordance with the certification.

20 (7) Nothing contained in this section may be construed to alter any
21 existing collective bargaining unit or the provisions of any existing
22 collective bargaining agreement until the agreement has expired or
23 until the bargaining unit has been modified by action of the personnel
24 board as provided by law.

25 **Sec. 2.** RCW 4.24.400 and 1986 c 266 s 79 are each amended to read
26 as follows:

27 No building warden, who acts in good faith, with or without
28 compensation, shall be personally liable for civil damages arising from
29 his or her negligent acts or omissions during the course of assigned
30 duties in assisting others to evacuate industrial, commercial,
31 governmental or multi-unit residential buildings or in attempting to
32 control or alleviate a hazard to the building or its occupants caused
33 by fire, earthquake or other threat to life or limb. The term
34 "building warden" means an individual who is assigned to take charge of
35 the occupants on a floor or in an area of a building during an
36 emergency in accordance with a predetermined fire safety or evacuation
37 plan; and/or an individual selected by a municipal fire chief or the
38 (~~director of community development~~) chief of the Washington state

1 patrol, through the director of fire protection, after an emergency is
2 in progress to assist in evacuating the occupants of such a building or
3 providing for their safety. This section shall not apply to any acts
4 or omissions constituting gross negligence or wilful or wanton
5 misconduct.

6 **Sec. 3.** RCW 9.40.100 and 1990 c 177 s 1 are each amended to read
7 as follows:

8 (1) Any person who willfully and without cause tampers with,
9 molests, injures or breaks any public or private fire alarm apparatus,
10 emergency phone, radio, or other wire or signal, or any fire fighting
11 equipment, or who willfully and without having reasonable grounds for
12 believing a fire exists, sends, gives, transmits, or sounds any false
13 alarm of fire, by shouting in a public place or by means of any public
14 or private fire alarm system or signal, or by telephone, is guilty of
15 a misdemeanor. This provision shall not prohibit the testing of fire
16 alarm systems by persons authorized to do so, by a fire department or
17 the ~~((director of community development))~~ chief of the Washington state
18 patrol, through the director of fire protection.

19 (2) Any person who willfully and without cause tampers with,
20 molests, injures, or breaks any public or private fire alarm apparatus,
21 emergency phone, radio, or other wire or signal, or any fire fighting
22 equipment with the intent to commit arson, is guilty of a felony.

23 **Sec. 4.** RCW 18.20.130 and 1986 c 266 s 81 are each amended to read
24 as follows:

25 Standards for fire protection and the enforcement thereof, with
26 respect to all boarding homes to be licensed hereunder, shall be the
27 responsibility of the ~~((director of community development))~~ chief of
28 the Washington state patrol, through the director of fire protection,
29 who shall adopt such recognized standards as may be applicable to
30 boarding homes for the protection of life against the cause and spread
31 of fire and fire hazards. The department upon receipt of an
32 application for a license, shall submit to the ~~((director of community~~
33 ~~development))~~ chief of the Washington state patrol, through the
34 director of fire protection, in writing, a request for an inspection,
35 giving the applicant's name and the location of the premises to be
36 licensed. Upon receipt of such a request, the ~~((director of community~~
37 ~~development))~~ chief of the Washington state patrol, through the

1 director of fire protection, or his or her deputy, shall make an
2 inspection of the boarding home to be licensed, and if it is found that
3 the premises do not comply with the required safety standards and fire
4 regulations as promulgated by the (~~director of community development~~)
5 chief of the Washington state patrol, through the director of fire
6 protection, he or she shall promptly make a written report to the
7 boarding home and the department or authorized department as to the
8 manner and time allowed in which the premises must qualify for a
9 license and set forth the conditions to be remedied with respect to
10 fire regulations. The department, authorized department, applicant or
11 licensee shall notify the (~~director of community development~~) chief
12 of the Washington state patrol, through the director of fire
13 protection, upon completion of any requirements made by him or her, and
14 the (~~director of community development~~) chief of the Washington state
15 patrol, through the director of fire protection, or his or her deputy,
16 shall make a reinspection of such premises. Whenever the boarding home
17 to be licensed meets with the approval of the (~~director of community~~
18 ~~development~~) chief of the Washington state patrol, through the
19 director of fire protection, he or she shall submit to the department
20 or authorized department, a written report approving same with respect
21 to fire protection before a full license can be issued. The (~~director~~
22 ~~of community development~~) chief of the Washington state patrol,
23 through the director of fire protection, shall make or cause to be made
24 inspections of such homes at least annually.

25 In cities which have in force a comprehensive building code, the
26 provisions of which are determined by the (~~director of community~~
27 ~~development~~) chief of the Washington state patrol, through the
28 director of fire protection, to be equal to the minimum standards of
29 the code for boarding homes adopted by the (~~director of community~~
30 ~~development~~) chief of the Washington state patrol, through the
31 director of fire protection, the chief of the fire department, provided
32 the latter is a paid chief of a paid fire department, shall make the
33 inspection with the (~~director of community development~~) chief of the
34 Washington state patrol, through the director of fire protection, or
35 his or her deputy and they shall jointly approve the premises before a
36 full license can be issued.

37 **Sec. 5.** RCW 18.46.110 and 1986 c 266 s 82 are each amended to read
38 as follows:

1 Fire protection with respect to all maternity homes to be licensed
2 hereunder, shall be the responsibility of the (~~director of community~~
3 ~~development~~) chief of the Washington state patrol, through the
4 director of fire protection, who shall adopt by reference, such
5 recognized standards as may be applicable to nursing homes, places of
6 refuge, and maternity homes for the protection of life against the
7 cause and spread of fire and fire hazards. The department upon receipt
8 of an application for a license, shall submit to the (~~director of~~
9 ~~community development~~) chief of the Washington state patrol, through
10 the director of fire protection, in writing, a request for an
11 inspection, giving the applicant's name and the location of the
12 premises to be licensed. Upon receipt of such a request, the
13 (~~director of community development~~) chief of the Washington state
14 patrol, through the director of fire protection, or his or her deputy,
15 shall make an inspection of the maternity home to be licensed, and if
16 it is found that the premises do not comply with the required safety
17 standards and fire regulations as promulgated by the (~~director of~~
18 ~~community development~~) chief of the Washington state patrol, through
19 the director of fire protection, he or she shall promptly make a
20 written report to the department as to the manner in which the premises
21 may qualify for a license and set forth the conditions to be remedied
22 with respect to fire regulations. The department, applicant or
23 licensee shall notify the (~~director of community development~~) chief
24 of the Washington state patrol, through the director of fire
25 protection, upon completion of any requirements made by him or her, and
26 the (~~director of community development~~) chief of the Washington state
27 patrol, through the director of fire protection, or his or her deputy,
28 shall make a reinspection of such premises. Whenever the maternity
29 home to be licensed meets with the approval of the (~~director of~~
30 ~~community development~~) chief of the Washington state patrol, through
31 the director of fire protection, he or she shall submit to the
32 department, a written report approving same with respect to fire
33 protection before a license can be issued. The (~~director of community~~
34 ~~development~~) chief of the Washington state patrol, through the
35 director of fire protection, shall make or cause to be made such
36 inspection of such maternity homes as he or she deems necessary.

37 In cities which have in force a comprehensive building code, the
38 regulation of which is equal to the minimum standards of the code for
39 maternity homes adopted by the (~~director of community development~~)

1 chief of the Washington state patrol, through the director of fire
2 protection, the building inspector and the chief of the fire
3 department, provided the latter is a paid chief of a paid fire
4 department, shall make the inspection and shall approve the premises
5 before a license can be issued.

