
HOUSE BILL 1406

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Hunt, Ross, Appleton, Armstrong, Hurst, and Stanford

Read first time 01/20/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to intrastate building safety mutual aid in the
2 event of emergencies and other situations that temporarily render a
3 jurisdiction incapable of providing required building safety services;
4 adding a new chapter to Title 38 RCW; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The intrastate building safety mutual
7 aid system is established to provide for mutual assistance among member
8 jurisdictions in the case of an emergency or to participate in training
9 and exercises.

10 (2) Unless otherwise provided in subsection (3) of this section,
11 the following governmental entities are member jurisdictions of the
12 intrastate building safety mutual aid system:

- 13 (a) The state of Washington;
- 14 (b) Counties;
- 15 (c) Cities and towns;
- 16 (d) Tribal governmental entities that declare an intention, in
17 writing, to participate as a member jurisdiction in the intrastate
18 building safety mutual aid system; and

1 (e) Other governmental entities that possess the authority to
2 declare a formal state of emergency.

3 (3) Nothing in this section precludes a governmental entity
4 participating in the intrastate building safety mutual aid system from
5 entering into other mutual aid agreements otherwise permitted by law.

6 (4) Mutual assistance may include immediate responses to an
7 emergency, effort to mitigate or prevent further damages, or recovery
8 activities.

9 (5) Nothing in this section is intended to interfere with other
10 mutual aid systems established by law. Existing mutual aid systems
11 including fire and law enforcement mobilization systems established by
12 RCW 43.43.960 through 43.43.975 are unaffected by this act.

13 NEW SECTION. **Sec. 2.** A member jurisdiction may request assistance
14 from other member jurisdictions to respond to, mitigate, or recover
15 from an emergency, or for participation of other member jurisdictions
16 in authorized drills or exercises, subject to the following provisions:

17 (1) A member jurisdiction requesting assistance under the
18 intrastate building safety mutual aid system must (a) be experiencing
19 an emergency as defined in section 9 of this act or (b) anticipate
20 undertaking drills or exercises.

21 (2) The chief executive officer of a requesting member
22 jurisdiction, or his or her authorized designee, must request
23 assistance under the intrastate building safety mutual aid system
24 directly from the chief executive officer of another member
25 jurisdiction.

26 (3) A verbal request for assistance must be confirmed by a written
27 request as soon as practicable.

28 (4) A responding member jurisdiction may withhold requested
29 resources for any reason.

30 (5) Emergency responders from a responding member jurisdiction are
31 under the general command of the responding member jurisdiction and the
32 operational control of the requesting member jurisdiction.

33 (6) Resources from a responding member jurisdiction are under the
34 command of the responding member jurisdiction and the operational
35 control of the requesting member jurisdiction.

36 (7) Response under this agreement is voluntary and the state of
37 Washington incurs no additional responsibility for response expenses

1 under this agreement. Unless otherwise provided by this section, a
2 requesting member jurisdiction shall reimburse responding member
3 jurisdictions for the true and full value of assistance provided
4 pursuant to the intrastate building safety mutual aid system. Requests
5 for reimbursement must be made within thirty days in accordance with
6 procedures and rates developed by the intrastate building safety mutual
7 aid oversight committee.

8 (8) If not otherwise prohibited, a responding member jurisdiction
9 may donate requested emergency responder assistance and resources to a
10 requesting member jurisdiction.

11 NEW SECTION. **Sec. 3.** An emergency responder holding a license,
12 certificate, or other permit issued by a responding member jurisdiction
13 evidencing qualification in a professional, mechanical, or other skill
14 shall be deemed to be licensed, certified, or permitted in the
15 requesting member jurisdiction, subject to any limitations and
16 conditions the chief executive of the requesting member jurisdiction
17 may prescribe.

18 NEW SECTION. **Sec. 4.** An employee of a responding member
19 jurisdiction that dies or sustains an injury in the course of his or
20 her employment, while providing assistance under the intrastate
21 building safety mutual aid system, is eligible to receive the benefits
22 that would otherwise be available for injuries sustained or death in
23 the course of employment.

24 NEW SECTION. **Sec. 5.** (1) A responding member jurisdiction may
25 designate, in writing, persons to serve as temporary emergency
26 responders for the purposes of deploying such persons under the
27 intrastate building safety mutual aid system and the emergency
28 management assistance compact. A designation as a temporary emergency
29 responder does not grant any right to wages, salary, pensions, health
30 benefits, seniority or other benefits.

31 (2) The intrastate building safety mutual aid oversight committee
32 will develop guidelines and procedures detailing this temporary
33 designation process.

