

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1406

Chapter 215, Laws of 2011

(partial veto)

62nd Legislature
2011 Regular Session

INTRASTATE BUILDING SAFETY MUTUAL AID SYSTEM

EFFECTIVE DATE: 07/22/11

Passed by the House February 26, 2011
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 8, 2011
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved April 29, 2011, 4:17 p.m., with
the exception of Section 10 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
**ENGROSSED SUBSTITUTE HOUSE BILL
1406** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 29, 2011

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1406

Passed Legislature - 2011 Regular Session

State of Washington

62nd Legislature

2011 Regular Session

By House Public Safety & Emergency Preparedness (originally sponsored by Representatives Hunt, Ross, Appleton, Armstrong, Hurst, and Stanford)

READ FIRST TIME 02/16/11.

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 and adding a new chapter to Title 24 RCW.

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 a building safety emergency or to
9 participate in training 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) Counties;

14 (b) Cities and towns;

15 (c) Tribal governmental entities that declare an intention, in
16 writing, to participate as a member jurisdiction in the intrastate
17 building safety mutual aid system; and

18 (d) Other governmental entities with responsibilities of ensuring
19 building safety.

1 (3) Nothing in this section precludes a governmental entity
2 participating in the intrastate building safety mutual aid system from
3 entering into other mutual aid agreements otherwise permitted by law.

4 (4) Mutual assistance may include immediate responses to a building
5 safety emergency, effort to mitigate or prevent further damages, or
6 recovery activities.

7 (5) Nothing in this section is intended to interfere with other
8 mutual aid systems established by law. Existing mutual aid systems
9 including fire and law enforcement mobilization systems established by
10 RCW 43.43.960 through 43.43.975 are unaffected by this chapter.

11 NEW SECTION. **Sec. 2.** A member jurisdiction may request assistance
12 from other member jurisdictions to respond to, mitigate, or recover
13 from a building safety emergency, or for participation of other member
14 jurisdictions in authorized drills or exercises, subject to the
15 following provisions:

16 (1) A member jurisdiction requesting assistance under the
17 intrastate building safety mutual aid system must (a) be experiencing
18 a building safety emergency as defined in section 9 of this act or (b)
19 anticipate undertaking drills or exercises.

20 (2) The chief executive officer of a requesting member
21 jurisdiction, or his or her authorized designee, must request
22 assistance under the intrastate building safety mutual aid system
23 directly from the chief executive officer of another member
24 jurisdiction.

25 (3) A verbal request for assistance must be confirmed by a written
26 request as soon as practicable.

27 (4) A responding member jurisdiction may withhold requested
28 resources for any reason.

29 (5) Emergency responders from a responding member jurisdiction are
30 under the general command of the responding member jurisdiction and the
31 operational control of the requesting member jurisdiction. All
32 emergency intrastate building safety mutual aid system responders shall
33 work within the infrastructure of any established incident command
34 system as defined in RCW 38.52.010.

35 (6) Resources from a responding member jurisdiction are under the
36 command of the responding member jurisdiction and the operational
37 control of the requesting member jurisdiction.

1 (7) Response under this agreement is voluntary. Unless otherwise
2 provided by this section, a requesting member jurisdiction shall
3 reimburse responding member jurisdictions for the true and full value
4 of assistance provided pursuant to the intrastate building safety
5 mutual aid system. Requests for reimbursement must be made within
6 thirty days in accordance with procedures and rates developed by the
7 intrastate building safety mutual 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. A designation as a
28 temporary emergency responder does not grant any right to wages,
29 salary, pensions, health benefits, seniority or other benefits.

30 (2) The intrastate building safety mutual aid oversight committee
31 will develop guidelines and procedures detailing this temporary
32 designation process.

33 NEW SECTION. **Sec. 6.** (1) A member jurisdiction that has a
34 disagreement with another member jurisdiction regarding reimbursement

1 for assistance under the provisions of this chapter may send a written
2 request to the other member jurisdiction to resolve the matter within
3 thirty days.

4 (2) If the dispute is not resolved within thirty days of the
5 receipt of the written request, either party may request arbitration.

6 NEW_SECTION. **Sec. 7.** (1) For purposes of tort liability or
7 immunity, an emergency responder of a responding member jurisdiction is
8 considered an agent of the requesting member jurisdiction.

