
SENATE BILL 5256

State of Washington

57th Legislature

2001 Regular Session

By Senators Kastama and Regala

Read first time 01/17/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to enacting the emergency management assistance
2 compact; and adding a new chapter to Title 38 RCW.

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

4 NEW SECTION. **Sec. 1.** The emergency management assistance compact
5 is enacted and entered into by this state with all other states legally
6 joining the compact in the form substantially as follows:

7 ARTICLE I

8 PURPOSES AND AUTHORITIES

9 This compact is made and entered into by and between the
10 participating party states which enact this compact. For the purposes
11 of this agreement, the term "states" means the several states, the
12 Commonwealth of Puerto Rico, the District of Columbia, and all United
13 States territorial possessions.

14 The purpose of this compact is to provide for mutual assistance
15 between the states entering into this compact in managing any emergency
16 or disaster that is duly declared by the governor of the affected state
17 or states, whether arising from natural disaster, technological hazard,

1 man-made disaster, civil emergency aspects of resources shortages,
2 community disorders, insurgency, or enemy attack.

3 This compact shall also provide for mutual cooperation in
4 emergency-related exercises, testing, or other training activities
5 using equipment and personnel simulating performance of any aspect of
6 the giving and receiving of aid by party states or subdivisions of
7 party states during emergencies, such actions occurring outside actual
8 declared emergency periods. Mutual assistance in this compact may
9 include the use of the states' national guard forces, either in
10 accordance with the national guard mutual assistance compact, or by
11 mutual agreement between states.

12 ARTICLE II

13 GENERAL IMPLEMENTATION

14 Each party state entering into this compact recognizes many
15 emergencies transcend political jurisdictional boundaries and that
16 intergovernmental coordination is essential in managing these and other
17 emergencies under this compact. Each state further recognizes that
18 there will be emergencies which require immediate access and present
19 procedures to apply outside resources to make a prompt and effective
20 response to the emergency. This is because few, if any, individual
21 states have all the resources they may need in all types of emergencies
22 or the capability of delivering resources to areas where emergencies
23 exist.

24 The prompt, full, and effective utilization of resources of the
25 participating states, including any resources on hand or available from
26 the federal government or any other source, that are essential to the
27 safety, care, and welfare of the people in the event of any emergency
28 or disaster declared by a party state, shall be the underlying
29 principle on which all articles of this compact shall be understood.

30 On behalf of the governor of each state participating in the
31 compact, the legally designated state official who is assigned
32 responsibility for emergency management will be responsible for
33 formulation of the appropriate interstate mutual aid plans and
34 procedures necessary to implement this compact.

35 ARTICLE III

36 PARTY STATE RESPONSIBILITIES

1 (1) It shall be the responsibility of each party state to formulate
2 procedural plans and programs for interstate cooperation in the
3 performance of the responsibilities listed in this article. In
4 formulating such plans, and in carrying them out, the party states, as
5 is practical, shall:

6 (a) Review individual state hazards analyses and, to the extent
7 reasonably possible, determine all those potential emergencies the
8 party states might jointly suffer, whether due to natural disaster,
9 technological hazard, man-made disaster, emergency aspects of resource
10 shortages, civil disorders, insurgency, or enemy attack;

11 (b) Review party states' individual emergency plans and develop a
12 plan which will determine the mechanism for the interstate management
13 and provision of assistance concerning any potential emergency;

14 (c) Develop interstate procedures to fill any identified gaps and
15 to resolve any identified inconsistencies or overlaps in existing or
16 developed plans;

17 (d) Assist in warning communities adjacent to or crossing the state
18 boundaries;

19 (e) Protect and assure uninterrupted delivery of services,
20 medicines, water, food, energy and fuel, search and rescue, and
21 critical lifeline equipment, services, and resources, both human and
22 material;

23 (f) Inventory and set procedures for the interstate loan and
24 delivery of human and material resources, together with procedures for
25 reimbursement or forgiveness;

26 (g) Provide, to the extent authorized by law, for temporary
27 suspension of any statutes or ordinances that restrict the
28 implementation of the responsibilities listed in this compact.

29 (2) The authorized representative of a party state may request
30 assistance of another party state by contacting the authorized
31 representative of that state. The provisions of this agreement shall
32 only apply to requests for assistance made by and to authorized
33 representatives. Requests may be verbal or in writing. If verbal, the
34 request shall be confirmed in writing within thirty days of the verbal
35 request. Requests shall provide the following information:

36 (a) A description of the emergency services function for which
37 assistance is needed, such as, but not limited to, fire services, law
38 enforcement, emergency medical, transportation, communications, public
39 works and engineering, building inspection, planning and information

1 assistance, mass care, resource support, health and medical services,
2 and search and rescue;

3 (b) The amount and type of personnel, equipment, materials, and
4 supplies needed, and a reasonable estimate of the length of time they
5 will be needed;

6 (c) The specific place and time for staging of the assisting
7 party's response and a point of contact at that location.

8 (3) There shall be frequent consultation between state officials
9 who have assigned emergency management responsibilities and other
10 appropriate representatives of the party states with affected
11 jurisdictions and the United States government, with free exchange of
12 information, plans, and resource records relating to emergency
13 capabilities.

