

SSB 6011 - H COMM AMD

By Committee on Public Safety

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the ability of
4 government to fulfill its constitutional and statutory
5 responsibilities by continuing to conduct essential functions and
6 services during the periods of significant disruption that follow
7 catastrophic incidents requires both continuity of operations
8 planning by individual agencies and continuity of government planning
9 by state and local government. It is the intent of the legislature
10 that all levels and branches of government, both state and local,
11 take appropriate action to cooperatively conduct appropriate planning
12 and preparation for continuity of operations and government to assist
13 in fulfilling these responsibilities.

14 **Sec. 2.** RCW 38.52.010 and 2017 c 312 s 3 are each amended to
15 read as follows:

16 As used in this chapter:

17 (1) "Catastrophic incident" means any natural or human-caused
18 incident, including terrorism and enemy attack, that results in
19 extraordinary levels of mass casualties, damage, or disruption
20 severely affecting the population, infrastructure, environment,
21 economy, public morale, or government functions.

22 (2) "Communication plan," as used in RCW 38.52.070, means a
23 section in a local comprehensive emergency management plan that
24 addresses emergency notification of life safety information.

25 ((+2)) (3) "Continuity of government planning" means the
26 internal effort of all levels and branches of government to provide
27 that the capability exists to continue essential functions and
28 services following a catastrophic incident. These efforts include,
29 but are not limited to, providing for: (a) Orderly succession and
30 appropriate changes of leadership whether appointed or elected; (b)

1 filling vacancies; (c) interoperability communications; and (d)
2 processes and procedures to reconvene government following periods of
3 disruption that may be caused by a catastrophic incident. Continuity
4 of government planning is intended to preserve the constitutional and
5 statutory authority of elected officials at the state and local level
6 and provide for the continued performance of essential functions and
7 services by each level and branch of government.

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

12 ~~((+3))~~ (5) "Department" means the state military department.

13 ~~((+4))~~ (6) "Director" means the adjutant general.

14 ~~((+5))~~ (7) "Emergency management" or "comprehensive emergency
15 management" means the preparation for and the carrying out of all
16 emergency functions, other than functions for which the military
17 forces are primarily responsible, to mitigate, prepare for, respond
18 to, and recover from emergencies and disasters, and to aid victims
19 suffering from injury or damage, resulting from disasters caused by
20 all hazards, whether natural, technological, or human caused, and to
21 provide support for search and rescue operations for persons and
22 property in distress. However, "emergency management" or
23 "comprehensive emergency management" does not mean preparation for
24 emergency evacuation or relocation of residents in anticipation of
25 nuclear attack.

26 ~~((+6))~~ (8)(a) "Emergency or disaster" as used in all sections of
27 this chapter except RCW 38.52.430 ~~((shall))~~ means an event or set of
28 circumstances which: (i) Demands immediate action to preserve public
29 health, protect life, protect public property, or to provide relief
30 to any stricken community overtaken by such occurrences; or (ii)
31 reaches such a dimension or degree of destructiveness as to warrant
32 the governor ~~((declaring))~~ proclaiming a state of emergency pursuant
33 to RCW 43.06.010.

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

38 ~~((+7))~~ (9) "Emergency response" as used in RCW 38.52.430 means a
39 public agency's use of emergency services during an emergency or
40 disaster as defined in subsection ~~((+6))~~ (8)(b) of this section.

1 ~~((8))~~ (10) "Emergency worker" means any person who is
2 registered with a local emergency management organization or the
3 department and holds an identification card issued by the local
4 emergency management director or the department for the purpose of
5 engaging in authorized emergency management activities or is an
6 employee of the state of Washington or any political subdivision
7 thereof who is called upon to perform emergency management
8 activities.

9 ~~((9))~~ (11) "Executive head" and "executive heads" means the
10 county executive in those charter counties with an elective office of
11 county executive, however designated, and, in the case of other
12 counties, the county legislative authority. In the case of cities and
13 towns, it means the mayor in those cities and towns with mayor-
14 council or commission forms of government, where the mayor is
15 directly elected, and it means the city manager in those cities and
16 towns with council manager forms of government. Cities and towns may
17 also designate an executive head for the purposes of this chapter by
18 ordinance.

19 ~~((10))~~ (12) "Expense of an emergency response" as used in RCW
20 38.52.430 means reasonable costs incurred by a public agency in
21 reasonably making an appropriate emergency response to the incident,
22 but shall only include those costs directly arising from the response
23 to the particular incident. Reasonable costs shall include the costs
24 of providing police, coroner, firefighting, rescue, emergency medical
25 services, or utility response at the scene of the incident, as well
26 as the salaries of the personnel responding to the incident.

27 ~~((11))~~ (13) "Incident command system" means: (a) An all-
28 hazards, on-scene functional management system that establishes
29 common standards in organization, terminology, and procedures;
30 provides a means (unified command) for the establishment of a common
31 set of incident objectives and strategies during multiagency/
32 multijurisdiction operations while maintaining individual agency/
33 jurisdiction authority, responsibility, and accountability; and is a
34 component of the national interagency incident management system; or
35 (b) an equivalent and compatible all-hazards, on-scene functional
36 management system.

