
SENATE BILL 5201

State of Washington

58th Legislature

2003 Regular Session

By Senators Roach, Horn, Swecker, Esser and Honeyford

Read first time 01/17/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the volunteer amateur radio emergency
2 communications act; amending RCW 38.52.010 and 38.52.030; and adding a
3 new section to chapter 38.52 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 38.52 RCW
6 to read as follows:

7 To ensure that state and local governments recognize the importance
8 of amateur radio operations in providing a back-up emergency
9 communications network for the benefit of state and local governments
10 and private sector emergency response capability in times of natural
11 disaster or terrorist attack, the volunteer amateur radio emergency
12 communications act is hereby enacted.

13 The state comprehensive emergency plan and program shall, by use of
14 mutual aid arrangements as provided by this chapter, or otherwise,
15 ensure to the fullest extent possible that the back-up emergency
16 communications coverage provided by the amateur radio network, as
17 described in the state of Washington radio amateur civil emergency
18 services plan, shall be complete and without gaps throughout the entire
19 state. The emergency management council shall report to the

1 appropriate standing committees of the senate and house of
2 representatives during each regular session of the legislature on the
3 readiness status of the amateur radio network to provide back-up
4 emergency communications coverage without gaps throughout the entire
5 state.

6 **Sec. 2.** RCW 38.52.010 and 2002 c 341 s 2 are each amended to read
7 as follows:

8 As used in this chapter:

9 (1) "Emergency management" or "comprehensive emergency management"
10 means the preparation for and the carrying out of all emergency
11 functions, other than functions for which the military forces are
12 primarily responsible, to mitigate, prepare for, respond to, and
13 recover from emergencies and disasters, and to aid victims suffering
14 from injury or damage, resulting from disasters caused by all hazards,
15 whether natural, technological, or human caused, and to provide support
16 for search and rescue operations for persons and property in distress.
17 However, "emergency management" or "comprehensive emergency management"
18 does not mean preparation for emergency evacuation or relocation of
19 residents in anticipation of nuclear attack.

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

24 (3) "Political subdivision" means any county, city or town.

25 (4) "Emergency worker" means any person, including but not limited
26 to an architect registered under chapter 18.08 RCW or a professional
27 engineer registered under chapter 18.43 RCW, who is registered with a
28 local emergency management organization or the department and holds an
29 identification card issued by the local emergency management director
30 or the department for the purpose of engaging in authorized emergency
31 management activities or is an employee of the state of Washington or
32 any political subdivision thereof who is called upon to perform
33 emergency management activities.

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

1 (6)(a) "Emergency or disaster" as used in all sections of this
2 chapter except RCW 38.52.430 shall mean an event or set of
3 circumstances which: (i) Demands immediate action to preserve public
4 health, protect life, protect public property, or to provide relief to
5 any stricken community overtaken by such occurrences, or (ii) reaches
6 such a dimension or degree of destructiveness as to warrant the
7 governor declaring a state of emergency pursuant to RCW 43.06.010.

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

12 (7) "Search and rescue" means the acts of searching for, rescuing,
13 or recovering by means of ground, marine, or air activity any person
14 who becomes lost, injured, or is killed while outdoors or as a result
15 of a natural, technological, or human caused disaster, including
16 instances involving searches for downed aircraft when ground personnel
17 are used. Nothing in this section shall affect appropriate activity by
18 the department of transportation under chapter 47.68 RCW.

19 (8) "Executive head" and "executive heads" means the county
20 executive in those charter counties with an elective office of county
21 executive, however designated, and, in the case of other counties, the
22 county legislative authority. In the case of cities and towns, it
23 means the mayor in those cities and towns with mayor-council or
24 commission forms of government, where the mayor is directly elected,
25 and it means the city manager in those cities and towns with council
26 manager forms of government. Cities and towns may also designate an
27 executive head for the purposes of this chapter by ordinance.

28 (9) "Director" means the adjutant general.

