

# HOUSE BILL REPORT

## HB 2135

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### As Amended by the Senate

**Title:** An act relating to including federally recognized tribes as part of the Washington emergency management division emergency worker program.

**Brief Description:** Including federally recognized tribes as part of the Washington emergency management division emergency worker program.

**Sponsors:** Representatives Stearns, Lekanoff, Reed, Ormsby, Street, Orwall, Doglio and Reeves; by request of Military Department.

### Brief History:

#### Committee Activity:

Innovation, Community & Economic Development, & Veterans: 1/12/24, 1/17/24 [DP].

#### Floor Activity:

Passed House: 2/8/24, 97-0.

Senate Amended.

Passed Senate: 2/28/24, 49-0.

### Brief Summary of Bill

- Expands the Military Department's Emergency Worker Program to include members of federally recognized tribes.

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### HOUSE COMMITTEE ON INNOVATION, COMMUNITY & ECONOMIC DEVELOPMENT, & VETERANS

**Majority Report:** Do pass. Signed by 15 members: Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Caldier, Chambers, Christian, Cortes, Paul, Senn, Shavers, Street, Waters and Wilcox.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Emily Poole (786-7106).

**Background:**

The Military Department (Department), under the direction of the state's Adjutant General, is responsible for administering a comprehensive emergency management program for the state. Each political subdivision of the state must establish or jointly create a local organization for carrying out emergency management functions in accordance with the Washington State Comprehensive Emergency Management Plan.

The state's Emergency Management Act (EMA) requires the state to accept liability for harm caused by acts arising from good faith attempts to comply with the EMA. In certain circumstances, the state must indemnify a person who has been appointed and regularly enrolled as an emergency worker or who is an employee of the state or a local government.

The EMA grants immunity from legal liability for acts of covered volunteer emergency workers while engaged in a covered activity. "Covered activity" means providing assistance or transportation during an emergency or disaster or a search and rescue, or participating in a training or exercise in preparation for an emergency or disaster or a search and rescue. A "covered volunteer emergency worker" is a volunteer who is registered as an emergency worker with the local emergency management organization or the Department.

The covered volunteer emergency worker immunity extends to:

- the covered volunteer emergency worker;
- the covered volunteer emergency worker's supervisor and employer;
- any facility or their officers or employees;
- the owner of the property or vehicle where the act or omission may have occurred;
- any local organization that registered the volunteer;
- the state or any state or local governmental entity; and
- any professional or trade association of covered volunteer emergency workers.

The covered volunteer emergency worker immunity applies only when the covered volunteer emergency worker was engaged in a covered activity within the volunteer emergency worker's assigned duties and under the direction of a local emergency management organization or the Department, or under a local law enforcement agency if for a search and rescue. The covered volunteer emergency worker immunity also only applies if the covered volunteer emergency worker's act or omission does not constitute gross negligence or willful or wanton misconduct.

**Summary of Bill:**

The definition of emergency worker is expanded to include a person who is registered with a federally recognized tribe, so long as the Department receives a tribal government resolution declaring the tribal government's intention to be a participant in the Emergency Worker Program.

The state's responsibility under the EMA to accept liability for harm caused by acts arising from good faith attempts to comply with the EMA is expanded to include indemnification of members of federally recognized tribes. The immunity provided for acts or omissions of covered volunteer emergency workers while engaged in a covered activity extends to federally recognized tribes.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment specifies that the definition of “emergency worker” as well as the liability and indemnification protections under the Emergency Management Act include or apply to members of federally recognized Indian tribes whose traditional lands and territories included parts of Washington, rather than members of federally recognized Indian tribes located within Washington.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Emergency Worker Program allows counties to register emergency workers for training and incident response efforts. When an emergency worker is mobilized for training or an actual mission, the worker is afforded certain liability and indemnification protections. This bill will expand applicability of the Emergency Worker Program to federally recognized tribes. Nearly all local and tribal governments, especially in rural areas, rely on volunteer workers to provide extra capacity during a disaster. This bill will help tribes build their emergency response capacity.

(Opposed) None.

**Persons Testifying:** Representative Chris Stearns, prime sponsor; and Robert Ezelle, Washington Military Department, Emergency Management Division.

**Persons Signed In To Testify But Not Testifying:** None.