37 ~~((12))~~ (14) "Injury" as used in this chapter shall mean and
38 include accidental injuries and/or occupational diseases arising out
39 of emergency management activities.

1 ~~((13))~~ (15) "Life safety information" means information
2 provided to people during a response to a life-threatening emergency
3 or disaster informing them of actions they can take to preserve their
4 safety. Such information may include, but is not limited to,
5 information regarding evacuation, sheltering, sheltering-in-place,
6 facility lockdown, and where to obtain food and water.

7 ~~((14))~~ (16) "Local director" means the director of a local
8 organization of emergency management or emergency services.

9 ~~((15))~~ (17) "Local organization for emergency services or
10 management" means an organization created in accordance with the
11 provisions of this chapter by state or local authority to perform
12 local emergency management functions.

13 ~~((16))~~ (18) "Political subdivision" means any county, city or
14 town.

15 ~~((17))~~ (19) "Public agency" means the state, and a city,
16 county, municipal corporation, district, town, or public authority
17 located, in whole or in part, within this state which provides or may
18 provide firefighting, police, ambulance, medical, or other emergency
19 services.

20 ~~((18))~~ (20) "Radio communications service company" has the
21 meaning ascribed to it in RCW 82.14B.020.

22 ~~((19))~~ (21) "Search and rescue" means the acts of searching
23 for, rescuing, or recovering by means of ground, marine, or air
24 activity any person who becomes lost, injured, or is killed while
25 outdoors or as a result of a natural, technological, or human caused
26 disaster, including instances involving searches for downed aircraft
27 when ground personnel are used. Nothing in this section shall affect
28 appropriate activity by the department of transportation under
29 chapter 47.68 RCW.

30 **Sec. 3.** RCW 38.52.030 and 2015 c 61 s 3 are each amended to read
31 as follows:

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

36 (2) The director, subject to the direction and control of the
37 governor, shall be responsible to the governor for carrying out the
38 program for emergency management of this state. The director shall
39 coordinate the activities of all organizations for emergency

1 management within the state, and shall maintain liaison with and
2 cooperate with emergency management agencies and organizations of
3 other states and of the federal government, and shall have such
4 additional authority, duties, and responsibilities authorized by this
5 chapter, as may be prescribed by the governor.

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

24 (4) In accordance with the comprehensive emergency management
25 plans and the programs for the emergency management of this state,
26 the director shall procure supplies and equipment, institute training
27 programs and public information programs, and shall take all other
28 preparatory steps, including the partial or full mobilization of
29 emergency management organizations in advance of actual disaster, to
30 insure the furnishing of adequately trained and equipped forces of
31 emergency management personnel in time of need.

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

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

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

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

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

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

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

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

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

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

9 (11) The director is responsible to the governor to lead the
10 development and management of a program for interagency coordination
11 and prioritization of continuity of operations planning by state
12 agencies. Each state agency is responsible for developing an
13 organizational continuity of operations plan that is updated and
14 exercised annually in compliance with the program for interagency
15 coordination of continuity of operations planning.

16 (12) Subject to the availability of amounts appropriated for this
17 specific purpose, the director is responsible to the governor to lead
18 the development and management of a program to provide information
19 and education to state and local government officials regarding
20 catastrophic incidents and continuity of government planning to
21 assist with statewide development of continuity of government plans
22 by all levels and branches of state and local government that address
23 how essential government functions and services will continue to be
24 provided following a catastrophic incident.

25 **Sec. 4.** RCW 42.14.010 and 2012 c 117 s 106 are each amended to
26 read as follows:

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

29 (1) "Unavailable" means either that a vacancy in the office
30 exists or that the lawful incumbent of the office is absent or unable
31 to exercise the powers and discharge the duties of the office
32 following ~~((an attack))~~ a catastrophic incident and a ~~((declaration))~~
33 proclamation of existing emergency by the governor or his or her
34 successor.

35 (2) "Attack" means any acts of ~~((warfare))~~ aggression taken ~~((by~~
36 ~~an enemy of))~~ against the United States causing substantial damage or
37 injury to persons or property in the United States and in the state
38 of Washington.

1 (3) "Catastrophic incident" means any natural or human-caused
2 incident, including terrorism and enemy attack, that results in
3 extraordinary levels of mass casualties, damage, or disruption
4 severely affecting the population, infrastructure, environment,
5 economy, public morale, or government functions.

6 (4) "Emergency or disaster" means an event or set of
7 circumstances which: (a) Demands immediate action to preserve public
8 health, protect life, protect public property, or to provide relief
9 to any stricken community overtaken by such occurrences; or (b)
10 reaches such a dimension or degree of destructiveness as to warrant
11 the governor proclaiming a state of emergency pursuant to RCW
12 43.06.010.

