

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 17, 1984.

Passed the House February 16, 1984.

Approved by the Governor February 23, 1984.

Filed in Office of Secretary of State February 23, 1984.

CHAPTER 38

[Substitute Senate Bill No. 4561]

EMERGENCY SERVICES DEPARTMENT REDESIGNATED THE DEPARTMENT OF EMERGENCY MANAGEMENT—DUTIES MODIFIED

AN ACT Relating to emergency management; amending section 1, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.005; amending section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.010; amending section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.020; amending section 4, chapter 178, Laws of 1951 as last amended by section 3, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.030; amending section 5, chapter 178, Laws of 1951 as last amended by section 8, chapter 57, Laws of 1979 ex. sess. and RCW 38.52.040; amending section 6, chapter 178, Laws of 1951 as amended by section 7, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.050; amending section 8, chapter 178, Laws of 1951 as amended by section 9, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.070; amending section 9, chapter 178, Laws of 1951 as amended by section 10, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.080; amending section 10, chapter 178, Laws of 1951 as amended by section 11, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.090; amending section 12, chapter 178, Laws of 1951 as amended by section 12, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.100; amending section 13, chapter 178, Laws of 1951 as last amended by section 13, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.110; amending section 14, chapter 178, Laws of 1951 as amended by section 14, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.120; amending section 16, chapter 178, Laws of 1951 as amended by section 16, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.140; amending section 18, chapter 178, Laws of 1951 as amended by section 17, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.150; amending section 19, chapter 178, Laws of 1951 as amended by section 18, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.160; amending section 20, chapter 178, Laws of 1951 as amended by section 19, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.170; amending section 11, chapter 178, Laws of 1951 as last amended by section 20, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.180; amending section 3, chapter 223, Laws of 1953 as amended by section 21, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.190; amending section 7, chapter 8, Laws of 1971 ex. sess. as amended by section 22, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.195; amending section 9, chapter 223, Laws of 1953 as amended by section 23, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.200; amending section 4, chapter 8, Laws of 1971 ex. sess. as last amended by section 43, chapter 151, Laws of 1979 and RCW 38.52.205; amending section 5, chapter 8, Laws of 1971 ex. sess. as amended by section 25, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.207; amending section 4, chapter 223, Laws of 1953 as last amended by section 6, chapter 213, Laws of 1981 and RCW 38.52.210; amending section 5, chapter 223, Laws of 1953 as amended by section 3, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.220; amending section 7, chapter 223, Laws of 1953 as amended by section 27, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.240; amending section 8, chapter 223, Laws of 1953 as amended by section 28, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.250; amending section 10, chapter 223, Laws of 1953 as amended by section 29, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.260; amending section 11, chapter 223, Laws of 1953 as amended by section 30, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.270; amending section 12, chapter 223, Laws of 1953 as amended by section 31,

chapter 171, Laws of 1974 ex. sess. and RCW 38.52.280; amending section 13, chapter 223, Laws of 1953 as last amended by section 32, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.290; amending section 14, chapter 223, Laws of 1953 as amended by section 59, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.52.300; amending section 15, chapter 223, Laws of 1953 as amended by section 33, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.310; amending section 16, chapter 223, Laws of 1953 as amended by section 34, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.320; amending section 17, chapter 223, Laws of 1953 as last amended by section 3, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.330; amending section 18, chapter 223, Laws of 1953 as amended by section 36, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.340; amending section 19, chapter 223, Laws of 1953 as amended by section 37, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.350; amending section 20, chapter 223, Laws of 1953 as amended by section 38, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.360; amending section 21, chapter 223, Laws of 1953 as amended by section 39, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.370; amending section 22, chapter 223, Laws of 1953 as amended by section 40, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.380; amending section 6, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.390; amending section 4, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.400; amending section 5, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.410; amending section 1, chapter 178, Laws of 1951 as amended by section 41, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.900; repealing section 2, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.006; repealing section 7, chapter 178, Laws of 1951, section 8, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.060; repealing section 15, chapter 178, Laws of 1951, section 2, chapter 145, Laws of 1953, section 15, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.130; repealing section 4, chapter 223, Laws of 1982 and RCW 43.131.251; and repealing section 8, chapter 223, Laws of 1982 and RCW 43.131.252.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 6, Laws of 1972 ex. sess. and RCW 38.52-.005 are each amended to read as follows:

On and after ~~((May 23, 1972))~~ July 1, 1984, the state department of ~~((civil defense))~~ emergency services shall be known and designated as the department of emergency ~~((services))~~ management which shall administer the comprehensive emergency management program of ~~((civil defense in))~~ the state of Washington as provided for in this chapter. All local organizations, organized and performing ~~((civil defense))~~ emergency management functions pursuant to RCW 38.52.070, ~~((shall henceforth))~~ may change their name and be called the department/division of emergency ~~((services. The advisory council created pursuant to RCW 38.52.040 shall hereafter be known and designated as the emergency services advisory council))~~ management.

Sec. 2. Section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.010 are each amended to read as follows:

As used in this chapter:

(1) "Emergency ~~((services))~~ management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to ~~((minimize and repair injury and damage))~~ mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by ((enemy attack, sabotage, or other hostile action, or by fire, flood,

~~storm, earthquake, or other natural causes))~~ all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. ~~((These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions:))~~

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency ~~((services))~~ management functions.

(3) ~~("Mobile support unit" means an organization for emergency services created in accordance with the provisions of this chapter by state or local authority to be dispatched by the governor to supplement local organizations for emergency services in stricken areas.~~

~~(4))~~ "Political subdivision" means any county, city or town.