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

12 **Sec. 6.** RCW 18.51.140 and 1986 c 266 s 83 are each amended to read
13 as follows:

14 Standards for fire protection and the enforcement thereof, with
15 respect to all nursing homes to be licensed hereunder, shall be the
16 responsibility of the (~~director of community development~~) chief of
17 the Washington state patrol, through the director of fire protection,
18 who shall adopt such recognized standards as may be applicable to
19 nursing homes for the protection of life against the cause and spread
20 of fire and fire hazards. The department upon receipt of an
21 application for a license, shall submit to the (~~director of community~~
22 ~~development~~) chief of the Washington state patrol, through the
23 director of fire protection, in writing, a request for an inspection,
24 giving the applicant's name and the location of the premises to be
25 licensed. Upon receipt of such a request, the (~~director of community~~
26 ~~development~~) chief of the Washington state patrol, through the
27 director of fire protection, or his or her deputy, shall make an
28 inspection of the nursing home to be licensed, and if it is found that
29 the premises do not comply with the required safety standards and fire
30 regulations as promulgated by the (~~director of community development~~)
31 chief of the Washington state patrol, through the director of fire
32 protection, he or she shall promptly make a written report to the
33 nursing home and the department as to the manner and time allowed in
34 which the premises must qualify for a license and set forth the
35 conditions to be remedied with respect to fire regulations. The
36 department, applicant or licensee shall notify the (~~director of~~
37 ~~community development~~) chief of the Washington state patrol, through
38 the director of fire protection, upon completion of any requirements

1 made by him or her, and the (~~director of community development~~) chief
2 of the Washington state patrol, through the director of fire
3 protection, or his or her deputy, shall make a reinspection of such
4 premises. Whenever the nursing home to be licensed meets with the
5 approval of the (~~director of community development~~) chief of the
6 Washington state patrol, through the director of fire protection, he or
7 she shall submit to the department, a written report approving same
8 with respect to fire protection before a full license can be issued.
9 The (~~director of community development~~) chief of the Washington state
10 patrol, through the director of fire protection, shall make or cause to
11 be made inspections of such nursing homes at least annually.

12 In cities which have in force a comprehensive building code, the
13 provisions of which are determined by the (~~director of community~~
14 ~~development~~) chief of the Washington state patrol, through the
15 director of fire protection, to be equal to the minimum standards of
16 the code for nursing homes adopted by the (~~director of community~~
17 ~~development~~) chief of the Washington state patrol, through the
18 director of fire protection, the chief of the fire department, provided
19 the latter is a paid chief of a paid fire department, shall make the
20 inspection with the (~~director of community development~~) chief of the
21 Washington state patrol, through the director of fire protection, or
22 his or her deputy and they shall jointly approve the premises before a
23 full license can be issued.

24 **Sec. 7.** RCW 18.51.145 and 1986 c 266 s 84 are each amended to read
25 as follows:

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

36 **Sec. 8.** RCW 19.27A.110 and 1986 c 266 s 85 are each amended to
37 read as follows:

1 The (~~director of community development~~) chief of the Washington
2 state patrol, through the director of fire protection, is the only
3 authority having jurisdiction over the approval of portable oil-fueled
4 heaters. The sale and use of portable oil-fueled heaters is governed
5 exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED, That
6 cities and counties may adopt local standards as provided in RCW
7 19.27.040.

8 **Sec. 9.** RCW 28A.305.130 and 1991 c 116 s 11 are each amended to
9 read as follows:

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

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

17 (2) Conduct every five years a review of the program approval
18 standards, including the minimum standards for teachers,
19 administrators, and educational staff associates, to reflect research
20 findings and assure continued improvement of preparation programs for
21 teachers, administrators, and educational staff associates.

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

28 (4)(a) The state board of education shall adopt rules to allow a
29 teacher certification candidate to fulfill, in part, teacher
30 preparation program requirements through work experience as a
31 noncertificated teacher's aide in a public school or private school
32 meeting the requirements of RCW 28A.195.010. The rules shall include,
33 but are not limited to, limitations based upon the recency of the
34 teacher preparation candidate's teacher aide work experience, and
35 limitations based on the amount of work experience that may apply
36 toward teacher preparation program requirements under this chapter.

37 (b) The state board of education shall require that at the time of
38 the individual's enrollment in a teacher preparation program, the

1 supervising teacher and the building principal shall jointly provide to
2 the teacher preparation program of the higher education institution at
3 which the teacher candidate is enrolled, a written assessment of the
4 performance of the teacher candidate. The assessment shall contain
5 such information as determined by the state board of education and
6 shall include: Evidence that at least fifty percent of the candidate's
7 work as a noncertificated teacher's aide was involved in instructional
8 activities with children under the supervision of a certificated
9 teacher and that the candidate worked a minimum of six hundred thirty
10 hours for one school year; the type of work performed by the candidate;
11 and a recommendation of whether the candidate's work experience as a
12 noncertificated teacher's aide should be substituted for teacher
13 preparation program requirements. In compliance with such rules as may
14 be established by the state board of education under this section, the
15 teacher preparation programs of the higher education institution where
16 the candidate is enrolled shall make the final determination as to what
17 teacher preparation program requirements may be fulfilled by teacher
18 aide work experience.

19 (5) Supervise the issuance of such certificates as provided for in
20 subsection (1) above and specify the types and kinds of certificates
21 necessary for the several departments of the common schools by rule or
22 regulation in accordance with RCW 28A.410.010.

23 (6) Accredite, subject to such accreditation standards and
24 procedures as may be established by the state board of education, all
25 schools that apply for accreditation, and approve, subject to the
26 provisions of RCW 28A.195.010, private schools carrying out a program
27 for any or all of the grades one through twelve: PROVIDED, That no
28 public or private schools shall be placed upon the list of accredited
29 schools so long as secret societies are knowingly allowed to exist
30 among its students by school officials: PROVIDED FURTHER, That the
31 state board may elect to require all or certain classifications of the
32 public schools to conduct and participate in such pre-accreditation
33 examination and evaluation processes as may now or hereafter be
34 established by the board.

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

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

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

10 (10) Carry out board powers and duties relating to the organization
11 and reorganization of school districts under RCW 28A.315.010 through
12 28A.315.680 and 28A.315.900.

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

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

26 The state board of education is given the authority to promulgate
27 information and rules dealing with the prevention of child abuse for
28 purposes of curriculum use in the common schools.

29 **Sec. 10.** RCW 35.21.779 and 1992 c 117 s 6 are each amended to read
30 as follows:

31 (1) In cities or towns where the estimated value of state-owned
32 facilities constitutes ten percent or more of the total assessed
33 valuation, the state agency or institution owning the facilities shall
34 contract with the city or town to pay an equitable share for fire
35 protection services. The contract shall be negotiated as provided in
36 subsections (2) through (6) of this section and shall provide for
37 payment by the agency or institution to the city or town.

1 (2) A city or town seeking to enter into fire protection contract
2 negotiations shall provide written notification to the (~~department of~~
3 ~~community development~~) Washington state patrol and the state agencies
4 or institutions that own property within the jurisdiction, of its
5 intent to contract for fire protection services. Where there are
6 multiple state agencies located within a single jurisdiction, a city
7 may choose to notify only the (~~department of community development~~)
8 Washington state patrol, which in turn shall notify the agencies or
9 institution that own property within the jurisdiction of the city's
10 intent to contract for fire protection services. Any such notification
11 shall be based on the valuation procedures, based on commonly accepted
12 standards, adopted by the (~~department of community development~~)
13 Washington state patrol in consultation with the department of general
14 administration and the association of Washington cities.

15 (3) The (~~department of community development~~) Washington state
16 patrol shall review any such notification to ensure that the valuation
17 procedures and results are accurate. The (~~department~~) Washington
18 state patrol will notify each affected city or town and state agency or
19 institution of the results of their review within thirty days of
20 receipt of notification.

21 (4) The parties negotiating fire protection contracts under this
22 section shall conduct those negotiations in good faith. Whenever there
23 are multiple state agencies located within a single jurisdiction, every
24 effort shall be made by the state to consolidate negotiations on behalf
25 of all affected agencies.

26 (5) In the event of notification by one of the parties that an
27 agreement cannot be reached on the terms and conditions of a fire
28 protection contract, the (~~director of the department of community~~
29 ~~development~~) chief of the Washington state patrol shall mediate a
30 resolution of the disagreement. In the event of a continued impasse,
31 the (~~director of the department of community development~~) chief of
32 the Washington state patrol shall recommend a resolution.

33 (6) If the parties reject the recommendation of the (~~director~~)
34 chief of the Washington state patrol and an impasse continues, the
35 (~~director~~) chief of the Washington state patrol shall direct the
36 parties to arbitration. The parties shall agree on a neutral
37 arbitrator, and the fees and expenses of the arbitrator shall be shared
38 equally between the parties. The arbitration shall be a final offer,
39 total arbitration, with the arbitrator empowered only to pick the final

1 offer of one of the parties or the recommended resolution by the
2 (~~director of the department of community development~~) chief of the
3 Washington state patrol. The decision of the arbitrator shall be
4 final, binding, and nonappealable on the parties.

5 (7) The provisions of this section shall not apply if a city or
6 town and a state agency or institution have contracted pursuant to RCW
7 35.21.775.