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

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

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

35 (13) "Expense of an emergency response" as used in RCW 38.52.430
36 means reasonable costs incurred by a public agency in reasonably making
37 an appropriate emergency response to the incident, but shall only
38 include those costs directly arising from the response to the

1 particular incident. Reasonable costs shall include the costs of
2 providing police, coroner, fire fighting, rescue, emergency medical
3 services, or utility response at the scene of the incident, as well as
4 the salaries of the personnel responding to the incident.

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

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

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

20 (17) "Amateur radio network" means the radio amateur civil
21 emergency services network organized under the auspices of the amateur
22 radio relay league.

23 **Sec. 3.** RCW 38.52.030 and 1997 c 49 s 2 are each amended to read
24 as follows:

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

29 (2) The director, subject to the direction and control of the
30 governor, shall be responsible to the governor for carrying out the
31 program for emergency management of this state. The director shall
32 coordinate the activities of all organizations for emergency management
33 within the state, and shall maintain liaison with and cooperate with
34 emergency management agencies and organizations of other states and of
35 the federal government, and shall have such additional authority,
36 duties, and responsibilities authorized by this chapter, as may be
37 prescribed by the governor.

1 (3) The director shall develop and maintain a comprehensive, all-
2 hazard emergency plan for the state which shall include an analysis of
3 the natural, technological, or human caused hazards which could affect
4 the state of Washington, and shall include the procedures to be used
5 during emergencies for coordinating local resources, as necessary, and
6 the resources of all state agencies, departments, commissions, and
7 boards. The comprehensive emergency management plan shall direct the
8 department in times of state emergency to administer and manage the
9 state's emergency operations center. This will include representation
10 from all appropriate state agencies and be available as a single point
11 of contact for the authorizing of state resources or actions, including
12 emergency permits. The comprehensive emergency management plan must
13 specify the use of the incident command system for
14 multiagency/multijurisdiction operations. The comprehensive, all-
15 hazard emergency plan authorized under this subsection may not include
16 preparation for emergency evacuation or relocation of residents in
17 anticipation of nuclear attack. This plan shall be known as the
18 comprehensive emergency management plan.

19 (4) In accordance with the comprehensive emergency management plans
20 and the programs for the emergency management of this state, the
21 director shall procure supplies and equipment, institute training
22 programs and public information programs, and shall take all other
23 preparatory steps, including the partial or full mobilization of
24 emergency management organizations in advance of actual disaster, and
25 shall at least yearly, activate the emergency communications network,
26 including the amateur radio network, to insure the furnishing of
27 adequately trained and equipped forces of emergency management
28 personnel in time of need.

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

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

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

1 (8) The director shall appoint a state coordinator of search and
2 rescue operations to coordinate those state resources, services and
3 facilities (other than those for which the state director of
4 aeronautics is directly responsible) requested by political
5 subdivisions in support of search and rescue operations, and on request
6 to maintain liaison with and coordinate the resources, services, and
7 facilities of political subdivisions when more than one political
8 subdivision is engaged in joint search and rescue operations.

9 (9) The director, subject to the direction and control of the
10 governor, shall prepare and administer a state program for emergency
11 assistance to individuals within the state who are victims of a
12 natural, technological, or human caused disaster, as defined by RCW
13 38.52.010(6). Such program may be integrated into and coordinated with
14 disaster assistance plans and programs of the federal government which
15 provide to the state, or through the state to any political subdivision
16 thereof, services, equipment, supplies, materials, or funds by way of
17 gift, grant, or loan for purposes of assistance to individuals affected
18 by a disaster. Further, such program may include, but shall not be
19 limited to, grants, loans, or gifts of services, equipment, supplies,
20 materials, or funds of the state, or any political subdivision thereof,
21 to individuals who, as a result of a disaster, are in need of
22 assistance and who meet standards of eligibility for disaster
23 assistance established by the department of social and health services:
24 PROVIDED, HOWEVER, That nothing herein shall be construed in any manner
25 inconsistent with the provisions of Article VIII, section 5 or section
26 7 of the Washington state Constitution.

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

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

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

1 (c) Utilizing appropriate training programs such as those offered
2 by the federal emergency management agency, the department of
3 transportation and the environmental protection agency; and
4 (d) Undertaking other duties in this area that are deemed
5 appropriate by the director.

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