~~((5))~~ (4) "Emergency ~~((services))~~ worker" means any person who is registered with a state or local emergency ~~((services))~~ management organization and holds an identification card issued by the state or local emergency ~~((services))~~ management director for the purpose of engaging in authorized emergency ~~((services))~~ management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency ~~((services))~~ management activities.

~~((6))~~ (5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency ~~((services))~~ management activities.

~~((7))~~ (6) "Emergency or disaster" as used in this chapter shall mean ~~((events, arising out of either enemy attack, sabotage, or other hostile action, or natural causes, which reach))~~ an event or set of circumstances which: (a) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

~~((8))~~ (7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a

natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the director of the state department of emergency management as established by this chapter.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

*Sec. 3. Section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.020 are each amended to read as follows:

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness (~~resulting from enemy attack, sabotage or other hostile action, or from fire, flood, storm, earthquake, or other natural causes~~) as defined in RCW 38.52.010(6), and in order to insure that preparations of this state will be adequate to deal with such disasters, to insure the administration of state and federal programs providing disaster relief to individuals, and further to insure adequate support for search and rescue operations, and generally to ~~(provide for the common defense and to)~~ protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(a) To create a state department of emergency ~~((services))~~ management, and to authorize the creation of local organizations for emergency ~~((services))~~ management in the political subdivisions of the state;

(b) To confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein;

(c) To provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of emergency ~~((services))~~ management functions;

(d) To provide a means of compensating emergency ~~((services))~~ management workers who may suffer any injury, as herein defined, or death; who suffer economic harm including personal property damage or loss; or who incur expenses for transportation, telephone or other methods of communication, and the use of personal supplies as a result of participation in emergency ~~((services))~~ management activities; and

(e) To provide programs, with intergovernmental cooperation, to educate and train the public to be prepared for emergencies.

(2) It is further declared to be the purpose of this chapter and the policy of the state that all emergency ((services)) management functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

(3) The legislature also recognizes that the possibility of surviving a nuclear attack is extremely remote, and believes that planning for an emergency response in the event of a nuclear attack instills a false sense of security in our citizens that they will be protected if a nuclear attack occurs. It is the policy of the state that the emergency management functions of this state, and its political subdivisions, be used for dealing with disasters that may occur other than nuclear attack.

*Sec. 3 was partially vetoed, see message at end of chapter.

Sec. 4. Section 4, chapter 178, Laws of 1951 as last amended by section 3, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.030 are each amended to read as follows:

(1) There is hereby created within the executive branch of the state government a department of emergency ((services and a director of emergency services (hereinafter called the director) who shall be the head thereof)) management. The department shall be headed by the director of emergency management. The director shall be appointed by the governor with the advice and consent of the senate; the director shall not hold any other state office; the director shall hold office ((during)) at the pleasure of the governor, and shall be compensated at the rate established by the ((governor's advisory committee on salaries and wages)) governor, subject to RCW 43.03.040.

(2) The director may employ such ((technical, clerical, stenographic, and other)) personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency ((services)) management, as may be necessary to carry out the purposes of this chapter.

(3) ((The director and other personnel of the department shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies:

(4)) The director, subject to the direction and control of the governor, shall be the executive head of the department and shall be responsible to the governor for carrying out the program for emergency ((services)) management of this state. The director shall coordinate the activities of all organizations for emergency ((services)) management within the state, and shall

maintain liaison with and cooperate with emergency ~~((services))~~ management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

~~((5))~~ (4) The director shall develop and maintain a comprehensive, all hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(5) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(6) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(7) The director ~~((staff))~~ may appoint a communications coordinating committee consisting of six to eight persons with the director, or his designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall ~~((be given full and complete authority over all plans for the direction and control of any communications facilities or functions to be operated or controlled under the provisions of this chapter by the department of emergency services, except supplemental emergency communications facilities under the direction of any local organization for emergency services))~~ advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

~~((6))~~ (8) The director shall appoint a state coordinator of search and rescue operations, who shall coordinate those state resources, services and

facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and who shall on request maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

~~((7))~~ (9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster (~~caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storms, earthquake, or other natural causes~~), as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

Sec. 5. Section 5, chapter 178, Laws of 1951 as last amended by section 8, chapter 57, Laws of 1979 ex. sess. and RCW 38.52.040 are each amended to read as follows:

There is hereby created ~~((an))~~ the emergency ((services)) management council (hereinafter called the council), to consist of not less than seven nor more than fifteen members who shall be appointed by the governor. The council shall advise the governor and the director on all matters pertaining to emergency ~~((services))~~ management. The ~~((director shall serve as chairman of the council, and the members thereof))~~ membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, private industry, and local fire chiefs. The council members shall elect a chairman from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 6. Section 6, chapter 178, Laws of 1951 as amended by section 7, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.050 are each amended to read as follows:

(1) The governor, through the director, shall have general supervision and control of the department of emergency ~~((services))~~ management, and shall be responsible for the carrying out of the provisions of this chapter, and in the event of disaster beyond local control, may assume direct operational control over all or any part of the emergency ~~((services))~~ management functions within this state.

(2) In performing his duties under this chapter, the governor is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the emergency ~~((services))~~ management of this state and of the nation.