8 (8) The provisions of this section do not apply to cities and towns
9 not meeting the conditions in subsection (1) of this section. Cities
10 and towns not meeting the conditions of subsection (1) of this section
11 may enter into contracts pursuant to RCW 35.21.775.

12 **Sec. 11.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) (~~"Department" means the department of community development.~~

17 ~~(2) "Director" means the director of the department of community~~
18 ~~development.~~

19 ~~(3))~~ "State fire marshal" means the assistant director of the
20 division of fire protection services in the (~~department of community~~
21 ~~development~~) Washington state patrol.

22 (~~(4))~~ (2) "Fire chief" includes the chief officer of a
23 statutorily authorized fire agency, or the fire chief's authorized
24 representative. Also included are the department of natural resources
25 fire control chief, and the department of natural resources regional
26 managers.

27 (~~(5))~~ (3) "Jurisdiction" means state, county, city, fire
28 district, or port district (~~{fire}~~) fire fighting units, or other
29 units covered by this chapter.

30 (~~(6))~~ (4) "Mobilization" means that fire fighting resources
31 beyond those available through existing agreements will be requested
32 and, when available, sent to fight a fire that has or soon will exceed
33 the capabilities of available local resources. During a large scale
34 fire emergency, mobilization includes redistribution of regional or
35 state-wide fire fighting resources to either direct fire fighting
36 assignments or to assignment in communities where fire fighting
37 resources are needed. This chapter shall not reduce or suspend the

1 authority or responsibility of the department of natural resources
2 under chapter 76.04 RCW.

3 ~~((7))~~ (5) "Mutual aid" means emergency interagency assistance
4 provided without compensation under ~~((and [an]))~~ an agreement between
5 jurisdictions under chapter 39.34 RCW.

6 **Sec. 12.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to
7 read as follows:

8 There is created the state fire defense board consisting of the
9 state fire marshal, a representative from the department of natural
10 resources appointed by the commissioner of public lands, the assistant
11 director of the emergency management division of the department of
12 community, trade, and economic development, and one representative
13 selected by each regional fire defense board in the state. Members of
14 the state fire defense board shall select from among themselves a
15 chairperson. Members serving on the board do so in a voluntary
16 capacity and are not eligible for reimbursement for meeting-related
17 expenses from the state.

18 The state fire defense board shall develop and maintain the
19 Washington state fire services mobilization plan, which shall include
20 the procedures to be used during fire emergencies for coordinating
21 local, regional, and state fire jurisdiction resources. The Washington
22 state fire services mobilization plan shall be consistent with, and
23 made part of, the Washington state comprehensive emergency management
24 plan. The ~~((director))~~ chief of the Washington state patrol shall
25 review the fire services mobilization plan as submitted by the state
26 fire defense board and after consultation with the fire protection
27 policy board, recommend changes that may be necessary, and approve the
28 fire services mobilization plan for inclusion within the state
29 comprehensive emergency management plan.

30 It is the responsibility of the ~~((director))~~ chief of the
31 Washington state patrol to mobilize jurisdictions under the Washington
32 state fire services mobilization plan. The state fire marshal shall
33 serve as the state fire resources coordinator when the Washington state
34 fire services mobilization plan is mobilized.

35 **Sec. 13.** RCW 38.54.050 and 1992 c 117 s 13 are each amended to
36 read as follows:

1 The (~~department of community development~~) Washington state patrol
2 in consultation with the office of financial management shall develop
3 procedures to facilitate reimbursement to jurisdictions from
4 appropriate federal and state funds when jurisdictions are mobilized by
5 the (~~director~~) chief of the Washington state patrol under the
6 Washington state fire services mobilization plan.

7 **Sec. 14.** RCW 43.43.710 and 1987 c 486 s 11 are each amended to
8 read as follows:

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

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

26 **Sec. 15.** RCW 43.63A.300 and 1993 c 280 s 68 are each amended to
27 read as follows:

28 The legislature finds that fire protection services at the state
29 level are provided by different, independent state agencies. This has
30 resulted in a lack of a comprehensive state-level focus for state fire
31 protection services, funding, and policy. The legislature further
32 finds that the paramount duty of the state in fire protection services
33 is to enhance the capacity of all local jurisdictions to assure that
34 their personnel with fire suppression, prevention, inspection, origin
35 and cause, and arson investigation responsibilities are adequately
36 trained to discharge their responsibilities. It is the intent of the
37 legislature to consolidate fire protection services into a single state

1 agency and to create a state board with the responsibility of (1)
2 establishing a comprehensive state policy regarding fire protection
3 services and (2) advising the (~~director of community, trade, and~~
4 ~~economic development~~) chief of the Washington state patrol and the
5 director of fire protection on matters relating to their duties under
6 state law. It is also the intent of the legislature that the fire
7 protection services program created herein will assist local fire
8 protection agencies in program development without encroaching upon
9 their historic autonomy. It is the further intent of the legislature
10 that the fire protection services program be implemented incrementally
11 to assure a smooth transition, to build local, regional, and state
12 capacity, and to avoid undue burdens on jurisdictions with limited
13 resources.

14 **Sec. 16.** RCW 43.63A.310 and 1986 c 266 s 55 are each amended to
15 read as follows:

16 There is created the state fire protection policy board consisting
17 of (~~ten~~) eight members appointed by the governor:

18 (1) (~~Three~~) One representative(~~s~~) of fire chiefs(~~.—At least~~
19 ~~one shall be from a fire department east of the Cascade mountains and~~
20 ~~at least one shall be from a fire department west of the Cascade~~
21 ~~mountains.—One shall be from a fire protection district~~));

22 (2) One insurance industry representative;

23 (3) One representative of cities and towns;

24 (4) One representative of counties;

25 (5) (~~Two~~) One full-time, paid, career fire fighter(~~s~~);

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

27 (7) One representative of fire commissioners; and

28 (8) One representative of fire control programs of the department
29 of natural resources.

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

35 The terms of the appointed members of the board shall be three
36 years and until a successor is appointed and qualified. However,
37 initial board members shall be appointed as follows: Three members to
38 terms of one year, three members to terms of two years, and four

1 members to terms of three years. In the case of a vacancy of a member
2 appointed under subsections (1) through (7) of this section, the
3 governor shall appoint a new representative to fill the unexpired term
4 of the member whose office has become vacant. A vacancy shall occur
5 whenever an appointed member ceases to be employed in the occupation
6 the member was appointed to represent. The members of the board
7 appointed pursuant to subsections (1) and (5) of this section and
8 holding office on the effective date of this act shall serve the
9 remainder of their terms, and the reduction of the board required by
10 section 16, chapter ---, Laws of 1995 (this section), shall occur upon
11 the expiration of their terms.

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

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

17 **Sec. 17.** RCW 43.63A.320 and 1993 c 280 s 69 are each amended to
18 read as follows:

19 Except for matters relating to the statutory duties of the
20 (~~director of community, trade, and economic development which~~) chief
21 of the Washington state patrol that are to be carried out through the
22 director of fire protection, the board shall have the responsibility of
23 developing a comprehensive state policy regarding fire protection
24 services. In carrying out its duties, the board shall:

25 (1) (a) Adopt a state fire training and education master plan that
26 allows to the maximum feasible extent for negotiated agreements: (i)
27 With the state board for community and technical colleges to provide
28 academic, vocational, and field training programs for the fire service
29 and (ii) with the higher education coordinating board and the state
30 colleges and universities to provide instructional programs requiring
31 advanced training, especially in command and management skills;

32 (b) Adopt minimum standards for each level of responsibility among
33 personnel with fire suppression, prevention, inspection, and
34 investigation responsibilities that assure continuing assessment of
35 skills and are flexible enough to meet emerging technologies. With
36 particular respect to training for fire investigations, the master plan
37 shall encourage cross training in appropriate law enforcement skills.

1 To meet special local needs, fire agencies may adopt more stringent
2 requirements than those adopted by the state;

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

10 Industrial fire departments and private fire investigators may
11 participate in training and education programs under this chapter for
12 a reasonable fee established by rule;

13 (d) Develop and adopt a master plan for constructing, equipping,
14 maintaining, and operating necessary fire service training and
15 education facilities subject to the provisions of chapter 43.19 RCW;
16 and

17 (e) Develop and adopt a master plan for the purchase, lease, or
18 other acquisition of real estate necessary for fire service training
19 and education facilities in a manner provided by law.

