
SENATE BILL 6430

State of Washington

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By Senators Honeyford, Haugen, King, Benton, Delvin, Hatfield, Morton, Sheldon, Fain, Schoesler, Hill, Swecker, Becker, Stevens, and Ericksen

Read first time 01/23/12. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to the transfer of aerial search and rescue
2 activities to the state military department; amending RCW 47.68.380;
3 adding a new section to chapter 38.52 RCW; creating a new section;
4 recodifying RCW 47.68.380; and providing an effective date.

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

6 **Sec. 1.** RCW 47.68.380 and 2008 c 34 s 1 are each amended to read
7 as follows:

8 (1) The (~~aviation division of the~~) department is responsible for
9 the conduct and management of all aerial search and rescue within the
10 state. This includes search and rescue efforts involving aircraft and
11 airships. The (~~division~~) department is also responsible for search
12 and rescue activities involving electronic emergency signaling devices
13 such as emergency locator transmitters (ELT's) (~~and~~) emergency
14 position indicating radio beacons (EPIRB's), personal locator beacons
15 (PLB's), and similar devices.

16 (2) An act or omission by any person registered with (~~the aviation~~
17 ~~division of~~) the department for the purpose of engaging in aerial
18 search and rescue activities, while engaged in such activities, shall
19 not impose any liability on the department or the person for civil

1 damages resulting from the act or omission. However, the immunity
2 provided under this subsection shall not apply to an act or omission
3 that constitutes gross negligence or willful or wanton misconduct. For
4 the purpose of this subsection, "aerial search and rescue activities"
5 includes, but is not limited to, training and training-related
6 activities, but does not include appropriate search and rescue
7 activities conducted under the authority of RCW 38.52.400.

8 (3) The department may adopt any rules necessary to implement this
9 section.

10 NEW SECTION. Sec. 2. RCW 47.68.380 is recodified as a section in
11 chapter 38.52 RCW.

12 NEW SECTION. Sec. 3. (1) All powers, duties, and functions of the
13 aviation division of the department of transportation pertaining to
14 aerial search and rescue activities as described under RCW 47.68.380
15 (as recodified by this act) are transferred to the state military
16 department. All references to the director or the aviation division of
17 the department of transportation in the Revised Code of Washington
18 shall be construed to mean the director or the state military
19 department when referring to the functions transferred in this section.

20 (2)(a) All reports, documents, surveys, books, records, files,
21 papers, or written material in the possession of the aviation division
22 of the department of transportation pertaining to the powers, duties,
23 and functions transferred shall be delivered to the custody of the
24 state military department. All cabinets, furniture, office equipment,
25 motor vehicles, aircraft, and other tangible property employed by the
26 aviation division of the department of transportation in carrying out
27 the powers, duties, and functions transferred shall be made available
28 to the state military department.

29 (b) Whenever any question arises as to the transfer of any
30 personnel, funds, books, documents, records, papers, files, equipment,
31 or other tangible property used or held in the exercise of the powers
32 and the performance of the duties and functions transferred, the
33 director of financial management shall make a determination as to the
34 proper allocation and certify the same to the state agencies concerned.

35 (3) All rules and all pending business before the aviation division
36 of the department of transportation pertaining to the powers, duties,

1 and functions transferred shall be continued and acted upon by the
2 state military department. All existing contracts and obligations
3 shall remain in full force and shall be performed by the state military
4 department.

5 (4) The transfer of the powers, duties, and functions of the
6 aviation division of the department of transportation shall not affect
7 the validity of any act performed before the effective date of this
8 section.

9 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2013.

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