(3) In performing his duties under this chapter and to effect its policy and purpose, the governor is further authorized and empowered:

(a) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government; ~~((copies of all of such rules, regulations and orders shall upon their issuance forthwith be transmitted to the auditors of the respective counties for filing in their offices and a separate file and a separate index shall be maintained therefor;~~

~~(b) To prepare a comprehensive plan and program for the emergency services of this state, such plan and program to be integrated into and coordinated with the emergency services plans of the federal government and of other states to the fullest extent possible, and to coordinate the preparation of plans and programs for emergency services by the political subdivisions of this state, such plans to be integrated into and coordinated with the emergency services plan and program of this state to the fullest possible extent;~~

~~(c) In accordance with such plan and program for the emergency services of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of emergency services organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency services personnel in time of need;~~

~~(d) To make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency services, and to plan for the most efficient emergency use thereof;~~

~~(e))~~ (b) On behalf of this state, to enter into mutual aid arrangements with other states and territories, or provinces of the Dominion of Canada

and to coordinate mutual aid plans between political subdivisions of this state;

~~((f))~~ (c) To delegate any administrative authority vested in him under this chapter, and to provide for the subdelegation of any such authority;

~~((g))~~ (d) To appoint, with the advice of local authorities, metropolitan or regional area coordinators, or both, when practicable;

~~((h))~~ (e) To cooperate with the president and the heads of the armed forces, the emergency ~~((services))~~ management agency of the United States, and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency ~~((services))~~ management of the state and nation ~~(, including the direction or control of~~

~~(i) blackouts and practice blackouts, air-raid drills, mobilization of emergency services forces, and other tests and exercises;~~

~~(ii) warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;~~

~~(iii) the effective screening or extinguishing of all lights and lighting devices and appliances;~~

~~(iv) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;~~

~~(v) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack;~~

~~(vi) public meetings or gatherings; and~~

~~(vii) the evacuation and reception of the civilian population)).~~

Sec. 7. Section 8, chapter 178, Laws of 1951 as amended by section 9, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.070 are each amended to read as follows:

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization for emergency ~~((services))~~ management in accordance with the state emergency ~~((services))~~ management plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for emergency ~~((services))~~ management to the state director of emergency ~~((services))~~ management and secure his recommendations thereon, and certification for consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency ((services)) management may be coordinated with the plan and program of the state. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director of emergency ~~((services))~~ management may authorize two or more political subdivisions to join in the establishment and

operation of a local organization for emergency ((services)) management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency ((services)) management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a local organization for emergency ((services)) management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the emergency ((services)) management fund. Each local organization for emergency ((services)) management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency ((services)) management, subject to the direction and control of such executive officer or officers. In the case of a jointly established and operated organization for emergency ((services)) management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. (~~As used in this chapter, the term "executive head" and "executive heads" mean, in the case of counties, the board of county commissioners and, in the case of cities and towns, the mayor.~~) Each local organization for emergency ((services)) management shall perform emergency ((services)) management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

Sec. 8. Section 9, chapter 178, Laws of 1951 as amended by section 10, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.080 are each amended to read as follows:

(1) Whenever the employees of any political subdivision are rendering outside aid pursuant to the authority contained in RCW 38.52.070 such employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

(2) The political subdivision in which any equipment is used pursuant to this section shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for such loss, damage, or expense shall be allowed unless, within sixty days after the same is sustained or incurred, an itemized notice of such claim under oath is served by mail or otherwise upon the executive head of such political subdivision where the equipment was used. The term "employee" as used in this section shall mean, and the provisions of this section shall apply with equal effect to, volunteer auxiliary employees, and emergency ((services)) workers.

(3) The foregoing rights, privileges, and obligations shall also apply in the event such aid is rendered outside the state, provided that payment or reimbursement in such case shall or may be made by the state or political subdivision receiving such aid pursuant to a reciprocal mutual aid agreement or compact with such state or by the federal government.

Sec. 9. Section 10, chapter 178, Laws of 1951 as amended by section 11, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.090 are each amended to read as follows:

(1) The director of each local organization for emergency ((services)) management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency ((services)) management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency ((services)) management plan and program, and in time of emergency it shall be the duty of each local organization for emergency ((services)) management to render assistance in accordance with the provisions of such mutual aid arrangements. The director of the department of emergency management shall adopt and distribute a standard form of contract for use by local organizations in understanding and carrying out said mutual aid arrangements.

(2) The director of the department of emergency management and the director of each local organization for emergency ((services)) management may, subject to the approval of the governor, enter into mutual aid arrangements with emergency ((services)) management agencies or organizations in other states for reciprocal emergency ((services)) management aid and assistance in case of disaster too great to be dealt with unassisted(~~, and~~

~~in furtherance thereof the following interstate civil defense and disaster compact is hereby approved, ratified, adopted, entered into, and enacted by the state of Washington:)).~~ All such arrangements shall be pursuant to either of the compacts contained in subsection (2) (a) or (b) of this section.

(a) The legislature recognizes that the compact language contained in this subsection is inadequate to meet many forms of emergencies. For this reason, after the effective date of this 1984 act, the state may not enter into any additional compacts under this subsection (2)(a).

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be effected thereby.

Article 15. (a) This Article shall be in effect only as among those states which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

1. Searches for and rescue of person who are lost, marooned, or otherwise in danger.

2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.

3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained

personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.

4. The giving and receiving of aid by subdivisions of party States.

5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

(b) The compact language contained in this subsection (2)(b) is intended to deal comprehensively with emergencies requiring assistance from other states.

INTERSTATE MUTUAL AID COMPACT

Purpose

The purpose of this Compact is to provide voluntary assistance among participating states in responding to any disaster or imminent disaster, that overextends the ability of local and state governments to reduce, counteract or remove the danger. Assistance may include, but not be limited to, rescue, fire, police, medical, communication, transportation services and facilities to cope with problems which require use of special equipment, trained personnel or personnel in large numbers not locally available.

