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**Public Safety & Emergency Preparedness  
Committee**

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**HB 1406**

**Brief Description:** Establishing the intrastate building safety mutual aid system.

**Sponsors:** Representatives Hunt, Ross, Appleton, Armstrong, Hurst and Stanford.

**Brief Summary of Bill**

- Establishes the Intrastate Building Safety Mutual Aid (IBSMA) System to provide a reciprocal exchange of resources and assistance among member jurisdictions.
- Establishes procedures for a jurisdiction requesting assistance through the IBSMA System.
- Establishes procedures for reimbursing responding jurisdictions for the true and full-value of assistance provided under the IBSMA System.
- Establishes an IBSMA Oversight Committee that is responsible for developing and updating the guidelines and procedures relating to the operations of the IBSMA System.

**Hearing Date:** 2/9/11

**Staff:** Yvonne Walker (786-7841).

**Background:**

Mutual aid is a term in organizational theory used to signify a voluntary reciprocal exchange of resources and services for mutual benefit. In emergency services, mutual aid is an agreement among emergency responders to lend assistance across jurisdictional boundaries. This may occur due to an emergency response that exceeds local resources, such as a disaster or a multiple-alarm fire. Mutual aid may be ad hoc, requested only when such an emergency occurs. It may also be a formal standing agreement for cooperative emergency management on a continuing basis, such as ensuring that resources are dispatched from the nearest fire station,

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regardless of which side of the jurisdictional boundary the incident is on. Various state and local governmental entities in Washington are involved in emergency management and preparedness.

The Washington Association of Building Officials. The Washington Association of Building Officials is a nonprofit, professional association of state, county, city, and town officials in Washington engaged in the development, enforcement, and administration of building construction codes and ordinances. Membership includes building officials and inspectors, planners, architects, structural engineers, and others.

The Emergency Management Division. The Emergency Management Division of the Washington Military Department administers emergency management and disaster relief programs. The Director of the Military Department (Director) is appointed by the Governor and is required to develop a comprehensive emergency management plan including an analysis of the natural, technological, or human-caused hazards that could affect the state. Local jurisdictions are directed to establish comprehensive local emergency management plans, and submit their plans to the Director for recommendations. Local jurisdictions may also establish and operate joint local emergency management organizations.

The Emergency Management Council. The Emergency Management Council (Council) is a 17-member Council appointed by the Governor to advise the Governor and the Director on state and local emergency management matters. The Council includes representatives from various state and local agencies as well as emergency medical personnel and private industry. Among other duties, the Council must ensure the Governor receives an annual assessment of statewide emergency preparedness. In the event of a disaster beyond local control, the Governor, through the Director, may assume operational control over all or any part of emergency management functions in the state. In addition to using state and local agencies and employees for emergency response, the Governor and the chief executives or emergency management directors of counties, cities, and towns have authority to press citizens into emergency management service if the Governor proclaims a disaster.

The Washington State Emergency Response Commission. The Washington State Emergency Response Commission (SERC) was created in accordance with a federal law that establishes requirements for federal, state and local governments, and private industry regarding emergency response planning. The membership of the SERC includes representatives from private industry, state and local agencies. The SERC is a subcommittee of the Council and deals with hazardous chemical type emergency hazards. Among other purposes, the SERC designates and oversees local emergency planning districts or committees and facilitates preparation and implementation of emergency planning and preparedness.

The Washington State Patrol Fire Protection Bureau. The Washington State Patrol Fire Protection Bureau provides training to first responders on hazardous material incidents and is the Incident Command Agency if an incident occurs along any state route or interstate freeway. The terrorism unit offers training and information regarding terrorism response and extremist groups. The training is meant for all first responders, but the terrorism unit also provides information to agencies and people on these topics.

### **Summary of Bill:**

The Intrastate Building Safety Mutual Aid (IBSMA) System is established to provide mutual assistance among member jurisdictions in the case of an emergency or to aid in training and exercises. An emergency means a situation that temporarily renders a building safety department incapable of providing building safety services. Mutual assistance may include immediate responses to an emergency effort to help mitigate or prevent further damages, or recovery activities.

Member jurisdictions of the IBSMA System include the State of Washington, counties, cities, towns, and tribal government entities that have provided a written declaration of their intention to participate, and any other governmental entity that possess the authority to declare a formal state of emergency. Nothing permits member jurisdictions from entering into or interfering with other mutual aid agreements as permitted by law.

Member jurisdictions may request assistance from other jurisdictions to respond to, mitigate, or recover from an emergency, or for participation of other member jurisdictions in authorized drills or exercises, provided that:

- the request for assistance is from the chief executive officer of the requesting jurisdiction and that jurisdiction is experiencing an emergency or is undertaking drills or exercises;
- the verbal request for assistance is confirmed by a written request;
- resources provided by the responding jurisdiction can be withheld for any reason and are under their command but under the operational control of the requesting jurisdiction;
- emergency responders from a responding member jurisdiction are under the general command of their jurisdiction but under the operation command of the requesting jurisdiction;
- a response for assistance is voluntary and the state incurs no additional responsibility for response expenses; and
- jurisdictions requesting assistance must reimburse responding jurisdictions for the true and full-value of services provided within 30 days as prescribed by the IBSMA Oversight Committee (Committee). Responding jurisdictions may donate assistance and resources to a requesting jurisdiction. However, disputes over reimbursement payments for assistance may be handled through arbitration if they are not resolved within 30 days following a written request from the responding agency.

If an employee dies or is injured during the course of his employment while providing assistance under the IBSMA System, such employee is eligible for benefits that would otherwise be available for injuries sustained or death in the course of employment.

A responding member jurisdiction may designate, in writing, persons to serve as temporary emergency responders for the purposes of deploying such persons under the IBSMA System and the Emergency Management Assistance Compact. A designation as a temporary emergency responder does not grant any right to wages, salary, pensions, health benefits, seniority or other benefits. The Committee must develop policies detailing the temporary designation process.

For purposes of tort liability or immunity, an emergency responder of a responding member jurisdiction is considered an agent of the requesting member jurisdiction. A responding member jurisdiction rendering aid under this IBSMA System is not liable for the acts or omissions in good faith of the responding member jurisdiction's emergency responders or resources. Good faith does not include willful misconduct, gross negligence, or recklessness. The IBSMA System

does not provide rights or privileges to any person responding for any reason if a member jurisdiction has not requested or authorized that person to respond to the emergency.

Intrastate Building Safety Mutual Aid Oversight Committee. The Committee is created as a Committee of the Washington Association of Building Officials. It is representative of building safety agencies and disciplines as well as local political subdivisions. The state Emergency Management Division will hold an ex officio seat on the Committee.

The President of the Washington Association of Building Officials will appoint members of the Committee from interested applicants. The Committee, which will meet at least annually, will be responsible for developing and updating the IBSMA System's comprehensive guidelines and procedures implementing the IBSMA System. The guidelines, at a minimum, must include: projected or anticipated costs, checklists for requesting and providing assistance, recordkeeping for all member jurisdictions, rates and reimbursement procedures, and other necessary implementation instructions and forms.

The Committee must review the progress and status of the IBSMA System and draft any necessary guidelines, policies, and procedures to correct any deficiencies in it.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.