

# SENATE BILL REPORT

## SB 5420

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As Reported by Senate Committee On:  
Government Operations, Tribal Relations & Elections, February 15, 2011

**Title:** An act relating to intrastate mutual aid in the event of emergencies.

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

**Sponsors:** Senators Hobbs, Swecker, Pridemore, Kastama, Tom and White.

**Brief History:**

**Committee Activity:** Government Operations, Tribal Relations & Elections: 2/08/11, 2/15/11 [DPS, w/oRec].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5420 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase and Nelson.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Benton and Roach.

**Staff:** Diane Smith (786-7410)

**Background:** The Military Department administers the comprehensive emergency management program of the state. Each political subdivision of the state is directed to establish a local organization for emergency management in accordance with the state comprehensive emergency management plan and program. The director of each local organization may, in collaboration with other public and private agencies within the state, develop mutual aid arrangements for reciprocal aid and assistance.

The Emergency Management Council (Council) advises the Governor and the Director of the Military Department, the Adjutant General, on all matters pertaining to state and local emergency management. The Council is composed of not more than 17 members appointed by the Governor, with membership from city and county government, police, fire, state and local emergency management directors, and building officials, among others.

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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 a part of the legislation nor does it constitute a statement of legislative intent.*

These local arrangements must be consistent with the state comprehensive emergency management plan and program. It is the duty of each local organization to render assistance, in time of emergency, in accordance with the provisions of the local arrangement.

The term emergency is defined. The term emergency worker means any person who is registered with a local emergency management organization or the Military Department and who holds an identification card, or who is an employee of the state or local government who is called upon to perform emergency management activities.

**Summary of Bill (Recommended Substitute):** Counties, cities, towns, and federally-recognized Indian tribes that choose by written resolution to participate, are member jurisdictions (members) of the Intrastate Mutual Aid System (System). Upon receipt by the Military Department of a resolution or ordinance, members may be released from membership.

The responding member has an unqualified right to withdraw assistance at any time.

When requirements are met, members may request mutual assistance for response, mitigation or recovery activities related to an emergency or to participate in drills or exercises. The definition of the term emergency is the same as in existing state emergency management law.

The requirements for requesting assistance are as follows: the member must have determined an emergency exists within its jurisdiction or that it anticipates undertaking a drill or exercise; the chief executive officer of the member requesting aid must make the request to the chief executive officer of another member.

At the time it provides assistance, the responding member must designate in writing all assistance it provides, using guidelines developed by the intrastate mutual aid committee (Committee), and deliver copies to the requesting member within 30 days after assistance is provided.

The requesting member only has operational control of the assistance provided.

Reimbursement is from the requesting member to the responding member. The responding member may donate assistance. Binding arbitration may be invoked by either party if a dispute about reimbursement is not resolved within 90 days or after either party provides a notice of dispute to the other.

The Committee is a subcommittee of the state Emergency Management Council. Meetings of the Committee must be held at least annually. The Committee must implement the System by developing and updating guidelines and procedures. The guidelines and procedures are not subject to the rulemaking requirements of the Administrative Procedure Act.

**EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute):** It is clarified that the new Intrastate Mutual Aid System established in the bill cannot be construed to affect other mutual aid systems or agreements ,including the Washington State Fire Services

Mobilization plan and the Law Enforcement Mobilization plan, currently in effect and authorized by law.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: Other states have adopted this model with great success. This is best practices and has been needed for quite some time. The opt-out is good but an opt-in procedure is cumbersome and expensive. Tort liability, liability protection, and portability of licenses and qualifications are all spelled out. This system really works. It allows sharing of resources using a regional plan. This would have allowed us to help with the flooding in Lewis County and the recent snow storms in Spokane. The exercises part of this is also important to be ready for emergencies. Participation is not required, and it does not change how we fund disaster response.

CON: We are in favor of the concept, but we want to see an opt-in, public process. We are concerned about the potential cost of administration. Some counties feel the current tools are sufficient.

**Persons Testifying:** PRO: William Lokey, citizen; Barb Graff, Seattle Emergency Management Director; Bret Heath, City of Issaquah; Jim Mullen, Washington Emergency Management Division; Hillman S. Mitchell, King County.

CON: Martin Best, Mason County Democrats; Brian Enslow, Association of Washington Counties.