Authorization

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

Implementation

It is agreed by participating states that the following conditions will guide implementation of the Compact:

1. Participating states through their designated officials are authorized to request and to receive assistance from a participating state. Requests will be granted only if the requesting state is committed to the mitigation of the emergency, and other resources are not immediately available.

2. Requests for assistance may be verbal or in writing. If the request is made by other than written communication, it shall be confirmed in writing as soon as practical after the request. A written request shall provide an itemization of equipment and operators, types of expertise, personnel or other resources needed. Each request must be signed by an authorized official.

3. Personnel and equipment of the aiding party made available to the requesting party shall, whenever possible, remain under the control and direction of the aiding party. The activities of personnel and equipment of the aiding party must be coordinated by the requesting party.

4. An aiding state shall have the right to withdraw some or all of their personnel and/or equipment whenever the personnel or equipment are needed by that state. Notice of intention to withdraw should be communicated to the requesting party as soon as possible.

General Fiscal Provisions

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and on the same terms as if the injury or death were sustained within such state.

Privileges and Immunities

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workmen's compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

2. All privileges and immunities from liability, exemptions from law, ordinances, and rules, workmen's compensation and other benefits which apply to duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits, shall apply to the same degree and extent while performing their

functions extra-territorially under the provisions of this Agreement. Volunteers may include, but not be limited to, physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.

3. The signatory states, their political subdivisions, municipal corporations and other public agencies shall hold harmless the corresponding entities and personnel thereof from the other state with respect to the acts and omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.

4. Nothing in this arrangement shall be construed as repealing or impairing any existing Interstate Mutual Aid Agreements.

5. Upon enactment of this Agreement by two or more states, and by January 1, annually thereafter, the participating states will exchange with each other the names of officials designated to request and/or provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it shall be permissible and desirable for the parties to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.

6. This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

7. This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until the thirtieth consecutive day after the notice provided in the statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal.

Sec. 10. Section 12, chapter 178, Laws of 1951 as amended by section 12, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.100 are each amended to read as follows:

(1) Each political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for emergency (~~services~~) management.

(2) Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of emergency (~~services~~) management, the state, acting through the governor, or such political subdivision, acting with the consent of the governor and through its executive head, may accept such offer and upon such acceptance the governor of the state or executive head of such political subdivision may authorize any officer of the state or of the

political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(3) Whenever any person, firm, or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for the purposes of emergency ((services)) management, the state, acting through the governor, or such political subdivision, acting through its executive head, may accept such offer and upon such acceptance the governor of the state or executive head of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer.

Sec. 11. Section 13, chapter 178, Laws of 1951 as last amended by section 13, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.110 are each amended to read as follows:

(1) In carrying out the provisions of this chapter, the governor and the executive heads of the political subdivisions of the state are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state, political subdivisions, and all other municipal corporations thereof including but not limited to districts and quasi municipal corporations organized under the laws of the state of Washington to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the emergency ((services)) management organizations of the state upon request notwithstanding any other provision of law.

(2) The governor, the chief executive of counties, cities and towns and the emergency ((services)) management directors of local political subdivisions appointed in accordance with this chapter, in the event of a disaster, after proclamation by the governor of the existence of such disaster, shall have the power to command the service and equipment of as many citizens as considered necessary in the light of the disaster proclaimed: PROVIDED, That citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by this chapter and federal and state emergency ((services)) management regulations for registered emergency ((services)) workers.

Sec. 12. Section 14, chapter 178, Laws of 1951 as amended by section 14, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.120 are each amended to read as follows:

No organization for emergency ((services)) management established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Sec. 13. Section 16, chapter 178, Laws of 1951 as amended by section 16, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.140 are each amended to read as follows:

Any civil service employee of the state of Washington or of any political subdivision thereof while on leave of absence and on duty with any emergency ((services)) management agency authorized under the provisions of this chapter shall be preserved in his civil service status as to seniority and retirement rights so long as he regularly continues to make the usual contributions incident to the retention of such beneficial rights as if he were not on leave of absence.

Sec. 14. Section 18, chapter 178, Laws of 1951 as amended by section 17, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.150 are each amended to read as follows:

(1) It shall be the duty of every organization for emergency ((services)) management established pursuant to this chapter and of the officers thereof to execute and enforce such orders, rules, and regulations as may be made by the governor under authority of this chapter. Each such organization shall have available for inspection at its office all orders, rules, and regulations made by the governor, or under his authority.

(2) Every violation of any rule, regulation or order issued under the authority of this chapter shall constitute a misdemeanor and shall be punishable as such: PROVIDED, That whenever any person shall commit a second offense hereunder the same shall constitute a gross misdemeanor and shall be punishable as such.

Sec. 15. Section 19, chapter 178, Laws of 1951 as amended by section 18, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.160 are each amended to read as follows:

The emergency ((services)) management agency is hereby authorized to require of any political subdivision to which funds are allocated under this chapter for any project, use or activity that such subdivision shall provide matching funds in equal amounts with respect to such project, use or activity.