20 (2) In addition to its responsibilities for fire service training,
21 the board shall:

22 (a) Adopt a state fire protection master plan;

23 ~~((+2))~~ (b) Monitor fire protection in the state and develop
24 objectives and priorities to improve fire protection for the state's
25 citizens including: (i) The comprehensiveness of state and local
26 inspections required by law for fire and life safety; (ii) the level of
27 skills and training of inspectors, as well as needs for additional
28 training; and (iii) the efforts of local, regional, and state
29 inspection agencies to improve coordination and reduce duplication
30 among inspection efforts;

31 ~~((+3))~~ (c) Establish and promote state arson control programs and
32 ensure development of local arson control programs;

33 ~~((+4))~~ (d) Provide representation for local fire protection
34 services to the governor in state-level fire protection planning
35 matters such as, but not limited to, hazardous materials control;

36 ~~((+5))~~ (e) Seek and solicit grants, gifts, bequests, ~~((devices))~~
37 devises, and matching funds for use in furthering the objectives and
38 duties of the board, and establish procedures for administering them;

1 ~~((6))~~ (f) Promote mutual aid and disaster planning for fire
2 services in this state;

3 ~~((7))~~ (g) Assure the dissemination of information concerning the
4 amount of fire damage including that damage caused by arson, and its
5 causes and prevention;

6 ~~((8))~~ (h) Submit ~~((annually a))~~ an annual report to the governor
7 ~~((containing a statement of))~~ describing its ~~((official acts))~~
8 activities undertaken pursuant to this chapter, and make such studies,
9 reports, and recommendations to the governor and the legislature as are
10 requested; and

11 ~~((9) Adopt a state fire training and education master plan;~~

12 ~~(10) Develop and adopt a master plan for the construction,~~
13 ~~equipping, maintaining, and operation of necessary fire service~~
14 ~~training and education facilities, but the authority to construct,~~
15 ~~equip, and maintain such facilities is subject to chapter 43.19 RCW;~~

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

20 ~~(12) Adopt standards for state-wide fire service training and~~
21 ~~education courses including courses in arson detection and~~
22 ~~investigation for personnel of fire, police, and prosecutor's~~
23 ~~departments;~~

24 ~~(13) Assure the administration of))~~ (i) Implement any legislation
25 enacted by the legislature ~~((in pursuance of the aims and purposes))~~ to
26 meet the requirements of any acts of congress ~~((insofar as the~~
27 ~~provisions thereof may))~~ that apply~~((;~~

28 ~~(14) Cooperate with the common schools, community colleges,~~
29 ~~institutions of higher education, and any department or division of the~~
30 ~~state, or of any county or municipal corporation in establishing and~~
31 ~~maintaining instruction in fire service training and education in~~
32 ~~accordance with any act of Congress and legislation enacted by the~~
33 ~~legislature in pursuance thereof and in establishing, building, and~~
34 ~~operating training and education facilities.~~

35 This section does not apply to forest fire service personnel and
36 programs. Industrial fire departments and private fire investigators
37 may participate in training and education programs under this chapter
38 for a reasonable fee established by rule)) to this section.

1 (3) In carrying out its statutory duties, the board shall give
2 particular consideration to the appropriate roles to be played by the
3 state and by local jurisdictions with fire protection responsibilities.
4 Any determinations on the division of responsibility shall be made in
5 consultation with local fire officials and their representatives.

6 To the extent possible, the board shall encourage development of
7 regional units along compatible geographic, population, economic, and
8 fire risk dimensions. Such regional units may serve to: (a) Reinforce
9 coordination among state and local activities in fire service training,
10 reporting, inspections, and investigations; (b) identify areas of
11 special need, particularly in smaller jurisdictions with inadequate
12 resources; (c) assist the state in its oversight responsibilities; (d)
13 identify funding needs and options at both the state and local levels;
14 and (e) provide models for building local capacity in fire protection
15 programs.

16 **Sec. 18.** RCW 43.63A.330 and 1993 c 280 s 70 are each amended to
17 read as follows:

18 In regards to the statutory duties of the (~~director of community,~~
19 ~~trade, and economic development which~~) chief of the Washington state
20 patrol that are to be carried out through the director of fire
21 protection, the board shall serve in an advisory capacity in order to
22 enhance the continuity of state fire protection services. In this
23 capacity, the board shall:

24 (1) Advise the (~~director of community, trade, and economic~~
25 ~~development~~) chief of the Washington state patrol and the director of
26 fire protection on matters pertaining to their duties under law; and

27 (2) Advise the (~~director of community, trade, and economic~~
28 ~~development~~) chief of the Washington state patrol and the director of
29 fire protection on all budgeting and fiscal matters pertaining to the
30 duties of the director of fire protection and the board.

31 **Sec. 19.** RCW 43.63A.340 and 1993 c 280 s 71 are each amended to
32 read as follows:

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

36 (2) The (~~director of community, trade, and economic development~~)
37 chief of the Washington state patrol shall appoint an (~~assistant~~

1 ~~director~~) officer who shall be known as the director of fire
2 protection. The board, after consulting with the (~~director~~) chief of
3 the Washington state patrol, shall prescribe qualifications for the
4 position of director of fire protection. The board shall submit to the
5 (~~director~~) chief of the Washington state patrol a list containing the
6 names of three persons whom the board believes meet its qualifications.
7 If requested by the (~~director~~) chief of the Washington state patrol,
8 the board shall submit one additional list of three persons whom the
9 board believes meet its qualifications. The appointment shall be from
10 one of the lists of persons submitted by the board.

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

14 (4) The (~~director of community, trade, and economic development~~)
15 chief of the Washington state patrol, through the director of fire
16 protection, shall, after consultation with the board, prepare a
17 biennial budget pertaining to fire protection services. Such biennial
18 budget shall be submitted as part of the (~~department's~~) Washington
19 state patrol's budget request.

20 (5) The (~~director of community, trade, and economic development~~)
21 chief of the Washington state patrol, through the director of fire
22 protection, shall implement and administer, within the constraints
23 established by budgeted resources, the policies of the board and all
24 duties of the (~~director of community, trade, and economic development~~
25 ~~which~~) chief of the Washington state patrol that are to be carried out
26 through the director of fire protection.

27 (6) The (~~director of community, trade, and economic development~~)
28 chief of the Washington state patrol, through the director of fire
29 protection, shall seek the advice of the board in carrying out his or
30 her duties under law.

31 **Sec. 20.** RCW 43.63A.350 and 1986 c 266 s 59 are each amended to
32 read as follows:

33 The (~~department~~) Washington state patrol may accept any and all
34 donations, grants, bequests, and devices, conditional or otherwise, or
35 money, property, service, or other things of value which may be
36 received from the United States or any agency thereof, any governmental
37 agency, any institution, person, firm, or corporation, public and
38 private, to be held, used, or applied for the purposes of the fire

1 service training program established in RCW 43.63A.320 (as recodified
2 by this act).

3 **Sec. 21.** RCW 43.63A.360 and 1986 c 266 s 60 are each amended to
4 read as follows:

5 The (~~department~~) Washington state patrol may: (1) Impose and
6 collect fees for fire service training; and (2) establish and set fee
7 schedules for fire service training.

8 **Sec. 22.** RCW 43.63A.370 and 1986 c 266 s 61 are each amended to
9 read as follows:

10 The fire service training account is hereby established in the
11 state treasury. The (~~department~~) Washington state patrol shall
12 deposit in the account all fees received by the (~~department~~)
13 Washington state patrol for fire service training. Moneys in the
14 account may be appropriated only for fire service training.

15 **Sec. 23.** RCW 43.63A.377 and 1991 c 135 s 3 are each amended to
16 read as follows:

17 Money from the fire services trust fund may be expended for the
18 following purposes:

19 (1) Training of fire service personnel, including both classroom
20 and hands-on training at the state fire training center or other
21 locations approved by the (~~director~~) chief of the Washington state
22 patrol through the director of fire protection services;

23 (2) Maintenance and operation at the state's fire training center
24 near North Bend. If in the future the state builds or leases other
25 facilities as other fire training centers, a portion of these moneys
26 may be used for the maintenance and operation at these centers;

27 (3) Lease or purchase of equipment for use in the provisions of
28 training to fire service personnel;

29 (4) Grants or subsidies to local (~~entities~~) jurisdictions to
30 allow them to perform their functions under this section;

31 (5) Costs of administering these programs under this section;

32 (6) Licensing and enforcement of state laws governing the sales of
33 fireworks; and

34 (7) Development with the legal fireworks industry and funding of a
35 state-wide public education program for fireworks safety.