14 ARTICLE IV
15 LIMITATIONS

16 Any party state requested to render mutual aid or conduct exercises
17 and training for mutual aid shall take such action as is necessary to
18 provide and make available the resources covered by this compact in
19 accordance with the terms of this compact. However, it is understood
20 that the state rendering aid may withhold resources to the extent
21 necessary to provide reasonable protection for the state. Each party
22 state shall afford to the emergency forces of any party state, while
23 operating within its state limits under the terms and conditions of
24 this compact, the same powers except that of arrest unless specifically
25 authorized by the receiving state, duties, rights, and privileges as
26 are afforded forces of the state in which they are performing emergency
27 services. Emergency forces will continue under the command and control
28 of their regular leaders, but the organizational units will come under
29 the operational control of the emergency services authorities of the
30 state receiving assistance. These conditions may be activated, as
31 needed, only subsequent to a declaration of a state of emergency or
32 disaster by the governor of the party state that is to receive
33 assistance or commencement of exercises or training for mutual aid and
34 shall continue so long as the exercise or training for mutual aid are
35 in progress, the state of emergency or disaster remains in effect, or
36 loaned resources remain in the receiving state or states, whichever is
37 longer.

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ARTICLE V
LICENSES AND PERMITS

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

ARTICLE VI
LIABILITY

Officers or employees of a party state rendering aid in another state under this compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state under this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article may not include willful misconduct, gross negligence, or recklessness.

ARTICLE VII
SUPPLEMENTARY AGREEMENTS

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party to this compact, this instrument contains elements of a broad base common to all states, and nothing in this compact shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

ARTICLE VIII

1 COMPENSATION

2 Each party state shall provide for payment of compensation and
3 death benefits to injured members of the emergency forces of that state
4 and representatives of deceased members of such forces in case such
5 members sustain injuries or are killed while rendering aid under this
6 compact, in the same manner and on the same terms as if the injury or
7 death were sustained within their own state.

8 ARTICLE IX
9 REIMBURSEMENT

10 Any party state rendering aid in another state under this compact
11 shall be reimbursed by the party state receiving the aid for any loss
12 or damage to or expense incurred in the operation of any equipment and
13 the provision of any service in answering a request for aid and for the
14 costs incurred in connection with the requests. However, any aiding
15 party state may assume in whole or in part the loss, damage, expense,
16 or other cost, or may loan equipment or donate services to the
17 receiving party state without charge or cost; and any two or more party
18 states may enter into supplementary agreements establishing a different
19 allocation of costs among those states. Article VIII expenses may not
20 be reimbursable under this article.

21 ARTICLE X
22 EVACUATION

23 Plans for the orderly evacuation and interstate reception of
24 portions of the civilian population as the result of any emergency or
25 disaster of sufficient proportions to so warrant, shall be worked out
26 and maintained between the party states and the emergency
27 management/services directors of the various jurisdictions where any
28 type of incident requiring evacuation might occur. The plans shall be
29 put into effect by request of the state from which evacuees come and
30 shall include the manner of transporting evacuees, the number of
31 evacuees to be received in different areas, the manner in which food,
32 clothing, housing, and medical care will be provided, the registration
33 of evacuees, the providing of facilities for the notification of
34 relatives or friends, and the forwarding of evacuees to other areas or
35 the bringing in of additional materials, supplies, and all other
36 relevant factors. Plans shall provide that the party state receiving
37 evacuees and the party state from which the evacuees come shall

1 mutually agree as to reimbursement of out-of-pocket expenses incurred
2 in receiving and caring for the evacuees, for expenditures for
3 transportation, food, clothing, medicines and medical care, and like
4 items. Expenditures shall be reimbursed as agreed by the party state
5 from which the evacuees come. After the termination of the emergency
6 or disaster, the party state from which the evacuees come shall assume
7 the responsibility for the ultimate support of repatriation of the
8 evacuees.

9 ARTICLE XI
10 IMPLEMENTATION

11 (1) This compact shall become operative immediately upon its
12 enactment into law by any two states. After the first enactment, this
13 compact shall become effective as to any other state upon its enactment
14 by such state.

15 (2) Any party state may withdraw from this compact by enacting a
16 statute repealing the compact, but no withdrawal may take effect until
17 thirty days after the governor of the withdrawing state has given
18 notice in writing of the withdrawal to the governors of all other party
19 states. This action may not relieve the withdrawing state from
20 obligations assumed under this compact before the effective date of
21 withdrawal.

22 (3) Duly authenticated copies of this compact and such
23 supplementary agreements as may be entered into shall, at the time of
24 their approval, be deposited with each of the party states, and with
25 the federal emergency management agency and other appropriate agencies
26 of the United States government.

27 ARTICLE XII
28 ADDITIONAL PROVISIONS

29 Nothing in this compact shall authorize or permit the use of
30 military force by the national guard of a state at any place outside
31 that state in any emergency for which the president is authorized by
32 law to call into federal service the militia, or for any purpose for
33 which the use of the army or the air force would in the absence of
34 express statutory authorization prohibited under 18 U.S.C. Sec. 1385.

35 NEW SECTION. **Sec. 2.** If any provision of this act or its
36 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
4 new chapter in Title 38 RCW.

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