Sec. 16. Section 20, chapter 178, Laws of 1951 as amended by section 19, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.170 are each amended to read as follows:

Whenever the state director of emergency ((services)) management finds that it will be in the interest of the emergency ((services)) management of this state or of the United States, he may, with the approval of the governor, agree with the federal government, or any agency thereof carrying on activities within this state, upon a plan of emergency ((services)) management applicable to a federally owned area, which plan may or may not conform to all of the other provisions of this chapter with the view to integrating federally owned areas into the comprehensive plan and program of

the emergency ((services)) management of this state. Such plan may confer upon persons carrying out such plan any or all of the rights, powers, privileges and immunities granted employees or representatives of the state and/or its political subdivisions by this chapter. The plan of emergency management authorized under this section may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

Sec. 17. Section 11, chapter 178, Laws of 1951 as last amended by section 20, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.180 are each amended to read as follows:

(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for emergency ((services)) management as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for an act of wilful negligence by such owner or occupant or his servants, agents, or employees.

(2) All legal liability for damage to property or injury or death to persons (except an emergency ((services)) worker, regularly enrolled and acting as such), caused by acts done, or attempted, under the color of this chapter in a bona fide attempt to comply therewith shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of such liability, or for the indemnification of persons appointed and regularly enrolled as emergency ((services)) workers while actually engaged in emergency ((services)) management duties, or as members of any agency of the state or political subdivision thereof engaged in emergency ((services)) management activity, or their dependents, for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this chapter: PROVIDED, That the foregoing shall not be construed to result in indemnification in any case of wilful misconduct, gross negligence or bad faith on the part of any agent of emergency ((services)) management: PROVIDED, That should the United States or any agency thereof, in accordance with any federal statute, rule or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state

of Washington for any such damage, death, or injury for which the United States government assumes liability.

(3) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized emergency ((~~ser-~~ ~~vi~~ ~~ce~~s)) worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during an emergency described in this chapter.

(4) The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the workmen's compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.

Sec. 18. Section 3, chapter 223, Laws of 1953 as amended by section 21, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.190 are each amended to read as follows:

Except as provided in this chapter, an emergency ((~~ser~~ ~~vi~~ ~~ce~~s)) worker and his dependents shall have no right to receive compensation from the state, from the agency, from the local organization for emergency ((~~ser~~ ~~vi~~ ~~ce~~s)) management with which he is registered, or from the county or city which has empowered the local organization for emergency ((~~ser~~ ~~vi~~ ~~ce~~s)) management to register him and direct his activities, for an injury or death arising out of and occurring in the course of his activities as an emergency ((~~ser~~ ~~vi~~ ~~ce~~s)) worker.

Sec. 19. Section 7, chapter 8, Laws of 1971 ex. sess. as amended by section 22, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.195 are each amended to read as follows:

Notwithstanding any other provision of law, no person, firm, corporation, or other entity acting under the direction or control of the proper authority to provide construction, equipment, or work as provided for in RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 while complying with or attempting to comply with RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 or any rule or regulation promulgated pursuant to the provisions of RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 shall be liable for the death of or any injury to persons or damage to property as a result of any such activity: PROVIDED, That said exemption shall only apply where all of the following conditions occur:

(1) Where, at the time of the incident the worker is performing services as an emergency ((~~ser~~ ~~vi~~ ~~ce~~s)) worker, and is acting within the course of his duties as an emergency ((~~ser~~ ~~vi~~ ~~ce~~s)) worker;

(2) Where, at the time of the injury, loss, or damage, the organization for emergency ((~~ser~~ ~~vi~~ ~~ce~~s)) management which the worker is assisting is an approved organization for emergency ((~~ser~~ ~~vi~~ ~~ce~~s)) management;

(3) Where the injury, loss, or damage is proximately caused by his service either with or without negligence as an emergency ((services)) worker;

(4) Where the injury, loss, or damage is not caused by the intoxication of the worker; and

(5) Where the injury, loss, or damage is not due to wilful misconduct or gross negligence on the part of a worker.

Sec. 20. Section 9, chapter 223, Laws of 1953 as amended by section 23, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.200 are each amended to read as follows:

Liability for the compensation provided by this chapter, as limited by the provisions thereof, is in lieu of any other liability whatsoever to an emergency ((services)) worker or his dependents or any other person on the part of the state, the agency, the local organization for emergency ((services)) management with which the emergency ((services)) worker is registered, and the county or city which has empowered the local organization for emergency ((services)) management to register him and direct his activities, for injury or death arising out of and in the course of his activities while on duty as an emergency ((services)) worker: PROVIDED, That nothing in this chapter shall limit or bar the liability of the state or its political subdivisions engaged in proprietary functions as distinguished from governmental functions that may exist by reason of injury or death sustained by an emergency ((services)) worker.

Sec. 21. Section 4, chapter 8, Laws of 1971 ex. sess. as last amended by section 43, chapter 151, Laws of 1979 and RCW 38.52.205 are each amended to read as follows:

All claims against the state for property damages or indemnification therefor arising from emergency ((service)) management related activities will be presented to and filed with the director of financial management. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended.

Sec. 22. Section 5, chapter 8, Laws of 1971 ex. sess. as amended by section 25, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.207 are each amended to read as follows:

The director of the state department of emergency ((services)) management, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle property loss or damage claims arising out of conduct or circumstances for which the state of Washington would be liable in law for money damages of ((five hundred)) two thousand dollars or less. The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant; and upon the state of Washington, unless procured by fraud, and shall constitute a complete release of any claim against the state of Washington. A request

for administrative settlement shall not preclude a claimant from filing court action pending administrative determination, or limit the amount recoverable in such a suit, or constitute an admission against interest of either the claimant or the state.

