

# HOUSE BILL REPORT

## SHB 2853

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### As Passed House:

February 16, 2002

**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:** By House Committee on Appropriations (originally sponsored by Representatives Morris, Hurst, Schmidt, Barlean, Buck, Simpson, Schual-Berke, Cooper, Haigh, Benson, Ballasiotes, O'Brien, Anderson, Chase, Uptegrove, Linville and Rockefeller).

### Brief History:

#### Committee Activity:

Select Committee on Community Security: 2/5/02 [DP];

Appropriations: 2/9/02, 2/12/02 [DPS].

#### Floor Activity:

Passed House: 2/16/02, 98-0.

### 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.

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### 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).

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## 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).

### **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 Substitute 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 on February 4, 2002.

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

**Testimony For:** (Select Committee on Community Security) 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 For:** (Appropriations) 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:** (Select Committee on Community Security) 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.

**Testimony Against:** (Appropriations) None.

**Testified:** (Select Committee on Community Security) (In support) Representative Morris, prime sponsor.

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

**Testified:** (Appropriations) Glen Woodbury, Military Department, Director of Emergency Management Division