1 **Sec. 24.** RCW 46.37.467 and 1986 c 266 s 88 are each amended to
2 read as follows:

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

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

11 (3) If a placard for a specific alternative fuel source has not
12 been issued by the national fire protection association, a placard
13 issued by the (~~director of community development~~) chief of the
14 Washington state patrol, through the director of fire protection, shall
15 be required. The (~~director of community development~~) chief of the
16 Washington state patrol, through the director of fire protection, shall
17 develop rules for the design, size, and placement of the placard which
18 shall remain effective until a specific placard is issued by the
19 national fire protection association.

20 **Sec. 25.** RCW 48.05.320 and 1986 c 266 s 66 are each amended to
21 read as follows:

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

28 (2) Each such insurer shall likewise report to the (~~director of~~
29 ~~community development~~) chief of the Washington state patrol, through
30 the director of fire protection, upon claims paid by it for loss or
31 damage by fire in this state. Copies of all reports required by this
32 section shall be promptly transmitted to the state insurance
33 commissioner.

34 **Sec. 26.** RCW 48.48.030 and 1986 c 266 s 67 are each amended to
35 read as follows:

36 (1) The (~~director of community development~~) chief of the
37 Washington state patrol, through the director of fire protection or his

1 or her authorized deputy, shall have authority at all times of day and
2 night, in the performance of duties imposed by this chapter, to enter
3 upon and examine any building or premises where any fire has occurred
4 and other buildings and premises adjoining or near thereto.

5 (2) The (~~director of community development~~) chief of the
6 Washington state patrol, through the director of fire protection or his
7 or her authorized deputy, shall have authority at any reasonable hour
8 to enter into any public building or premises or any building or
9 premises used for public purposes to inspect for fire hazards.

10 **Sec. 27.** RCW 48.48.040 and 1986 c 266 s 68 are each amended to
11 read as follows:

12 (1) The (~~director of community development~~) chief of the
13 Washington state patrol, through the director of fire protection or his
14 or her authorized deputy, shall have authority to enter upon all
15 premises and into all buildings except private dwellings for the
16 purpose of inspection to ascertain if any fire hazard exists, and to
17 require conformance with minimum standards for the prevention of fire
18 and for the protection of life and property against fire and panic as
19 to use of premises, and may adopt by reference nationally recognized
20 standards applicable to local conditions.

21 (2) The (~~director of community development~~) chief of the
22 Washington state patrol, through the director of fire protection or
23 his or her authorized deputy, may, upon request by the chief fire
24 official or the local governing body or of taxpayers of such area,
25 assist in the enforcement of any such code.

26 **Sec. 28.** RCW 48.48.050 and 1986 c 266 s 70 are each amended to
27 read as follows:

28 (1) If the (~~director of community development~~) chief of the
29 Washington state patrol, through the director of fire protection or his
30 or her authorized deputy, finds in any building or premises subject to
31 their inspection under this chapter, any combustible material or
32 flammable conditions or fire hazards dangerous to the safety of the
33 building, premises, or to the public, he or she shall by written order
34 require such condition to be remedied, and such order shall forthwith
35 be complied with by the owner or occupant of the building or premises.

36 (2) An owner or occupant aggrieved by any such order made by the
37 (~~director of community development~~) chief of the Washington state

1 patrol, through the director of fire protection or his or her deputy,
2 may appeal such order pursuant to chapter 34.05 RCW. If the order is
3 confirmed, the order shall remain in force and be complied with by the
4 owner or occupant.

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

9 **Sec. 29.** RCW 48.48.060 and 1986 c 266 s 71 are each amended to
10 read as follows:

11 (1) The chief of each organized fire department, the sheriff or
12 other designated county official, and the designated city or town
13 official shall investigate the cause~~(())~~ and origin, and document
14 extent of ~~((loss))~~ damage of all fires occurring within their
15 respective jurisdictions, as determined by this subsection, and shall
16 forthwith notify the ~~((director of community development))~~ chief of the
17 Washington state patrol, through the director of fire protection, of
18 all fires of criminal, suspected, or undetermined cause occurring
19 within their respective jurisdictions. The county fire marshal shall
20 also be notified of and investigate all such fires occurring in
21 unincorporated areas of the county. Fire departments shall have the
22 responsibility imposed by this subsection for areas within their
23 jurisdictions. Sheriffs or other designated county officials shall
24 have responsibility imposed by this subsection for county areas not
25 within the jurisdiction of a fire department, unless such areas are
26 within the boundaries of a city or town, in which case the designated
27 city or town official shall have the responsibility imposed by this
28 subsection. For the purposes of this subsection, county officials
29 shall be designated by the county legislative authority, and city or
30 town officials shall be designated by the appropriate city or town
31 legislative or executive authority. In addition to the responsibility
32 imposed by this subsection, any sheriff or chief of police may assist
33 in the investigation of the cause~~(())~~ and origin, and document extent
34 of ~~((loss))~~ damage of all fires occurring within his or her respective
35 jurisdiction.

36 (2) The ~~((director of community development))~~ chief of the
37 Washington state patrol, through the director of fire protection or his
38 or her deputy, may investigate any fire for the purpose of determining

1 its cause, origin, and the extent of the loss. The (~~director of~~
2 ~~community development~~) chief of the Washington state patrol, through
3 the director of fire protection or his or her deputy, shall assist in
4 the investigation of those fires of criminal, suspected, or
5 undetermined cause when requested by the reporting agency. In the
6 investigation of any fire of criminal, suspected, or undetermined
7 cause, the (~~director of community development~~) chief of the
8 Washington state patrol and the director of fire protection or his or
9 her deputy, are vested with police powers to enforce the laws of this
10 state. To exercise these powers, authorized deputies must receive
11 prior written authorization from the (~~director of community~~
12 ~~development~~) chief of the Washington state patrol, through the
13 director of fire protection, and shall have completed a course of
14 training prescribed by the Washington state criminal justice training
15 commission.

16 **Sec. 30.** RCW 48.48.065 and 1986 c 266 s 72 are each amended to
17 read as follows:

18 (1) The chief of each organized fire department, or the sheriff or
19 other designated county official having jurisdiction over areas not
20 within the jurisdiction of any fire department, shall report
21 statistical information and data to the (~~director of community~~
22 ~~development~~) chief of the Washington state patrol, through the
23 director of fire protection, on each fire occurring within the
24 official's jurisdiction. Reports shall be consistent with the national
25 fire incident reporting system developed by the United States fire
26 administration and rules established by the (~~director of community~~
27 ~~development~~) chief of the Washington state patrol, through the
28 director of fire protection. The (~~director of community development~~)
29 chief of the Washington state patrol, through the director of fire
30 protection, and the department of natural resources shall jointly
31 determine the statistical information to be reported on fires on land
32 under the jurisdiction of the department of natural resources.

33 (2) The (~~director of community development~~) chief of the
34 Washington state patrol, through the director of fire protection, shall
35 analyze the information and data reported, compile a report, and
36 distribute a copy annually by January 31 to each chief fire official in
37 the state. Upon request, the (~~director of community development~~)
38 chief of the Washington state patrol, through the director of fire

1 protection, shall also furnish a copy of the report to any other
2 interested person at cost.

3 (3) In carrying out the duties relating to collecting, analyzing,
4 and reporting statistical fire data, the fire protection policy board
5 may contract with a qualified individual or organization to gather and
6 report such information under the following conditions:

7 (a) The contractor may be selected under the sole source provisions
8 of chapter 39.29 RCW, so long as the contractor meets the
9 qualifications of that chapter; and

10 (b) The information provided meets the diverse needs of state and
11 local fire reporting agencies and is (i) defined in understandable
12 terms of common usage in the fire community; (ii) adaptable to the
13 varying levels of resources available, including whether a given
14 client's system is operated electronically or not; (iii) maintained in
15 a manner that will foster both technical support and resource sharing;
16 and (iv) designed to meet both short and long-term needs.

17 **Sec. 31.** RCW 48.48.070 and 1986 c 266 s 73 are each amended to
18 read as follows:

19 In the conduct of any investigation into the cause, origin, or loss
20 resulting from any fire, the ~~((director of community development))~~
21 chief of the Washington state patrol and the director of fire
22 protection shall have the same power and rights relative to securing
23 the attendance of witnesses and the taking of testimony under oath as
24 is conferred upon the insurance commissioner under RCW 48.03.070.
25 False swearing by any such witness shall be deemed to be perjury and
26 shall be subject to punishment as such.