Sec. 23. Section 4, chapter 223, Laws of 1953 as last amended by section 6, chapter 213, Laws of 1981 and RCW 38.52.210 are each amended to read as follows:

(1) In each local organization for emergency ~~((services))~~ management established by the ~~((county commissioners))~~ legislative authority of the county in accordance with the provisions of RCW 38.52.070, there is hereby created and established a compensation board for the processing of claims as provided in this chapter. The compensation board shall be composed of: (a) The county executive if the county has an elected county executive or, if it does not, one member of the ((board of county commissioners)) county legislative authority selected by the ((county commissioners of the county who)) authority. The executive or the member will serve as the chair of the compensation board; (b) the county director of emergency services; (c) the prosecuting attorney; (d) the emergency services coordinator for medical and health services; and (e) the county auditor who will serve as secretary of the compensation board.

(2) In each local organization for emergency ~~((services))~~ management established by cities and towns in accordance with RCW 38.52.070, there is hereby created and established a compensation board for the processing of claims as provided in this chapter. The compensation board shall be composed of the mayor; the city director of emergency ~~((services))~~ management; one councilmember or commissioner selected by the council or the commission; the city attorney or corporation counsel; and the ~~((emergency services))~~ local coordinator of medical and health services. The councilmember or commissioner so selected shall serve as the chair of the compensation board and the director of emergency ~~((services))~~ management shall serve as secretary of the board.

Sec. 24. Section 5, chapter 223, Laws of 1953 as amended by section 3, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.220 are each amended to read as follows:

Said compensation board shall meet on the call of its chairman on a regular monthly meeting day when there is business to come before it. The chairman shall be required to call a meeting on any monthly meeting day when any claim for compensation under this chapter has been submitted to the board: PROVIDED, That as to claims involving amounts of ~~((five hundred))~~ two thousand dollars or less, the local organization director shall submit recommendations directly to the state without convening a compensation board.

Sec. 25. Section 7, chapter 223, Laws of 1953 as amended by section 27, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.240 are each amended to read as follows:

The compensation board shall hear and decide all applications for compensation under this chapter. The board shall submit its recommendations to the director of the department of emergency ((services)) management on such forms as he may prescribe. In case the decision of the director is different from the recommendation of the compensation board, the matter shall be submitted to the state emergency ((services)) management council for action.

Sec. 26. Section 8, chapter 223, Laws of 1953 as amended by section 28, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.250 are each amended to read as follows:

A majority of the compensation board shall constitute a quorum, and no business shall be transacted when a majority is not present, and no claim shall be allowed when a majority of the board has not voted favorably thereon.

The board shall send a copy of the minutes of all meetings to the department of emergency ((services)) management with copies of all material pertaining to each claim submitted and noting the action of the board on each claim. Appeals may be made by the emergency ((services)) worker from any action by the board within one year by writing to the department of emergency ((services)) management.

Sec. 27. Section 10, chapter 223, Laws of 1953 as amended by section 29, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.260 are each amended to read as follows:

Compensation shall be furnished to an emergency ((services)) worker either within or without the state for any injury arising out of and occurring in the course of his activities as an emergency ((services)) worker, and for the death of any such worker if the injury proximately causes death, in those cases where the following conditions occur:

(1) Where, at the time of the injury the emergency ((services)) worker is performing services as an emergency ((services)) worker, and is acting within the course of his duties as an emergency ((services)) worker.

(2) Where, at the time of the injury the local organization for emergency ((services)) management with which the emergency ((services)) worker is registered is an approved local organization for emergency ((services)) management.

(3) Where the injury is proximately caused by his service as an emergency ((services)) worker, either with or without negligence.

(4) Where the injury is not caused by the intoxication of the injured emergency ((services)) worker.

(5) Where the injury is not intentionally self-inflicted.

Sec. 28. Section 11, chapter 223, Laws of 1953 as amended by section 30, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.270 are each amended to read as follows:

Emergency (~~(service volunteers)~~) workers who are minors shall have the same rights as adults for the purpose of receiving benefits under the provisions of this chapter, but this provision shall not prevent the requirements that a guardian be appointed to receive and administer such benefits until the majority of such minor. Work as an emergency (~~(services volunteer)~~) worker shall not be deemed as employment or in violation of any of the provisions of chapter 49.12 RCW.

Sec. 29. Section 12, chapter 223, Laws of 1953 as amended by section 31, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.280 are each amended to read as follows:

No compensation or benefits shall be paid or furnished to emergency (~~(services)~~) workers or their dependents pursuant to the provisions of this chapter except from money appropriated for the purpose of this chapter.

Sec. 30. Section 13, chapter 223, Laws of 1953 as last amended by section 32, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.290 are each amended to read as follows:

Insofar as not inconsistent with the provisions of this chapter, the maximum amount payable to a claimant shall be not greater than the amount allowable for similar disability under the workmen's compensation act, chapter 51.32 RCW as amended by this 1971 amendatory act and any amendments thereto. "Employee" as used in said title shall include an emergency (~~(services)~~) worker when liability for the furnishing of compensation and benefits exists pursuant to the provisions of this chapter and as limited by the provisions of this chapter. Where liability for compensation and benefits exists, such compensation and benefits shall be provided in accordance with the applicable provisions of said sections of chapter 51.32 RCW and at the maximum rate provided therein, subject, however, to the limitations set forth in this chapter.

