BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0503.3/13 3rd draft

ATTY/TYPIST: AA:bbp

BRIEF DESCRIPTION: Concerning the continuity of government and operations in the event of an emergency, disaster, or attack.
AN ACT Relating to the continuity of government and operations in
the event of an emergency, disaster, or attack; amending RCW 42.14.010,
42.14.020, 42.14.030, 42.14.035, 42.14.040, 42.14.050, 42.14.075,
38.52.010, 38.52.020, and 38.52.030; and providing a contingent
effective date.

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

Sec. 1. RCW 42.14.010 and 2012 c 117 s 106 are each amended to
read as follows:

Unless otherwise clearly required by the context, the following
definitions apply:

(1) "Unavailable" means either that a vacancy in the office exists
or that the lawful incumbent of the office is absent or unable to
exercise the powers and discharge the duties of the office following an
emergency, disaster, or attack and a ((declaration)) proclamation of
existing emergency by the governor or his or her successor.

(2) "Attack" means any acts of ((warfare)) aggression taken ((by an
enemy of)) against the United States causing substantial damage or
injury to persons or property in the United States and in the state of
Washington.
(3) "Emergency or disaster" means 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 proclaiming a state of emergency pursuant to RCW 43.06.010.

Sec. 2. RCW 42.14.020 and 1963 c 203 s 3 are each amended to read as follows:

(1) In the event that all successors to the office of governor as provided by Article 3, section 10, as amended by amendment 6 of the Constitution of the state of Washington are unavailable following an emergency, disaster, or attack, the powers and duties of the office of governor shall be exercised and discharged by the speaker of the house of representatives.

(2) In the event the speaker of the house is unavailable, the powers and duties of the office of governor shall be exercised and discharged by the president pro tem of the senate.

(3) In the event that neither the speaker nor the president pro tem is available, the house of representatives and the senate in joint assembly shall elect an emergency interim governor.

Sec. 3. RCW 42.14.030 and 2012 c 117 s 107 are each amended to read as follows:

In the event an emergency, disaster, or attack reduces the number of legislators available for duty, then those legislators available for duty shall constitute the legislature and shall have full power to act in separate or joint assembly by majority vote of those present. In the event of an attack, and the following provisions apply: (1) Quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution, or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. In the event of an attack, the governor shall call the legislature into session as soon as practicable, and in any case within thirty days following the inception of the attack. If the governor fails to issue such call, the legislature shall, on the thirtieth day from the date of inception of the attack, automatically
convene at the place where the governor then has his or her office).
Each legislator shall proceed to the place of session as expeditiously
as practicable. (At such session or at any session in operation at
the inception of the attack, and at any subsequent sessions.)
Limitations on the length of session and on the subjects which may be
acted upon shall be suspended.

Sec. 4. RCW 42.14.035 and 1969 ex.s. c 106 s 1 are each amended to
read as follows:
Whenever, in the judgment of the governor, it becomes
impracticable, due to an emergency (resulting from enemy), disaster,
or attack (or natural disaster), to convene the legislature in the
usual seat of government at Olympia, the governor may call the
legislature into emergency session in any location within this or an
adjoining state. The first order of business of any legislature so
convened shall be the establishment of temporary emergency seats of
government for the state. After any emergency relocation, the affairs
of state government shall be lawfully conducted at such emergency
temporary location or locations for the duration of the emergency.

Sec. 5. RCW 42.14.040 and 1963 c 203 s 5 are each amended to read
as follows:
In the event (enemy) an emergency, disaster, or attack reduces
the number of county commissioners of any county, then those
commissioners available for duty shall have full authority to act in
all matters as a board of county commissioners. In the event no county
commissioner is available for duty, then those elected county
officials, except for the members of the county board of education, as
are available for duty shall jointly act as the board of county
commissioners and shall possess by majority vote the full authority of
the board of county commissioners.

Sec. 6. RCW 42.14.050 and 1981 c 213 s 8 are each amended to read
as follows:
In the event that the executive head of any city or town is
unavailable by reason of (enemy) an emergency, disaster, or attack to
exercise the powers and discharge the duties of the office, then those
members of the city or town council or commission available for duty

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shall by majority vote select one of their number to act as the executive head of such city or town. In the event an emergency, disaster, or attack reduces the number of city or town councilmembers or commission members, then those members available for duty shall have full power to act by majority vote of those present.

Sec. 7. RCW 42.14.075 and 1969 ex.s. c 106 s 2 are each amended to read as follows:

Whenever, due to an emergency, disaster, or attack or when such an event is imminent, it becomes imprudent, inexpedient or impossible to conduct the affairs of a political subdivision at the regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of the governing body. After any emergency relocation, the affairs of political subdivisions shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency.

Sec. 8. RCW 38.52.010 and 2007 c 292 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Emergency 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 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 all hazards, whether natural, technological, or human caused, 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.

(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 management functions.

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

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

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) 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 (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(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, technological, or human caused 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 in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

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

(11) "Department" means the state military department.

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

(15) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

(16) "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

(17) "Continuity of operations planning" means the internal effort of an organization to assure that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

Sec. 9. RCW 38.52.020 and 1986 c 266 s 24 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 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 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 provide for emergency management by the state, and to
authorize the creation of local organizations for emergency 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
management functions;

(d) To provide a means of compensating emergency 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 management activities; ((and))

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

(f) To provide for the development and exercise of continuity of
operations plans by the state.

(2) It is further declared to be the purpose of this chapter and
the policy of the state that all emergency 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.
Sec. 10. RCW 38.52.030 and 1997 c 49 s 2 are each amended to read as follows:

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

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency 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.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural, technological, or human 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 emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management plan must specify the use of the incident command system for multiagency/multijurisdiction operations. 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.

(4) 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.

(5) 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.

(6) The emergency management council shall advise the director on
all aspects of the communications and warning systems and facilities
operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall
coordinate and facilitate implementation and operation of a statewide
enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and
rescue operations to 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 on request
to 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.

(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, technological, or human caused disaster, 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.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

(11) The director is responsible to the governor for developing and implementing a program for interagency coordination of continuity of operations planning by state agencies, boards, and commissions. Each state agency, board, and commission is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act take effect if the proposed amendment to Article II, section 42 of the state Constitution providing continuity of state and local government during emergencies and disasters is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, sections 1 through 7 of this act are void in their entirety.