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SENATE BILL 5221

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Swecker, Prentice, Shin, King, Kastama, Nelson, and Chase

Read first time 01/18/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

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.

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