1 NEW SECTION. **Sec. 6.** (1) A member jurisdiction that has a
2 disagreement with another member jurisdiction regarding reimbursement
3 for assistance under the provisions of this act may send a written
4 request to the other member jurisdiction to resolve the matter within
5 thirty days.

6 (2) If the dispute is not resolved within thirty days of the
7 receipt of the written request, either party may request arbitration.

8 NEW SECTION. **Sec. 7.** (1) For purposes of tort liability or
9 immunity, an emergency responder of a responding member jurisdiction is
10 considered an agent of the requesting member jurisdiction.

11 (2) A responding member jurisdiction rendering aid under this
12 system is not liable for the acts or omissions in good faith of the
13 responding member jurisdiction's emergency responders or resources.

14 (3) For purposes of this section, good faith does not include
15 willful misconduct, gross negligence, or recklessness.

16 NEW SECTION. **Sec. 8.** The intrastate building safety mutual aid
17 system does not provide rights or privileges to any person responding
18 for any reason if a member jurisdiction has not requested or authorized
19 that person to respond to the emergency.

20 NEW SECTION. **Sec. 9.** Unless the context clearly indicates
21 otherwise, the definitions in this section apply throughout the
22 chapter:

23 (1) "Command" means the ultimate authority over emergency
24 responders and resources, held by the responding member jurisdiction.

25 (2) "Department" means the local building department, emergency
26 management department, Washington emergency management division, or
27 other agency authorized to credential emergency workers.

28 (3) "Emergency" means a situation that temporarily renders a
29 building safety department incapable of providing building safety
30 services. Emergencies include, but are not limited to, declared states
31 of emergency, declared disasters, and other situations that temporarily
32 impair the jurisdictions ability to provide building safety operations.

33 (4) "Emergency responder" means a person with skills,
34 qualifications, training, knowledge, and experience to respond in the
35 case of a declared emergency, as defined by law, including expertise in

1 such areas as law enforcement, firefighting, emergency medical
2 services, medicine, nursing, public health, emergency management,
3 public works, building safety specialized equipment operations skills,
4 or other skills needed to provide aid in a state of emergency.

5 (5) "Incident command system" means the system adopted by the state
6 for management of emergency incidents and includes the national
7 incident management system or other such system pursuant to state
8 requirements.

9 (6) "Operational control" means the subset of command, granted by
10 the responding member jurisdiction to the requesting member
11 jurisdiction for the duration of the deployment of emergency responders
12 or resources, under the intrastate building safety mutual aid system.
13 Operational control includes the day-to-day direction and operation of
14 emergency responders or resources while deployed under the intrastate
15 building safety mutual aid system, but does not include discipline,
16 promotion, hiring, and firing of emergency responders, nor ownership
17 nor disposition of resources.

18 (7) "Requesting member jurisdiction" means a member jurisdiction
19 that requests assistance from another member jurisdiction under the
20 process established by the intrastate building safety mutual aid
21 system.

22 (8) "Resources" includes supplies, materials, equipment,
23 facilities, energy, services, information, or systems used to prevent,
24 mitigate, respond to, or recover from any incident resulting in a
25 deployment under this act.

26 (9) "Responding member jurisdiction" means a member jurisdiction
27 that has or intends to provide emergency responders and/or resources to
28 a requesting member jurisdiction under the process established by the
29 intrastate building safety mutual aid system.

30 NEW SECTION. **Sec. 10.** The intrastate building safety mutual aid
31 oversight committee is created. It shall be a committee of the
32 Washington association of building officials. The committee will be
33 representative of building safety agencies and disciplines as well as
34 local political subdivisions. The state emergency management division
35 will hold an ex officio seat on the committee.

36 (1) The president of the Washington association of building

1 officials will appoint members of the committee from interested
2 applicants.

3 (2) The chair of the Washington association of building officials
4 emergency management committee or designee will chair the committee.

5 (3) The committee will hold, at a minimum, annual meetings.

6 (4) The committee will be responsible for developing and updating
7 comprehensive guidelines and procedures implementing the intrastate
8 building safety mutual aid system. The guidelines and procedures shall
9 include, at a minimum, the following: Projected or anticipated costs,
10 checklists for requesting and providing assistance, recordkeeping for
11 all member jurisdictions, rates and reimbursement procedures, and other
12 necessary implementation instructions and forms.

13 (5) The committee will review the progress and status of the
14 intrastate building safety mutual aid system and draft necessary
15 guidelines, policies, and procedures to correct any deficiencies in the
16 system.

17 NEW SECTION. **Sec. 11.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act
22 constitute a new chapter in Title 38 RCW.

23 NEW SECTION. **Sec. 13.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

--- END ---