9 (2) A responding member jurisdiction rendering aid under this
10 system is not liable for the acts or omissions in good faith of the
11 responding member jurisdiction's emergency responders or resources.

12 (3) For purposes of this section, good faith does not include
13 willful misconduct, gross negligence, or recklessness.

14 NEW_SECTION. **Sec. 8.** The intrastate building safety mutual aid
15 system does not provide rights or privileges to any person responding
16 for any reason if a member jurisdiction has not requested or authorized
17 that person to respond to the building safety emergency.

18 NEW_SECTION. **Sec. 9.** Unless the context clearly indicates
19 otherwise, the definitions in this section apply throughout the
20 chapter.

21 (1) "Building safety emergency" means a situation that temporarily
22 renders a building safety department incapable of providing building
23 safety services and includes, but is not limited to, declared states of
24 emergency, declared disasters, and other situations that temporarily
25 impair the jurisdictions ability to provide building safety operations.

26 (2) "Chief executive officer" means the county executive in those
27 charter counties with an elective office of county executive, however
28 designated, and, in the case of other counties, the county legislative
29 authority. In the case of cities and towns, it means the mayor in
30 those cities and towns with mayor-council or commission forms of
31 government, where the mayor is directly elected, and it means the city
32 manager in those cities and towns with council manager forms of
33 government. Cities and towns may also designate a chief executive
34 officer for the purposes of this chapter by ordinance.

1 (3) "Command" means the ultimate authority over emergency
2 responders and resources, held by the responding member jurisdiction.

3 (4) "Emergency responder" means a person with skills,
4 qualifications, training, knowledge, and experience to respond in the
5 case of a declared emergency, as defined by law, including expertise in
6 such areas as law enforcement, firefighting, emergency medical
7 services, medicine, nursing, public health, emergency management,
8 public works, building safety specialized equipment operations skills,
9 or other skills needed to provide aid in a state of emergency.

10 (5) "Operational control" means the subset of command, granted by
11 the responding member jurisdiction to the requesting member
12 jurisdiction for the duration of the deployment of emergency responders
13 or resources, under the intrastate building safety mutual aid system.
14 Operational control includes the day-to-day direction and operation of
15 emergency responders or resources while deployed under the intrastate
16 building safety mutual aid system, but does not include discipline,
17 promotion, hiring, and firing of emergency responders, nor ownership
18 nor disposition of resources.

19 (6) "Requesting member jurisdiction" means a member jurisdiction
20 that requests assistance from another member jurisdiction under the
21 process established by the intrastate building safety mutual aid
22 system.

23 (7) "Resources" includes supplies, materials, equipment,
24 facilities, energy, services, information, or systems used to prevent,
25 mitigate, respond to, or recover from any incident resulting in a
26 deployment under this chapter.

27 (8) "Responding member jurisdiction" means a member jurisdiction
28 that has or intends to provide emergency responders and/or resources to
29 a requesting member jurisdiction under the process established by the
30 intrastate building safety mutual aid system.

31 ****NEW SECTION. Sec. 10. The intrastate building safety mutual aid***
32 ***oversight committee is created. It shall be a committee of the***
33 ***Washington association of building officials. The committee will be***
34 ***representative of building safety agencies and disciplines as well as***
35 ***local political subdivisions.***

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.

*Sec. 10 was vetoed. See message at end of chapter.

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 24 RCW.

Passed by the House February 26, 2011.

Passed by the Senate April 8, 2011.

Approved by the Governor April 29, 2011, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 29, 2011.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 10,
Engrossed Substitute House Bill 1406 entitled:

"AN ACT Relating to intrastate building safety mutual aid in the
event of emergencies and other situations that temporarily render a
jurisdiction incapable of providing required building safety services."

Section 10 creates the intrastate building safety mutual aid oversight
committee, and provides that it shall be a committee of the Washington
association of building officials. I do not believe the creation of
this oversight committee is necessary to carry out the purposes of the
act. If desired, the members of the intrastate building safety mutual
aid system can establish a committee structure without the need of a
statutory reference.

For these reasons, I have vetoed Section 10 of Engrossed Substitute
House Bill 1406.

With the exception of Section 10, Engrossed Substitute House Bill 1406 is approved."