

Chapter 38.56 RCW
INTRASTATE MUTUAL AID SYSTEM

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RCW 38.56.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assistance" means emergency responders and resources provided by a responding member jurisdiction in response to a request from a requesting member jurisdiction.

(2) "Department" means the state military department.

(3) "Emergency" means an event or set of circumstances that: (a) Demand immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrence; or (b) reach such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(4) "Emergency responder" means an employee of a responding member jurisdiction who is designated in writing by that responding member jurisdiction as possessing skills, qualifications, training, knowledge, or experience that may be needed, pursuant to a request for assistance under this chapter, for: (a) Response, mitigation, or recovery activities related to an emergency; or (b) participation in drills or exercises in preparation for an emergency.

(5) "Operational control" means the limited authority to direct tasks, assignments, and use of assistance provided pursuant to a request for assistance under this chapter to address: (a) Response, mitigation, or recovery activities related to an emergency; or (b) participation in drills or exercises in preparation for an emergency. "Operational control" does not include any right, privilege, or benefit of ownership or employment such as disposition, compensation, wages, salary, pensions, health benefits, leave, seniority, discipline, promotion, hiring, or firing.

(6) "Political subdivision" means any county, city, or town in the state of Washington.

(7) "Requesting member jurisdiction" means a member jurisdiction that requests assistance from another member jurisdiction under this chapter.

(8) "Resources" includes supplies, materials, equipment, facilities, energy, services, information, systems, and other assets except for emergency responders that may be needed, pursuant to a request for assistance under this chapter, for: (a) Response,

mitigation, or recovery activities related to an emergency; or (b) participation in drills or exercises in preparation for an emergency.

(9) "Responding member jurisdiction" means a member jurisdiction providing or intending to provide assistance to a requesting member jurisdiction under this chapter. [2011 c 79 s 1.]

RCW 38.56.020 Intrastate mutual aid system—Established. (1)

The intrastate mutual aid system is established to provide for mutual assistance in an emergency among political subdivisions and federally recognized Indian tribes that choose to participate as member jurisdictions.

(2) Except as provided in subsection (3) of this section, member jurisdictions of the intrastate mutual aid system include:

(a) A political subdivision, special purpose district as defined in RCW 36.96.010, or junior taxing district as described in RCW 84.52.043; and

(b) Any federally recognized Indian tribe located within the boundaries of the state of Washington upon receipt by the department of a tribal government resolution declaring its intention to be a member jurisdiction in the intrastate mutual aid system under this chapter.

(3) (a) A member jurisdiction is released from membership in the intrastate mutual aid system established under this chapter upon receipt by the department of a resolution or ordinance declaring that the member jurisdiction elects not to participate in the system.

(b) Nothing in this chapter may be construed to affect other mutual aid systems or agreements otherwise authorized by law, including the Washington state fire services mobilization plan and the law enforcement mobilization plan under chapter 43.43 RCW, nor preclude a political subdivision or Indian tribe from entering or participating in those mutual aid systems or agreements.

(4) Mutual assistance may be requested by, and provided to, member jurisdictions under this chapter for: (a) Response, mitigation, or recovery activities related to an emergency; or (b) participation in drills or exercises in preparation for an emergency. [2024 c 16 s 1; 2011 c 79 s 2.]

RCW 38.56.030 Member jurisdiction may request assistance from other member jurisdictions—Provisions. A member jurisdiction may request assistance from other member jurisdictions under the intrastate mutual aid system for response, mitigation, or recovery activities related to an emergency, or to participate in drills or exercises in preparation for an emergency, subject to each of the following provisions:

(1) Prior to requesting assistance, a requesting member jurisdiction must: (a) Have determined an emergency exists within its territorial limits consistent with applicable law, rule, regulation, code, ordinance, resolution, or other applicable legal authority; or (b) anticipate undertaking drills or exercises in preparation for an emergency.

(2) The chief executive officer of a requesting member jurisdiction, or authorized designee, must request assistance directly from the chief executive officer, or authorized designee, of another

member jurisdiction. If this request is verbal, it must be confirmed in writing within thirty days after the date of the request.

(3) A responding member jurisdiction may withhold or withdraw requested assistance at any time and for any reason, in its sole discretion.

(4) A responding member jurisdiction shall designate in writing all assistance it provides to a requesting member jurisdiction at the time provided consistent with the guidelines and procedures developed by the intrastate mutual aid committee, and deliver copies of this documentation to the requesting member jurisdiction within thirty days after the assistance is provided.

(5) The requesting member jurisdiction only has operational control of assistance provided under this chapter, which may not interfere with a responding member jurisdiction's right to withdraw assistance. [2011 c 79 s 3.]

RCW 38.56.040 Qualifications of emergency responders for the purposes of the requesting member jurisdiction. An emergency responder holding a license, certificate, or other permit evidencing qualification in a professional, mechanical, or other skill, issued by the state of Washington or a political subdivision thereof, is deemed to be licensed, certified, or permitted in the requesting member jurisdiction for the duration of the emergency, drill, or exercise, subject to any limitations and conditions the chief executive officer of the requesting member jurisdiction may prescribe in writing. [2011 c 79 s 4.]

RCW 38.56.050 Death or injury of emergency responder—Benefits. An emergency responder designated by a responding member jurisdiction under RCW 38.56.030(4), who dies or sustains an injury while providing assistance to a requesting member jurisdiction as an emergency responder under this chapter, is entitled to receive only the benefits otherwise authorized by law for death or injury sustained in the course of employment with the responding member jurisdiction. Any such benefits provided by a responding member jurisdiction to an emergency responder must be included in the true and full value of assistance provided for purposes of reimbursement under RCW 38.56.070. [2011 c 79 s 5.]

RCW 38.56.060 Emergency responder—Not an employee of a requesting member jurisdiction. An emergency responder is not an employee of the requesting member jurisdiction and is not entitled to any right, privilege, or benefit of employment from the requesting member jurisdiction, including but not limited to, compensation, wages, salary, leave, pensions, health, or other advantage. [2011 c 79 s 6.]

RCW 38.56.070 Reimbursement for assistance provided. (1) A requesting member jurisdiction shall reimburse a responding member jurisdiction for the true and full value of all assistance provided under this chapter. However, if authorized by law, a responding member

jurisdiction may donate assistance provided under this chapter to a requesting member jurisdiction.

(2) If a dispute regarding reimbursement arises between member jurisdictions, the member jurisdiction asserting the dispute shall provide written notice to the other identifying the reimbursement issues in dispute. If the dispute is not resolved within ninety days after receipt of the dispute notice by the other party, either party to the dispute may invoke binding arbitration to resolve the reimbursement dispute by giving written notice to the other party. Within thirty days after receipt of the notice invoking binding arbitration, each party shall furnish the other a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party bears its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding. [2011 c 79 s 7.]

RCW 38.56.080 Emergency responder of a responding member jurisdiction—Tort liability or immunity. For purposes of tort liability or immunity, an emergency responder of a responding member jurisdiction is considered an agent of the requesting member jurisdiction. No responding member jurisdiction or its officers or employees providing assistance under this chapter is liable for any act or omission while providing or attempting to provide assistance under this chapter in good faith. For purposes of this section, good faith does not include willful misconduct, gross negligence, or recklessness. [2011 c 79 s 8.]