

HOUSE BILL REPORT

HB 2853

As Reported by House Committee On:
Select Committee on Community Security
Appropriations

Title: An act relating to emergencies involving critical infrastructure arising from terrorist acts.

Brief Description: Requiring the emergency management council to identify critical infrastructure in the state.

Sponsors: Representatives Morris, Hurst, Schmidt, Barlean, Buck, Simpson, Schual-Berke, Cooper, Haigh, Benson, Ballasiotes, O'Brien, Anderson, Chase, Upthegrove, Linville and Rockefeller.

Brief History:

Committee Activity:

Select Committee on Community Security: 2/5/02 [DP];
Appropriations: 2/9/02, 2/12/02 [DPS].

Brief Summary of Substitute Bill

- Requires the Military Department to develop a plan for the identification, assessment and prioritization of protection for critical infrastructure within the state.
- Requires the Military Department, the Emergency Management Council and subcommittees, and certain state agencies to participate in public and private sector efforts to develop regional plans for management and restoration of critical functions.
- Requires the Emergency Management Council to submit the plan to the Governor and legislative committees no later than December 1, 2002.

HOUSE COMMITTEE ON SELECT COMMITTEE ON COMMUNITY SECURITY

Majority Report: Do pass. Signed by 14 members: Representatives Hurst, Chair; Simpson, Vice Chair; Lisk, Ranking Minority Member; Ballasiotes, Barlean, Benson, Buck, Haigh, Jackley, Kessler, Morris, O'Brien, Schmidt and Schual-Berke.

Staff: Caroleen Dineen (786-7156).

Background:

The state Military Department (Military Department) administers a comprehensive program of emergency management in the state. The Adjutant General, director of the Military Department, is required to develop an "all hazard" comprehensive emergency management plan including an analysis of the natural, technological, or human-caused hazards that could affect the state. The Adjutant General must verify local emergency management plans' consistency with the state plan. With the Governor's approval, the Adjutant General may agree with federal officials on an emergency management plan for federally owned areas within the state.

The Emergency Management Council (Council) is a 17-member council appointed by the Governor to advise the Governor and the Adjutant General on state and local emergency management matters. The Council includes representatives of at least the following:

- city and county governments;
- sheriffs and police chiefs;
- Washington State Patrol;
- Military Department;
- Department of Ecology;
- state and local fire chiefs;
- seismic safety experts;
- state and local emergency management directors;
- search and rescue volunteers;
- medical professions who have expertise in emergency medical care;
- building officials; and
- private industry members who are knowledgeable in emergency and hazardous materials management.

Among other duties, the Council must ensure the Governor receives an annual assessment of state-wide emergency preparedness that considers numerous factors.

Summary of Bill:

The Council is required to identify infrastructure within the state that is critical to regional economic stability and security. The Council's identification of critical infrastructure must be done in cooperation with the public and the private sectors. The Council must assess the vulnerability of various critical infrastructures and prioritize infrastructures most in need of protection. The Council must report its conclusions and recommendations to the Governor and the appropriate committees of the Legislature by December 1, 2002. The Council is also required to facilitate and participate in efforts to

develop regional plans for management and restoration of critical functions, which may require coordination with other states, federal agencies, and neighboring nations.

Legislative intent is included to recognize the state's dependence on reliable functioning of complex infrastructure, including energy, water, transportation, and communications systems. Legislative intent also recognizes the government's responsibility to participate in and facilitate the development of a regional approach for protecting critical infrastructure.

Appropriation: None.

Fiscal Note: Requested February 5, 2002.

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

Testimony For: The bill gives a needed direction to the state to plan for infrastructure protection. Some fiscal and public disclosure issues will be addressed in this bill.

Testimony Against: The Military Department has serious concerns about this bill with respect to resources, public disclosure, and the appropriate role for the Emergency Management Council. The Committee on Terrorism has created an infrastructure working group that includes state agency, local government, and private industry participants.

Testified: (In support) Representative Morris, prime sponsor.

(Opposed) Glen Woodbury, Director, Emergency Management Division.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin, Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Staff: Patricia Linehan (786-7178).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Select Committee on Community Security:

The Military Department is required to develop a plan to identify infrastructure within the state that is critical to regional economic stability and security. The Military Department,

the Emergency Management Council, and certain state agencies are required to participate in public and private sector efforts, within existing resources and as practicable, to develop regional plans for management and restoration of critical functions, which may require coordination with other states, federal agencies, and neighboring nations. The substitute bill requires the Emergency Management Council to submit the plan to the Governor and legislative committees no later than December 1, 2002.

Appropriation: None.

Fiscal Note: Requested on February 4, 2002.

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

Testimony For: The fiscal impact is large because the task is large. The Military Department would have to identify critical regional infrastructures, assess the vulnerabilities, and prioritize infrastructures in need of protection for regional and economic impact on Washington. Development of a plan to do this by the December 2002 deadline would require private contracting of services. The Military Department is concerned with public disclosure of the end product, which would detail the vulnerability and interdependence of infrastructures, along with prioritization of their need for protection.

Testimony Against: None.

Testified: Glen Woodbury, Military Department, Director of Emergency Management Division