Sec. 31. Section 14, chapter 223, Laws of 1953 as amended by section 59, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.52.300 are each amended to read as follows:

If the injury to an emergency (~~(services)~~) worker is due to the negligence or wrong of another not on emergency (~~(services)~~) duty, the injured worker, or if death results from the injury, the surviving spouse, children, parents or dependents, as the case may be, shall elect whether to take under this chapter or seek a remedy against such other, such election to be in advance of any suit under this chapter; and if the surviving spouse takes under this chapter, the cause of action against such other shall be assigned to the department of emergency (~~(services)~~) management; if the other choice is made, the compensation under this chapter shall be only the deficiency, if

any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated for such case under authority of this chapter: PROVIDED, That the department of emergency ((services)) management shall prosecute all claims assigned to it and do any and all things necessary to recover on behalf of the state any and all amounts which an employer or insurance carrier might recover under the provisions of the law.

Sec. 32. Section 15, chapter 223, Laws of 1953 as amended by section 33, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.310 are each amended to read as follows:

The department of emergency ((services)) management shall establish by rule and regulation various classes of emergency ((services)) workers, the scope of the duties of each class, and the conditions under which said workers shall be deemed to be on duty and covered by the provisions of this chapter. The department shall also adopt rules and regulations prescribing the manner in which emergency ((services)) workers of each class are to be registered.

Sec. 33. Section 16, chapter 223, Laws of 1953 as amended by section 34, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.320 are each amended to read as follows:

The department of emergency ((services)) management shall provide each compensation board with the approved maximum schedule of payments for injury or death prescribed in chapter 51.32 RCW: PROVIDED, That nothing in this chapter shall be construed as establishing any liability on the part of the department of labor and industries.

Sec. 34. Section 17, chapter 223, Laws of 1953 as last amended by section 3, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.330 are each amended to read as follows:

The department of emergency ((services)) management is authorized to make all expenditures necessary and proper to carry out the provisions of this chapter including payments to claimants for compensation as emergency ((services)) workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board. When medical treatment is necessary, the department of emergency ((services)) management is authorized to make medical and compensation payments on an interim basis. Nothing herein shall be construed to mean that the department of emergency ((services)) management or the state emergency ((services)) management council or its officers or agents shall have the final decision with respect to the compensability of any case or the amount of compensation or benefits due, but any emergency ((services)) worker or his dependents shall have the same right of appeal from any order, decision, or award to the same extent as provided in chapter 51.32 RCW as amended by this 1971 amendatory act.

Sec. 35. Section 18, chapter 223, Laws of 1953 as amended by section 36, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.340 are each amended to read as follows:

Nothing in this chapter shall deprive any emergency ((services)) worker or his dependents of any right to compensation for injury or death sustained in the course of his regular employment even though his regular work is under direction of emergency ((services)) management authorities: PROVIDED, That such worker, if he is eligible for some other compensation plan, and receives the benefits of such plan shall not also receive any compensation under this chapter. The department of emergency ((services)) management shall adopt such rules and regulations as may be necessary to protect the rights of such workers and may enter into agreements with authorities in charge of other compensation plans to insure protection of such workers: PROVIDED, That if the compensation from some other plan is less than would have been available under this chapter, he shall be entitled to receive the deficiency between the amount received under such other plan and the amount available under this chapter.

Sec. 36. Section 19, chapter 223, Laws of 1953 as amended by section 37, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.350 are each amended to read as follows:

Should the United States or any agent thereof, in accordance with any federal statute or rule or regulation, furnish monetary assistance, benefits, or other temporary or permanent relief to emergency ((services)) workers or to their dependents for injuries arising out of and occurring in the course of their activities as emergency ((services)) workers, then the amount of compensation which any emergency ((services)) worker or his dependents are otherwise entitled to receive from the state of Washington as provided herein, shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the emergency ((services)) worker or his dependents have received and will receive from the United States or any agent thereof as a result of his injury.

Sec. 37. Section 20, chapter 223, Laws of 1953 as amended by section 38, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.360 are each amended to read as follows:

If, in addition to monetary assistance, benefits or other temporary or permanent relief, the United States or any agent thereof furnishes medical, surgical or hospital treatment or any combination thereof to an injured emergency ((services)) worker, then the emergency ((services)) worker has no right to receive similar medical, surgical or hospital treatment as provided in this chapter. However, the department of emergency ((services)) management may furnish medical, surgical or hospital treatment as part of the compensation provided under the provisions of this chapter.

Sec. 38. Section 21, chapter 223, Laws of 1953 as amended by section 39, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.370 are each amended to read as follows:

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States or any agent thereof, will reimburse an emergency ((services)) worker or his dependents for medical, surgical or hospital treatment, or any combination thereof, furnished to the injured emergency ((services)) worker, the emergency ((services)) worker has no right to receive similar medical, surgical or hospital treatment as provided in this chapter, but the department of emergency ((services)) management, may furnish a medical, surgical or hospital treatment as part of the compensation provided under the provisions of this chapter and apply to the United States or its agent for the reimbursement which will be made to the emergency ((services)) worker or his dependents. As a condition to the furnishing of such medical, surgical or hospital treatment, the department shall require the emergency ((services)) worker and his dependents to assign to the state of Washington, for the purpose of reimbursing for any medical, surgical or hospital treatment furnished or to be furnished by the state, any claim or right such emergency ((services)) worker or his dependents may have to reimbursement from the United States or any agent thereof.

Sec. 39. Section 22, chapter 223, Laws of 1953 as amended by section 40, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.380 are each amended to read as follows:

If the furnishing of compensation under the provisions of this chapter to an emergency ((services)) worker or his dependents prevents such emergency ((services)) worker or his dependents from receiving assistance, benefits or other temporary or permanent relief under the provisions of a federal statute or rule or regulation, then the emergency ((services)) worker and his dependents shall have no right to, and shall not receive, any compensation from the state of Washington under the provisions of this chapter for any injury for which the United States or any agent thereof will furnish assistance, benefits or other temporary or permanent relief in the absence of the furnishing of compensation by the state of Washington.