27 **Sec. 32.** RCW 48.48.080 and 1986 c 266 s 74 are each amended to
28 read as follows:

29 If as the result of any such investigation, or because of any
30 information received, the ~~((director of community development))~~ chief
31 of the Washington state patrol, through the director of fire
32 protection, is of the opinion that there is evidence sufficient to
33 charge any person with any crime, he or she may cause such person to be
34 arrested and charged with such offense, and shall furnish to the
35 prosecuting attorney of the county in which the offense was committed,
36 the names of witnesses and all pertinent and material evidence and
37 testimony within his or her possession relative to the offense.

1 **Sec. 33.** RCW 48.48.090 and 1986 c 266 s 75 are each amended to
2 read as follows:

3 The (~~director of community development~~) chief of the Washington
4 state patrol, through the director of fire protection, shall keep on
5 file all reports of fires made to him or her pursuant to this code.
6 Such records shall at all times during business hours be open to public
7 inspection; except, that any testimony taken in a fire investigation
8 may, in the discretion of the (~~director of community development~~)
9 chief of the Washington state patrol, through the director of fire
10 protection, be withheld from public scrutiny. The (~~director of~~
11 ~~community development~~) chief of the Washington state patrol, through
12 the director of fire protection, may destroy any such report after five
13 years from its date.

14 **Sec. 34.** RCW 48.48.110 and 1986 c 266 s 76 are each amended to
15 read as follows:

16 The (~~director of community development~~) chief of the Washington
17 state patrol, through the director of fire protection, shall submit
18 annually a report to the governor of this state. The report shall
19 contain a statement of his or her official acts pursuant to this
20 chapter.

21 **Sec. 35.** RCW 48.48.140 and 1991 c 154 s 1 are each amended to read
22 as follows:

23 (1) Smoke detection devices shall be installed inside all dwelling
24 units:

25 (a) Occupied by persons other than the owner on and after December
26 31, 1981; or

27 (b) Built or manufactured in this state after December 31, 1980.

28 (2) The smoke detection devices shall be designed, manufactured,
29 and installed inside dwelling units in conformance with:

30 (a) Nationally accepted standards; and

31 (b) As provided by the administrative procedure act, chapter 34.05
32 RCW, rules and regulations promulgated by the (~~director of community~~
33 ~~development~~) chief of the Washington state patrol, through the
34 director of fire protection.

35 (3) Installation of smoke detection devices shall be the
36 responsibility of the owner. Maintenance of smoke detection devices,
37 including the replacement of batteries where required for the proper

1 operation of the smoke detection device, shall be the responsibility of
2 the tenant, who shall maintain the device as specified by the
3 manufacturer. At the time of a vacancy, the owner shall insure that
4 the smoke detection device is operational prior to the reoccupancy of
5 the dwelling unit.

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

8 (5) For the purposes of this section:

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

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

18 **Sec. 36.** RCW 48.48.150 and 1986 c 266 s 90 are each amended to
19 read as follows:

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

28 (2) A fire fighter, who reasonably believes that his or her safety
29 is endangered by the presence of a guard animal, may without liability:

30 (a) Refuse to enter the premises, or (b) take any reasonable action
31 necessary to protect himself or herself from attack by the guard
32 animal.

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

1 **Sec. 37.** RCW 48.50.020 and 1986 c 266 s 77 are each amended to
2 read as follows:

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

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

10 (a) The ~~((director of community development))~~ chief of the
11 Washington state patrol and the director of fire protection;

12 (b) The prosecuting attorney of the county where the fire occurred;

13 (c) The state attorney general, when engaged in a prosecution which
14 is or may be connected with the fire;

15 (d) The Federal Bureau of Investigation, or any other federal
16 agency; and

17 (e) The United States attorney's office when authorized or charged
18 with investigation or prosecution concerning the fire.

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

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

26 **Sec. 38.** RCW 48.50.040 and 1986 c 266 s 91 are each amended to
27 read as follows:

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

35 (2) Notification of the ~~((director of community development))~~ chief
36 of the Washington state patrol, through the director of fire
37 protection, under subsection (1) of this section does not relieve the

1 insurer of the duty to respond to a request for information from any
2 other authorized agency.

3 **Sec. 39.** RCW 48.53.020 and 1986 c 266 s 92 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

17 **Sec. 40.** RCW 48.53.060 and 1986 c 266 s 93 are each amended to
18 read as follows:

19 Rules designating geographic areas or classes of occupancy as
20 having an abnormally high incidence of arson, and any other rules
21 necessary to implement this chapter shall be adopted by the (~~director~~
22 ~~of community development~~) chief of the Washington state patrol,
23 through the director of fire protection, under chapter 34.05 RCW.

24 **Sec. 41.** RCW 70.41.080 and 1986 c 266 s 94 are each amended to
25 read as follows:

26 Standards for fire protection and the enforcement thereof, with
27 respect to all hospitals to be licensed hereunder shall be the
28 responsibility of the (~~director of community development~~) chief of
29 the Washington state patrol, through the director of fire protection,
30 who shall adopt, after approval by the department, such recognized
31 standards as may be applicable to hospitals for the protection of life
32 against the cause and spread of fire and fire hazards. The department
33 upon receipt of an application for a license, shall submit to the
34 (~~state fire marshal~~) director of fire protection in writing, a
35 request for an inspection, giving the applicant's name and the location
36 of the premises to be licensed. Upon receipt of such a request, the
37 (~~director of community development~~) chief of the Washington state

1 patrol, through the director of fire protection, or his or her deputy,
2 shall make an inspection of the hospital to be licensed, and if it is
3 found that the premises do not comply with the required safety
4 standards and fire regulations as adopted pursuant to this chapter, he
5 or she shall promptly make a written report to the hospital and to the
6 department listing the corrective actions required and the time allowed
7 for accomplishing such corrections. The applicant or licensee shall
8 notify the ~~((director of community development))~~ chief of the
9 Washington state patrol, through the director of fire protection, upon
10 completion of any corrections required by him or her, and the
11 ~~((director of community development))~~ chief of the Washington state
12 patrol, through the director of fire protection, or his or her deputy,
13 shall make a reinspection of such premises. Whenever the hospital to
14 be licensed meets with the approval of the ~~((director of community~~
15 ~~development))~~ chief of the Washington state patrol, through the
16 director of fire protection, he or she shall submit to the department
17 a written report approving the hospital with respect to fire
18 protection, and such report is required before a full license can be
19 issued. The ~~((director of community development))~~ chief of the
20 Washington state patrol, through the director of fire protection, shall
21 make or cause to be made inspections of such hospitals at least once a
22 year.

23 In cities which have in force a comprehensive building code, the
24 provisions of which are determined by the ~~((director of community~~
25 ~~development))~~ chief of the Washington state patrol, through the
26 director of fire protection, to be equal to the minimum standards of
27 the code for hospitals adopted by the ~~((director of community~~
28 ~~development))~~ chief of the Washington state patrol, through the
29 director of fire protection, the chief of the fire department, provided
30 the latter is a paid chief of a paid fire department, shall make the
31 inspection with the ~~((director of community development))~~ chief of the
32 Washington state patrol, through the director of fire protection, or
33 his or her deputy and they shall jointly approve the premises before a
34 full license can be issued.

35 **Sec. 42.** RCW 70.75.020 and 1986 c 266 s 96 are each amended to
36 read as follows:

37 The standardization of existing fire protection equipment in this
38 state shall be arranged for and carried out by or under the direction

1 of the (~~director of community development~~) chief of the Washington
2 state patrol, through the director of fire protection. He or she shall
3 provide the appliances necessary for carrying on this work, shall
4 proceed with such standardization as rapidly as possible, and shall
5 require the completion of such work within a period of five years from
6 June 8, 1967: PROVIDED, That the (~~director of community development~~)
7 chief of the Washington state patrol, through the director of fire
8 protection, may exempt special purpose fire equipment and existing fire
9 protection equipment from standardization when it is established that
10 such equipment is not essential to the coordination of public fire
11 protection operations.

12 **Sec. 43.** RCW 70.75.030 and 1986 c 266 s 97 are each amended to
13 read as follows:

14 The (~~director of community development~~) chief of the Washington
15 state patrol, through the director of fire protection, shall notify
16 industrial establishments and property owners having equipment, which
17 may be necessary for fire department use in protecting the property or
18 putting out fire, of any changes necessary to bring their equipment up
19 to the requirements of the standard established by RCW 70.75.020, and
20 shall render such assistance as may be available for converting
21 substandard equipment to meet standard specifications and requirements.

