

FINAL BILL REPORT

SHB 1585

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Synopsis as Enacted

Brief Description: Establishing the intrastate mutual aid system.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Eddy, Springer and Ryu).

House Committee on Public Safety & Emergency Preparedness
Senate Committee on Government Operations, Tribal Relations & Elections

Background:

Mutual aid is a term in organizational theory used to signify a voluntary reciprocal exchange of resources and services for mutual benefit. In emergency services, mutual aid is an agreement among emergency responders to lend assistance across jurisdictional boundaries. This may occur due to an emergency response that exceeds local resources, such as a disaster or a multiple-alarm fire. Mutual aid may be ad hoc and requested only when such an emergency occurs. It may also be a formal standing agreement for cooperative emergency management on a continuing basis, such as ensuring that resources are dispatched from the nearest fire station, regardless of which side of the jurisdictional boundary the incident is on. Various state and local governmental entities in Washington are involved in emergency management and preparedness.

The Emergency Management Division. The Emergency Management Division of the Washington Military Department administers emergency management and disaster relief programs. The Director of the Washington Military Department (Director) is appointed by the Governor and is required to develop a comprehensive emergency management plan including an analysis of the natural, technological, or human-caused hazards that could affect the state. Local jurisdictions are directed to establish comprehensive local emergency management plans, and submit their plans to the Director for recommendations. Local jurisdictions may also establish and operate joint local emergency management organizations.

The Emergency Management Council. The Emergency Management Council (Council) is a 17-member Council appointed by the Governor to advise the Governor and the Director on state and local emergency management matters. The Council includes representatives from various state and local agencies, as well as emergency medical personnel and private

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industry. Among other duties, the Council must ensure the Governor receives an annual assessment of statewide emergency preparedness. In the event of a disaster beyond local control, the Governor, through the Director, may assume operational control over all or any part of emergency management functions in the state. In addition to using state and local agencies and employees for emergency response, the Governor and the chief executives or emergency management directors of counties, cities, and towns have authority to press citizens into emergency management service if the Governor proclaims a disaster.

The Washington State Emergency Response Commission. The Washington State Emergency Response Commission (SERC) was created in accordance with a federal law that establishes requirements for federal, state and local governments, and private industry regarding emergency response planning. The membership of the SERC includes representatives from private industry, and state and local agencies. The SERC is a subcommittee of the Council and deals with hazardous chemical type emergency hazards. Among other purposes, the SERC designates and oversees local emergency planning districts or committees and facilitates preparation and implementation of emergency planning and preparedness.

The Washington State Patrol Fire Protection Bureau. The Washington State Patrol Fire Protection Bureau provides training to first responders on hazardous material incidents and is the Incident Command Agency if an incident occurs along any state route or interstate freeway. The terrorism unit offers training and information regarding terrorism response and extremist groups. The training is meant for all first responders, but the terrorism unit also provides information to agencies and people on these topics.

Summary:

The Intrastate Mutual Aid System is established to provide mutual assistance in an emergency among political subdivisions and federally recognized Indian tribes that choose to participate in the system. Mutual assistance may be requested by any member jurisdiction for: (1) response, mitigation, or recovery activities related to an emergency; or (2) participation in drills or exercises in preparation for an emergency.

Membership of the Intrastate Mutual Aid Agreement. Member jurisdictions of the Intrastate Mutual Aid System include all political subdivisions and any federally recognized Indian tribe that has provided a declaration of its intention to participate in the system. A member jurisdiction that chooses to no longer participate in the Intrastate Mutual Aid System may submit a notice to the Washington Military Department declaring that it does not want to participate in the Intrastate Mutual Aid System. These provisions do not affect other mutual aid agreements permitted by law, including the Washington State Fire Services Mobilization and the Law Enforcement Mobilization plans.

Request for Assistance. Member jurisdictions of the Intrastate Mutual Aid System may request and receive assistance from other member jurisdictions for response, mitigation, or recovery activities related to an emergency or participate in drills or exercises in preparation for an emergency, provided that:

- Prior to requesting assistance, a requesting jurisdiction must: (1) have determined an emergency exists within its territorial limits; or (2) anticipate undertaking drills or exercises in preparation for emergency.

- The chief executive officer of a requesting jurisdiction (or his or her designee) must request assistance directly from the chief executive officer of another member jurisdiction. A verbal request for assistance will suffice; however, it must be confirmed in writing within 30 days.
- Assistance requested from another jurisdiction may be withheld or withdrawn at any time and for any reason.
- A responding jurisdiction designates in writing all assistance it provides to a requesting member jurisdiction at the time so long as it is consistent with the guidelines and procedures developed by the Interstate Mutual Aid Oversight Committee (Committee). This document must be delivered to the requesting jurisdiction within 30 days after the assistance is provided.
- The jurisdiction requesting assistance only has operational control of the assistance provided and may not interfere with a responding member jurisdiction's right to withdraw assistance.

Reciprocity of Professional Qualifications. There is reciprocity for any emergency responder holding a license, certificate, or other permit evidencing qualification in a professional, mechanical, or other skill, issued by Washington or a political subdivision. That person is deemed to be licensed, certified, or permitted in the requesting member jurisdiction for the duration of the emergency, drill, or exercise, subject to any limitations and conditions that the chief executive officer of the requesting member jurisdiction has prescribed in writing.

Injuries Under the Mutual Aid Agreement. If an emergency responder employee dies or is injured during the course of his or her employment while providing emergency responder assistance under the Intrastate Mutual Aid System, such an employee is only eligible for benefits that would otherwise be available for death or injuries sustained in the course of employment with the responding member jurisdiction. An emergency responder is not an employee of the requesting member jurisdiction and is not entitled to any right, privilege, or benefit of employment from the requesting member jurisdiction, including but not limited to, compensation, wages, salary, leave, pensions, or health benefits.

Mutual Aid Reimbursement. A requesting member jurisdiction must reimburse a responding member jurisdiction for the true and full value of all assistance provided under the Intrastate Mutual Aid System. However, a responding member jurisdiction may donate assistance to a requesting member jurisdiction under the mutual aid agreement.

If a dispute regarding reimbursement arises between member jurisdictions, the member jurisdiction asserting the dispute shall provide written notice to the other jurisdiction identifying the dispute. If a resolution is not resolved within 90 days after receipt of the dispute notice by the other party, either party may invoke binding arbitration to resolve the reimbursement dispute by giving written notice to the other party. Within 30 days after receipt of the notice invoking binding arbitration, each party must furnish the other with a list of acceptable arbitrators. The parties shall select an arbitrator. If there is a failure to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration. Each party bears its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

Immunity. For purposes of tort liability or immunity, an emergency responder of a responding member jurisdiction is considered an agent of the requesting member jurisdiction. A responding jurisdiction providing assistance under the Intrastate Mutual Aid System is not liable for any act or omission while providing or attempting to provide assistance in good faith. Good faith does not include willful misconduct, gross negligence, or recklessness.

The Intrastate Mutual Aid Oversight Committee. The Intrastate Mutual Aid Oversight (Committee) is created as a subcommittee of the Council. The Committee consists of a maximum of five members who must be appointed by the Council chair from Council membership. The chair of the Committee is the Washington Military Department representative appointed as a member of the Council. Meetings of the Committee must be held at least annually.

The Committee must develop and update guidelines and procedures to facilitate implementation of the Intrastate Mutual Aid System. This includes, but is not limited to, projected or anticipated costs, checklists and forms for requesting and providing assistance, recordkeeping, reimbursement procedures, and other necessary implementation issues.

Votes on Final Passage:

House	97	0
Senate	47	0

Effective: July 22, 2011