
HOUSE BILL 1761

State of Washington

55th Legislature

1997 Regular Session

By Representatives D. Schmidt, Scott, Talcott and Lambert

Read first time 02/07/97. Referred to Committee on Government Administration.

1 AN ACT Relating to mutual aid and interlocal agreements; adding a
2 new section to chapter 38.52 RCW; and repealing RCW 38.52.090.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 38.52 RCW
5 to read as follows:

6 (1) The director of each local organization for emergency
7 management may, in collaboration with other public and private agencies
8 within this state, develop or cause to be developed mutual aid
9 arrangements for reciprocal emergency management aid and assistance in
10 case of disaster too great to be dealt with unassisted. Such
11 arrangements must be consistent with the state emergency management
12 plan and program, and in time of emergency it is the duty of each local
13 organization for emergency management to render assistance in
14 accordance with the provisions of such mutual aid arrangements. The
15 adjutant general shall maintain and distribute a mutual aid and
16 interlocal agreement handbook.

17 (2) The adjutant general and the director of each local
18 organization for emergency management may, subject to the approval of
19 the governor, enter into mutual aid arrangements with emergency

1 management agencies or organizations in other states for reciprocal
2 emergency management aid and assistance in case of disaster too great
3 to be dealt with unassisted. All such arrangements must contain the
4 language and provisions in subsection (3) of this section.

5 (3) Mutual aid and interlocal agreements must include the
6 following:

7 Purpose

8 The purpose must state the reason the mutual aid or interlocal
9 agreement or compact is coordinated, the parties to the agreement or
10 compact, and the assistance to be provided.

11 Authorization

12 Article I, Section 10 of the Constitution of the United States permits
13 a state to enter into an agreement or compact with another state,
14 subject to the consent of Congress. Congress, through enactment of
15 Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by
16 issuance of Executive Orders No. 10186 of December 1, 1950, encourages
17 the states to enter into emergency, disaster and civil defense mutual
18 aid agreements or pacts.

19 Implementation

20 The conditions that guide the agreement or compacts may include, but
21 are not limited to:

22 (a) A statement of which authority or authorities are authorized to
23 request and receive assistance and the conditions that must exist for
24 the request or receipt of assistance.

25 (b) A statement of how the requests for assistance may be made,
26 what documentation of the request is required, the specifics of any
27 details included in the request, and the required approval for the
28 request.

29 (c) A statement of the direction and control relationship between
30 the personnel and equipment provided by the jurisdiction to the
31 requester and the requirements of the requester to coordinate the
32 activities of the jurisdiction providing the assets.

33 (d) A statement of the circumstances by which the assisting
34 jurisdiction may withdraw support from the requester and the method by
35 which this is to be communicated.

1 General Fiscal Provisions

2 The terms of reimbursement must be stated defining the relationship
3 between the requesting jurisdiction and the aiding jurisdiction, when
4 reimbursement will be made, and details of the claim for reimbursement.
5 The provisions may include statements that discuss but are not limited
6 to:

7 (a) A statement of what costs are incurred by the requesting
8 jurisdiction.

9 (b) A statement of what costs and compensation benefits are made to
10 individuals from the aiding jurisdiction by the requesting
11 jurisdiction.

12 Privileges and Immunities

13 The conditions and immunities that are enjoyed by the individuals from
14 the aiding jurisdiction to the requesting jurisdiction must be stated.
15 These provisions may include but are not limited to:

16 (a) A statement of the privileges and immunities from liability and
17 the law an employee of a supporting jurisdiction enjoys while
18 supporting the requesting jurisdiction.

19 (b) A statement of the privileges and immunities from liability and
20 the law a volunteer from a supporting jurisdiction enjoys while
21 supporting the requesting jurisdiction.

22 (c) A statement on the use of the national guard between the
23 requesting and supporting jurisdictions.

24 (d) A hold harmless agreement between the signatory jurisdictions.

25 (e) The precedence this agreement takes with existing agreements.

26 (f) A time line by which information required by the agreement is
27 exchanged and updated annually.

28 (g) The time in which the agreement becomes effective.

29 (h) The time and conditions when a signatory may withdraw and
30 render the agreement ineffective.

31 NEW SECTION. **Sec. 2.** RCW 38.52.090 and 1995 c 391 s 3, 1987 c 185
32 s 6, 1986 c 266 s 29, 1984 c 38 s 9, 1974 ex.s. c 171 s 11, & 1951 c
33 178 s 10 are each repealed.

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