22 **Sec. 44.** RCW 70.75.040 and 1986 c 266 s 98 are each amended to
23 read as follows:

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

1 **Sec. 45.** RCW 70.77.170 and 1986 c 266 s 99 are each amended to
2 read as follows:

3 "License" means a nontransferable formal authorization which the
4 (~~director of community development~~) chief of the Washington state
5 patrol and the director of fire protection are permitted to issue under
6 this chapter to engage in the act specifically designated therein.

7 **Sec. 46.** RCW 70.77.250 and 1986 c 266 s 100 are each amended to
8 read as follows:

9 (1) The (~~director of community development~~) chief of the
10 Washington state patrol, through the director of fire protection, shall
11 enforce and administer this chapter.

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

16 (3) The (~~director of community development~~) chief of the
17 Washington state patrol, through the director of fire protection, may
18 prescribe such rules relating to fireworks as may be necessary for the
19 protection of life and property and for the implementation of this
20 chapter.

21 (4) The (~~director of community development~~) chief of the
22 Washington state patrol, through the director of fire protection, shall
23 prescribe such rules as may be necessary to ensure state-wide minimum
24 standards for the enforcement of this chapter. Counties, cities, and
25 towns shall comply with such state rules. Any local rules adopted by
26 local authorities that are more restrictive than state law as to the
27 types of fireworks that may be sold shall have an effective date no
28 sooner than one year after their adoption.

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

36 **Sec. 47.** RCW 70.77.305 and 1986 c 266 s 101 are each amended to
37 read as follows:

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

9 **Sec. 48.** RCW 70.77.315 and 1986 c 266 s 102 are each amended to
10 read as follows:

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

17 **Sec. 49.** RCW 70.77.330 and 1986 c 266 s 104 are each amended to
18 read as follows:

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

26 **Sec. 50.** RCW 70.77.360 and 1986 c 266 s 106 are each amended to
27 read as follows:

28 If the (~~director of community development~~) chief of the
29 Washington state patrol, through the director of fire protection, finds
30 that an application for any license under this chapter contains a
31 material misrepresentation or that the granting of any license would be
32 contrary to the public safety or welfare, the (~~director of community~~
33 ~~development~~) chief of the Washington state patrol, through the
34 director of fire protection, may deny the application for the license.

1 **Sec. 51.** RCW 70.77.365 and 1986 c 266 s 107 are each amended to
2 read as follows:

3 A written report by the (~~director of community development~~) chief
4 of the Washington state patrol, through the director of fire
5 protection, or a local fire official, or any of their authorized
6 representatives, disclosing that the applicant for a license, or the
7 premises for which a license is to apply, do not meet the
8 qualifications or conditions for a license constitutes grounds for the
9 denial by the (~~director of community development~~) chief of the
10 Washington state patrol, through the director of fire protection, of
11 any application for a license.

12 **Sec. 52.** RCW 70.77.375 and 1986 c 266 s 108 are each amended to
13 read as follows:

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

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

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

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

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

30 **Sec. 53.** RCW 70.77.415 and 1986 c 266 s 109 are each amended to
31 read as follows:

32 Every public display of fireworks shall be handled or supervised by
33 a pyrotechnic operator licensed by the (~~director of community~~
34 ~~development~~) chief of the Washington state patrol, through the
35 director of fire protection, under RCW 70.77.255.

1 **Sec. 54.** RCW 70.77.430 and 1986 c 266 s 110 are each amended to
2 read as follows:

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

10 **Sec. 55.** RCW 70.77.455 and 1986 c 266 s 114 are each amended to
11 read as follows:

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

17 **Sec. 56.** RCW 70.77.460 and 1986 c 266 s 115 are each amended to
18 read as follows:

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

26 **Sec. 57.** RCW 70.77.465 and 1986 c 266 s 116 are each amended to
27 read as follows:

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

1 **Sec. 58.** RCW 70.77.575 and 1986 c 266 s 117 are each amended to
2 read as follows:

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

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

17 **Sec. 59.** RCW 70.77.580 and 1986 c 266 s 118 are each amended to
18 read as follows:

19 Retailers required to be licensed under this chapter shall post
20 prominently at each retail outlet a list of the fireworks that may be
21 sold to the public in this state pursuant to this chapter. The posted
22 list shall be in a form approved by the (~~director of community~~
23 ~~development~~) chief of the Washington state patrol, through the
24 director of fire protection. The (~~director of community development~~)
25 chief of the Washington state patrol, through the director of fire
26 protection, shall make available the list.

27 **Sec. 60.** RCW 70.108.040 and 1986 c 266 s 120 are each amended to
28 read as follows:

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

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

- 1 (2) A financial statement of the applicant;
- 2 (3) The nature of the business organization of the applicant;
- 3 (4) Names and addresses of all individuals or other entities having
- 4 a ten percent or more proprietary interest in the festival;
- 5 (5) The principal place of business of applicant;
- 6 (6) A legal description of the land to be occupied, the name and
- 7 address of the owner thereof, together with a document showing the
- 8 consent of said owner to the issuance of a permit, if the land be owned
- 9 by a person other than the applicant;
- 10 (7) The scheduled performances and program;
- 11 (8) Written confirmation from the local health officer that he or
- 12 she has reviewed and approved plans for site and development in
- 13 accordance with rules, regulations and standards adopted by the state
- 14 board of health. Such rules and regulations shall include criteria as
- 15 to the following and such other matters as the state board of health
- 16 deems necessary to protect the public's health:
 - 17 (a) Submission of plans
 - 18 (b) Site
 - 19 (c) Water supply
 - 20 (d) Sewage disposal
 - 21 (e) Food preparation facilities
 - 22 (f) Toilet facilities
 - 23 (g) Solid waste
 - 24 (h) Insect and rodent control
 - 25 (i) Shelter
 - 26 (j) Dust control
 - 27 (k) Lighting
 - 28 (l) Emergency medical facilities
 - 29 (m) Emergency air evacuation
 - 30 (n) Attendant physicians
 - 31 (o) Communication systems
- 32 (9) A written confirmation from the appropriate law enforcement
- 33 agency from the area where the outdoor music festival is to take place,
- 34 showing that traffic control and crowd protection policing have been
- 35 contracted for or otherwise provided by the applicant meeting the
- 36 following conditions:
 - 37 (a) One person for each two hundred persons reasonably expected to
 - 38 be in attendance at any time during the event for purposes of traffic
 - 39 and crowd control.

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

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

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

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

28 (11) A written confirmation from the department of natural
29 resources, where applicable, and the ~~((director of community
30 development))~~ chief of the Washington state patrol, through the
31 director of fire protection, that all fire prevention requirements have
32 been complied with.

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

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

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

4 **Sec. 61.** RCW 70.160.060 and 1986 c 266 s 121 are each amended to
5 read as follows:

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

12 **Sec. 62.** RCW 71.12.485 and 1989 1st ex.s. c 9 s 228 are each
13 amended to read as follows:

14 Standards for fire protection and the enforcement thereof, with
15 respect to all establishments to be licensed hereunder, shall be the
16 responsibility of the (~~director of community development~~) chief of
17 the Washington state patrol, through the director of fire protection,
18 who shall adopt such recognized standards as may be applicable to such
19 establishments for the protection of life against the cause and spread
20 of fire and fire hazards. The department of health, upon receipt of an
21 application for a license, or renewal of a license, shall submit to the
22 (~~director of community development~~) chief of the Washington state
23 patrol, through the director of fire protection, in writing, a request
24 for an inspection, giving the applicant's name and the location of the
25 premises to be licensed. Upon receipt of such a request, the
26 (~~director of community development~~) chief of the Washington state
27 patrol, through the director of fire protection, or his or her deputy
28 shall make an inspection of the establishment to be licensed, and if it
29 is found that the premises do not comply with the required safety
30 standards and fire regulations as promulgated by the (~~director of~~
31 ~~community development~~) chief of the Washington state patrol, through
32 the director of fire protection, he or she shall promptly make a
33 written report to the establishment and the department of health as to
34 the manner and time allowed in which the premises must qualify for a
35 license and set forth the conditions to be remedied with respect to
36 fire regulations. The department of health, applicant or licensee
37 shall notify the (~~director of community development~~) chief of the

1 Washington state patrol, through the director of fire protection, upon
2 completion of any requirements made by him or her, and the ((~~state fire~~
3 ~~marshal~~)) director of fire protection or his or her deputy shall make
4 a reinspection of such premises. Whenever the establishment to be
5 licensed meets with the approval of the ((~~director of community~~
6 ~~development~~)) chief of the Washington state patrol, through the
7 director of fire protection, he or she shall submit to the department
8 of health a written report approving same with respect to fire
9 protection before a full license can be issued. The ((~~director of~~
10 ~~community development~~)) chief of the Washington state patrol, through
11 the director of fire protection, shall make or cause to be made
12 inspections of such establishments at least annually. The department
13 of health shall not license or continue the license of any
14 establishment unless and until it shall be approved by the ((~~director~~
15 ~~of community development~~)) chief of the Washington state patrol,
16 through the director of fire protection, as herein provided.