13 **Sec. 5.** RCW 42.14.020 and 1963 c 203 s 3 are each amended to
14 read as follows:

15 (1) In the event that all successors to the office of governor as
16 provided by Article 3, section 10, as amended by amendment 6 of the
17 Constitution of the state of Washington are unavailable following
18 (~~(an enemy attack)~~) a catastrophic incident, the powers and duties of
19 the office of governor shall be exercised and discharged by the
20 speaker of the house of representatives.

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

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

27 **Sec. 6.** RCW 42.14.030 and 2012 c 117 s 107 are each amended to
28 read as follows:

29 In the event (~~(enemy attack)~~) that a catastrophic incident
30 reduces the number of legislators available for duty, then those
31 legislators available for duty shall constitute the legislature and
32 shall have full power to act in separate or joint assembly by
33 majority vote of those present. In the event of (~~(an attack)~~) a
34 catastrophic incident, (1) quorum requirements for the legislature
35 shall be suspended, and (2) where the affirmative vote of a specified
36 proportion of members for approval of a bill, resolution, or other
37 action would otherwise be required, the same proportion of those
38 voting thereon shall be sufficient. In the event of (~~(an attack)~~) a

1 catastrophic incident, the governor shall call the legislature into
2 session as soon as practicable, and in any case within thirty days
3 following the inception of the ((~~attack~~)) catastrophic incident. If
4 the governor fails to issue such call, the legislature shall, on the
5 thirtieth day from the date of inception of the ((~~attack~~))
6 catastrophic incident, automatically convene at the place where the
7 governor then has his or her office. Each legislator shall proceed to
8 the place of session as expeditiously as practicable. At such session
9 or at any session in operation at the inception of the ((~~attack~~))
10 catastrophic incident, and at any subsequent sessions, limitations on
11 the length of session and on the subjects which may be acted upon
12 shall be suspended.

13 **Sec. 7.** RCW 42.14.035 and 1969 ex.s. c 106 s 1 are each amended
14 to read as follows:

15 Whenever, in the judgment of the governor, it becomes
16 impracticable, due to an emergency resulting from ((~~enemy-attack-or~~
17 ~~natural-disaster~~)) a catastrophic incident, to convene the
18 legislature in the usual seat of government at Olympia, the governor
19 may call the legislature into emergency session in any location
20 within this or an adjoining state. The first order of business of any
21 legislature so convened shall be the establishment of temporary
22 emergency seats of government for the state. After any emergency
23 relocation, the affairs of state government shall be lawfully
24 conducted at such emergency temporary location or locations for the
25 duration of the emergency.

26 **Sec. 8.** RCW 42.14.040 and 1963 c 203 s 5 are each amended to
27 read as follows:

28 In the event ((~~enemy-attack~~)) that a catastrophic incident
29 reduces the number of county commissioners of any county, then those
30 commissioners available for duty shall have full authority to act in
31 all matters as a board of county commissioners. In the event no
32 county commissioner is available for duty, then those elected county
33 officials, except for the members of the county board of education,
34 as are available for duty shall jointly act as the board of county
35 commissioners and shall possess by majority vote the full authority
36 of the board of county commissioners.

1 **Sec. 9.** RCW 42.14.050 and 1981 c 213 s 8 are each amended to
2 read as follows:

3 In the event that the executive head of any city or town is
4 unavailable by reason of (~~enemy attack~~) a catastrophic incident to
5 exercise the powers and discharge the duties of the office, then
6 those members of the city or town council or commission available for
7 duty shall by majority vote select one of their number to act as the
8 executive head of such city or town. In the event (~~enemy attack~~)
9 that a catastrophic incident reduces the number of city or town
10 councilmembers or commission members, then those members available
11 for duty shall have full power to act by majority vote of those
12 present.

13 **Sec. 10.** RCW 42.14.075 and 1969 ex.s. c 106 s 2 are each amended
14 to read as follows:

15 Whenever, due to a (~~natural disaster, an attack~~) catastrophic
16 incident, or when such an (~~attack~~) event is imminent, it becomes
17 imprudent, inexpedient, or impossible to conduct the affairs of a
18 political subdivision at the regular or usual place or places, the
19 governing body of the political subdivision may meet at any place
20 within or without the territorial limits of the political subdivision
21 on the call of the presiding official or any two members of the
22 governing body. After any emergency relocation, the affairs of
23 political subdivisions shall be lawfully conducted at such emergency
24 temporary location or locations for the duration of the emergency.

25 NEW SECTION. **Sec. 11.** Sections 4 through 10 of this act take
26 effect if the proposed amendment to Article II, section 42 of the
27 state Constitution providing governmental continuity during emergency
28 periods resulting from a catastrophic incident (Senate Joint
29 Resolution No. 8211) is validly submitted to and is approved and
30 ratified by the voters at the next general election. If the proposed
31 amendment is not approved and ratified, sections 4 through 10 of this
32 act are void in their entirety."

33 Correct the title.

EFFECT: Removes current law references to continuity of
government procedures in the event of an "enemy attack" (but retains
"enemy attack" within the definition of "catastrophic incident").
Removes the exception in the definition of "catastrophic incident"

for events resulting from individuals exercising their first amendment rights.

--- END ---