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**SUBSTITUTE HOUSE BILL 1406**

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**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 adding a new chapter to Title 24 RCW; and declaring an emergency.

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.

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 and 13 of this act  
22 constitute a new chapter in Title 24 RCW.

23 NEW SECTION. **Sec. 13.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and takes effect  
26 immediately.

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