Sec. 40. Section 6, chapter 8, Laws of 1971 ex. sess. and RCW 38.52-.390 are each amended to read as follows:

The governor, or upon his direction, the state emergency ((services)) management director, or any political subdivision of the state, is authorized to contract with any person, firm, corporation, or entity to provide construction or work on a cost basis to be used in emergency ((services)) management functions or activities as defined in RCW 38.52.010(1) or as hereafter amended, said functions or activities to expressly include natural disasters, as well as all other emergencies of a type contemplated by RCW

38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390. All funds received for purposes of RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390, whether appropriated funds, local funds, or from whatever source, may be used to pay for the construction, equipment, or work contracted for under this section.

Sec. 41. Section 4, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.400 are each amended to read as follows:

(1) The chief law enforcement officer of each political subdivision shall be responsible for local search and rescue activities. Operation of search and rescue activities shall be in accordance with state and local operations plans adopted by the elected governing body of each local political subdivision. The local emergency ((services)) management director shall notify the state department of emergency ((services)) management of all search and rescue missions. The local director of emergency ((services)) management shall work in a coordinating capacity directly supporting all search and rescue activities in that political subdivision and in registering emergency ((services)) search and rescue workers for employee status ((under RCW 38.52-060)). The chief law enforcement officer of each political subdivision may restrict access to a specific search and rescue area to personnel authorized by him. Access shall be restricted only for the period of time necessary to accomplish the search and rescue mission. No unauthorized person shall interfere with a search and rescue mission.

(2) When search and rescue activities result in the discovery of a deceased person or search and rescue workers assist in the recovery of human remains, the chief law enforcement officer of the political subdivision shall insure compliance with chapter 68.08 RCW.

Sec. 42. Section 5, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.410 are each amended to read as follows:

Funds received by the department of emergency ((services)) management specifically for the purposes of compensating search and rescue volunteers shall be distributed by the director of emergency ((services)) management to help fund medical and compensation coverage provided by this chapter and provide reimbursement by the state for: (1) Costs involved in extraordinary search and rescue operations such as search and rescue operations lasting over twenty-four hours where food and lodging for workers is necessary; (2) excessive transportation and rescue costs incurred by out-of-county residents which would not be otherwise collectible; and (3) compensation as provided in RCW 38.52.020(1)(d) as now or hereafter amended.

Sec. 43. Section 1, chapter 178, Laws of 1951 as amended by section 41, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.900 are each amended to read as follows:

This chapter may be cited as the Washington Emergency ((Services)) Management Act.

NEW SECTION. Sec. 44. The director shall submit a copy of the comprehensive emergency management plan to the secretary of the senate, the chief clerk of the house of representatives, and the appropriate standing committees of both houses by January 1, 1985. The director shall submit any modifications of the plan to the legislature at the beginning of each legislative session.

NEW SECTION. Sec. 45. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.006;
- (2) Section 7, chapter 178, Laws of 1951, section 8, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.060;
- (3) Section 15, chapter 178, Laws of 1951, section 2, chapter 145, Laws of 1953, section 15, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.130;
- (4) Section 4, chapter 223, Laws of 1982 and RCW 43.131.251; and
- (5) Section 8, chapter 223, Laws of 1982 and RCW 43.131.252.

Passed the Senate February 7, 1984.

Passed the House February 20, 1984.

Approved by the Governor February 23, 1984, with the exception of section 3(3), which was vetoed.

Filed in Office of Secretary of State February 23, 1984.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one section Substitute Senate Bill No. 4561, entitled:

"AN ACT Relating to emergency management."

Subsection 3 of section 3 ostensibly is intended as a broad policy statement in opposition to planning for emergency response in the event of nuclear attack. Unfortunately, as drafted, the subsection could be construed to prohibit the use of emergency management functions in response to a nuclear attack as distinct from merely planning for one.

The state of Washington is responsible for the protection of the lives and property of its citizens. This responsibility is expressed in our state and national Constitutions and outlined in state and Federal laws. Although a nuclear attack would be a nightmare, one which would make all other calamities man has suffered seem small, state government is obligated to save as many lives as possible, and it is immoral to prevent government from doing all that it can to save lives and reduce suffering. The section which I am vetoing would shackle the hands of state agencies in responding to the massive human suffering following an attack. Although there may be little that government can do, it cannot stand by and watch citizens suffer if there are state resources that can be used to provide them some relief.

Although possible scenarios for a nuclear war can be debated, the fact remains that no one can guarantee that our entire population will be lost in an attack. As long as any of our citizens remain alive, they are entitled to the protection and services of the state. If at all possible, food, water, relief from pain, and shelter must be provided to those in need.

Therefore, I have vetoed section 3(3). The remainder of Substitute Senate Bill No. 4561 is approved.

CHAPTER 39

[Senate Bill No. 4475]

MOTOR VEHICLE TITLE AND REGISTRATION TRANSFERS

AN ACT Relating to motor vehicle title and registration transfers; amending section 7, chapter 140, Laws of 1967 as last amended by section 1, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.101; adding a new section to chapter 46.12 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 7, chapter 140, Laws of 1967 as last amended by section 1, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.101 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and inscribe in ink the number of miles indicated on the odometer in the respective spaces provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be transmitted to the transferee (~~or to~~). Within five days the owner shall notify the department of the sale or transfer giving the date thereof, the name and address of the owner and of the transferee, and such description of the vehicle as may be required in the appropriate form provided for that purpose by the department.

(2) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to him of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under his security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.