
Public Safety Committee

HB 2124

Brief Description: Concerning the continuity of government and operations in the event of an emergency, disaster, or attack.

Sponsors: Representatives S. Hunt, Appleton, Johnson, Seaquist, Goodman, Pedersen, Moscoso, Klippert, Morrell, Orwall, Tarleton, Green, Smith, Zeiger, Van De Wege, Ryu, Bergquist, Riccelli and Freeman; by request of Washington Military Department and State Auditor.

Brief Summary of Bill

- Amends the Continuity of Government Act to include time periods and events that occur in the state relating to "emergencies and disasters" as well as attacks.
- Requires the Washington Military Department to provide for the development and exercise of continuity of operations plans by the state.

Hearing Date: 1/21/14

Staff: Yvonne Walker (786-7841).

Background:

The Washington Military Department under the direction of the Adjutant General administers the state's comprehensive program of emergency management. The Adjutant General is responsible for developing a comprehensive, all-hazard emergency plan for the state that includes an analysis of natural, technological, or human-caused hazards, and procedures to coordinate local and state resources in responding to such hazards. In the event of a disaster beyond local control, the Governor, through the Adjutant General, may assume operational control over all or any part of emergency management functions in the state.

In the Governor's directive 13-02, Governor Inslee required that in order for state executive branch organizations to provide essential functions and services during an emergency or disaster that it is essential that each individual agency, board, commission, and council develop a

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Continuity of Operations Plan (COOP) for their organization. The COOP plan of each agency must not only ensure its ability to deliver essential functions and services to the citizens of the state during any disaster or emergency, but agencies must coordinate actions to ensure that essential functions that overlap with other agencies continue without interruption.

Washington's Continuity of Government Act also provides direction for the Continuity of government and operations in the event of an attack taken against the United States in the State of Washington. Under Washington's Continuity of Government Act, during any time period when an enemy attack takes place:

- If the Governor and all successors of the Office of the Governor are unavailable then the powers and duties of the Governor must be exercised and discharged by the Speaker of the House.
- The Governor must call the Legislature into session as soon as practicable and in any case within 30 days following the inception of the attack. If the Governor fails to issue the call of the Legislature into session then the Legislature must convene at a place where the Governor has his or her office on the thirtieth day following the date of the inception of the attack.
- If the number of legislators available for duty is reduced then those remaining legislators that are available for duty will constitute the Legislature and will have the power to act by the majority of those present. All quorum requirements are suspended and in instances where an affirmative vote is needed of a specified proportion of members for an approval of a bill then the same proportion of those voting is sufficient.
- If according to the Governor, it becomes impracticable for the Legislature to convene in its usual Olympia location then the Governor may call the Legislature into emergency session in an alternative location.
- If the enemy attack reduces the number of county commissioners of a county then those remaining commissioners available for duty has full authority to act on all matters of the Board of County Commissioners.
- If the executive head of any city or town is unavailable due to the enemy attack to fulfill his or her responsibility than those available members of the city or town council or commission must vote one of their counterparts to act as executive head of the city or town. If the attack reduces the number of council or commission members then those remaining members available for duty have the full power to act by majority vote of those present.
- If it becomes impossible to conduct affairs of a political subdivision at its usual location then the governing body may meet at an alternative location.

An "attack" means any act of warfare taken by an enemy of the United States causing substantial damage or injury to persons or property in the United States and the State of Washington.

The Continuity of Government Act addresses continuity of government operations as it relates to an enemy attack taking place in Washington but it does not address events that take place relating to an emergency or disaster.

Summary of Bill:

The Continuity of Government Act is expanded to include time periods and events that occur in the state relating to "emergencies and disasters" as well as attacks.

In the event of an attack, the Governor must call the Legislature into session as soon as practicable (instead of within 30 days or on the thirtieth day following inception of the attack).

The Washington Military Department must provide for the development and exercise of continuity of operations plans by the state. The Adjutant General 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 COOP.

"Continuity of operations planning" is defined as 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.

"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.

An "attack" is redefined to mean any act of aggression taken against the United States causing substantial damage or injury to persons or property in the United States and the State of Washington.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 1-7, relating to continuity of government and operations in the event of an emergency, disaster, or attack which take effect only if the people ratify the proposed amendment to Article II, section 42 of the state Constitution in the next general election. However, sections 1-7 are null and void unless ratified by the people.