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

29 **Sec. 63.** RCW 74.15.050 and 1986 c 266 s 123 are each amended to
30 read as follows:

31 The ((~~director of community development~~)) chief of the Washington
32 state patrol, through the director of fire protection, shall have the
33 power and it shall be his or her duty:

34 (1) In consultation with the children's services advisory committee
35 and with the advice and assistance of persons representative of the
36 various type agencies to be licensed, to adopt recognized minimum
37 standard requirements pertaining to each category of agency established
38 pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family

1 homes and child-placing agencies, necessary to protect all persons
2 residing therein from fire hazards;

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

6 (3) To make a periodic review of requirements under RCW
7 74.15.030(~~(+6)~~) (7) and to adopt necessary changes after consultation
8 as required in subsection (1) of this section;

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

15 **Sec. 64.** RCW 74.15.080 and 1989 1st ex.s. c 9 s 266 are each
16 amended to read as follows:

17 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall
18 accord the department of social and health services, the secretary of
19 health, the ~~((director of community development))~~ chief of the
20 Washington state patrol, and the director of fire protection, or their
21 designees, the right of entrance and the privilege of access to and
22 inspection of records for the purpose of determining whether or not
23 there is compliance with the provisions of chapter 74.15 RCW and RCW
24 74.13.031 and the requirements adopted thereunder.

25 NEW SECTION. **Sec. 65.** A new section is added to chapter 43.10 RCW
26 to read as follows:

27 (1) The legislature finds that provisions for information systems
28 relating to statistics and reporting for fire prevention, suppression,
29 and damage control do not adequately address the needs of ongoing
30 investigations of fire incidents where the cause is suspected or
31 determined to be the result of negligence or otherwise suggestive of
32 some criminal activity, particularly that of arson. It is the intent
33 of the legislature to establish an information and reporting system
34 designed specifically to assist state and local officers in conducting
35 such investigations and, where substantiated, to undertake prosecution
36 of individuals suspected of such activities.

1 (2)(a) In addition to the information provided by local officials
2 about the cause, origin, and extent of loss in fires under chapter
3 48.48 RCW, there is hereby created the state arson investigation
4 information system in the office of the attorney general.

5 (b) The attorney general shall develop the arson investigation
6 information system in consultation with representatives of the various
7 state and local officials charged with investigating fires resulting
8 from suspicious or criminal activities under chapter 48.48 RCW and of
9 the insurance industry.

10 (c) The arson investigation information system shall be designed to
11 include at least the following attributes: (i) The information
12 gathered and reported shall meet the diverse needs of state and local
13 investigating agencies; (ii) the forms and reports are drafted in
14 understandable terms of common usage; and (iii) the results shall be
15 adaptable to the varying levels of available resources, maintained in
16 a manner to foster data sharing and mutual aid activities, and made
17 available to other law enforcement agencies responsible for criminal
18 investigations.

19 (d) All insurers required to report claim information under the
20 provisions of chapter 48.50 RCW shall cooperate fully with any requests
21 from the attorney general in developing and maintaining the arson
22 investigation information system. The confidentiality provisions of
23 that chapter shall be fully enforced.

24 **Sec. 66.** RCW 52.12.031 and 1986 c 311 s 1 are each amended to read
25 as follows:

26 Any fire protection district organized under this title may:

27 (1) Lease, acquire, own, maintain, operate, and provide fire and
28 emergency medical apparatus and all other necessary or proper
29 facilities, machinery, and equipment for the prevention and suppression
30 of fires, the providing of emergency medical services and the
31 protection of life and property;

32 (2) Lease, acquire, own, maintain, and operate real property,
33 improvements, and fixtures for housing, repairing, and maintaining the
34 apparatus, facilities, machinery, and equipment described in subsection
35 (1) of this section;

36 (3) Contract with any governmental entity under chapter 39.34 RCW
37 or private person or entity to consolidate, provide, or cooperate for
38 fire prevention protection, fire suppression, investigation, and

1 emergency medical purposes. In so contracting, the district or
2 governmental entity is deemed for all purposes to be acting within its
3 governmental capacity. This contracting authority includes the
4 furnishing of fire prevention, fire suppression, investigation,
5 emergency medical services, facilities, and equipment to or by the
6 district, governmental entity, or private person or entity;

7 (4) Encourage uniformity and coordination of fire protection
8 district operations. The fire commissioners of fire protection
9 districts may form an association to secure information of value in
10 suppressing and preventing fires and other district purposes, to hold
11 and attend meetings, and to promote more economical and efficient
12 operation of the associated fire protection districts. The
13 commissioners of fire protection districts in the association shall
14 adopt articles of association or articles of incorporation for a
15 nonprofit corporation, select a chairman, secretary, and other officers
16 as they may determine, and may employ and discharge agents and
17 employees as the officers deem convenient to carry out the purposes of
18 the association. The expenses of the association may be paid from
19 funds paid into the association by fire protection districts:
20 PROVIDED, That the aggregate contributions made to the association by
21 a district in a calendar year shall not exceed two and one-half cents
22 per thousand dollars of assessed valuation;

23 (5) Enter into contracts to provide group life insurance for the
24 benefit of the personnel of the fire districts;

25 (6) Perform building and property inspections that the district
26 deems necessary to provide fire prevention services and pre-fire
27 planning within the district and any area that the district serves by
28 contract in accordance with RCW 19.27.110: PROVIDED, That codes used
29 by the district for building and property inspections shall be limited
30 to the applicable codes adopted by the state, county, city, or town
31 that has jurisdiction over the area in which the property is located.
32 A copy of inspection reports prepared by the district shall be
33 furnished by the district to the appropriate state, county, city, or
34 town that has jurisdiction over the area in which the property is
35 located: PROVIDED, That nothing in this subsection shall be construed
36 to grant code enforcement authority to a district. This subsection
37 shall not be construed as imposing liability on any governmental
38 jurisdiction;

1 (7) Determine the origin and cause of fires occurring within the
2 district and any area the district serves by contract. In exercising
3 the authority conferred by this subsection, the fire protection
4 district and its authorized representatives shall comply with the
5 provisions of RCW 48.48.060;

6 (8) Perform acts consistent with this title and not otherwise
7 prohibited by law.

8 NEW SECTION. **Sec. 67.** The association of fire commissioners that
9 is authorized to be formed under RCW 52.12.031(4), the association of
10 Washington cities, and the Washington state association of counties
11 shall submit a report on achieving greater efficiency in the delivery
12 of fire protection services to the government operations committee of
13 the senate and the local government committee of the house of
14 representatives on or before December 31, 1995.

15 NEW SECTION. **Sec. 68.** The state fire protection policy board
16 shall conduct a study on the overlapping and confusing jurisdiction and
17 responsibilities of local governments concerning fire investigation.
18 The board shall make recommendations to the government operations
19 committee of the senate and the local government committee of the house
20 of representatives on or before December 31, 1995.

21 NEW SECTION. **Sec. 69.** The department of natural resources and the
22 association of fire commissioners shall submit a report on the
23 feasibility of providing fire protection for lands that are not
24 federally protected, not protected by the department of natural
25 resources, and not within the boundaries of a fire protection district
26 to the government operations committee of the senate and the local
27 government committee of the house of representatives on or before
28 December 31, 1995.

29 NEW SECTION. **Sec. 70.** The following sections are each recodified
30 as new sections in chapter 43.43 RCW:

- 31 RCW 43.63A.300
- 32 RCW 43.63A.310
- 33 RCW 43.63A.320
- 34 RCW 43.63A.330
- 35 RCW 43.63A.340

1 RCW 43.63A.350
2 RCW 43.63A.360
3 RCW 43.63A.370
4 RCW 43.63A.375
5 RCW 43.63A.377
6 RCW 43.63A.380.

7 NEW SECTION. **Sec. 71.** This act does not apply to forest fire
8 service personnel and programs.

9 NEW SECTION. **Sec. 72.** RCW 48.48.120 and 1947 c 79 s .33.12 are
10 each repealed.

11 NEW SECTION. **Sec. 73.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect July 1, 1995.

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