

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5256**

57th Legislature  
2001 Regular Session

Passed by the Senate April 16, 2001  
YEAS 46 NAYS 0

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**President of the Senate**

Passed by the House April 5, 2001  
YEAS 92 NAYS 0

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**Speaker of the  
House of Representatives**

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5256** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 5256**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

**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 be prohibited under 18 U.S.C. Sec.  
35 1385.



1        NEW SECTION.    **Sec. 2.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

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

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