

SSB 5247 - H COMM AMD

By Committee on Housing, Community Development & Veterans

NOT CONSIDERED 12/23/2019

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the
4 widespread impact of damage, casualties, and displacement of people
5 resulting from a catastrophic incident makes it one of the most
6 important topics in emergency management today. A catastrophic
7 incident can result in tens of thousands of casualties and displaced
8 people, and significantly disrupt the functioning of our
9 infrastructure and economy; will almost immediately exceed the
10 resources normally available to state, tribal, local, and private
11 sector authorities for response; and will significantly disrupt
12 governmental operations, schools, and the availability of emergency
13 services. The characteristics of the precipitating event will
14 severely aggravate the response strategy and quickly exhaust the
15 capabilities and resources available in the impacted area, requiring
16 significant resources from outside the area.

17 (2) The legislature further finds that joint local, state, and
18 federal agencies must plan and prepare to provide extraordinary
19 levels of lifesaving, life-sustaining, and other resources necessary
20 to respond to the no notice or short notice hazard represented by a
21 seismic catastrophic incident. Schools with their large number of
22 vulnerable children, will need focused additional assistance to plan
23 for seismic risks.

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

26 As used in this chapter:

27 (1)(a) "Catastrophic incident" means any natural or human-caused
28 incident, including terrorism and enemy attack, that results in
29 extraordinary levels of mass casualties, damage, or disruption

1 severely affecting the population, infrastructure, environment,
2 economy, or government functions.

3 (b) "Catastrophic incident" does not include an event resulting
4 from individuals exercising their rights, under the first amendment,
5 of freedom of speech, and of the people to peaceably assemble.

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

9 ~~((2))~~ (3) "Continuity of operations planning" means the
10 internal effort of an organization to assure that the capability
11 exists to continue essential functions and services in response to a
12 comprehensive array of potential emergencies or disasters.

13 ~~((3))~~ (4) "Department" means the state military department.

14 ~~((4))~~ (5) "Director" means the adjutant general.

15 ~~((5))~~ (6) "Emergency management" or "comprehensive emergency
16 management" means the preparation for and the carrying out of all
17 emergency functions, other than functions for which the military
18 forces are primarily responsible, to mitigate, prepare for, respond
19 to, and recover from emergencies and disasters, and to aid victims
20 suffering from injury or damage, resulting from disasters caused by
21 all hazards, whether natural, technological, or human-caused, and to
22 provide support for search and rescue operations for persons and
23 property in distress. However, "emergency management" or
24 "comprehensive emergency management" does not mean preparation for
25 emergency evacuation or relocation of residents in anticipation of
26 nuclear attack.

27 ~~((6))~~ (7)(a) "Emergency or disaster" as used in all sections of
28 this chapter except RCW 38.52.430 shall mean an event or set of
29 circumstances which: (i) Demands immediate action to preserve public
30 health, protect life, protect public property, or to provide relief
31 to any stricken community overtaken by such occurrences, or (ii)
32 reaches such a dimension or degree of destructiveness as to warrant
33 the governor declaring a state of emergency pursuant to RCW
34 43.06.010.

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

1 ~~((7))~~ (8) "Emergency response" as used in RCW 38.52.430 means a
2 public agency's use of emergency services during an emergency or
3 disaster as defined in subsection ~~((6))~~ (7)(b) of this section.

4 ~~((8))~~ (9) "Emergency worker" means any person who is registered
5 with a local emergency management organization or the department and
6 holds an identification card issued by the local emergency management
7 director or the department for the purpose of engaging in authorized
8 emergency management activities or is an employee of the state of
9 Washington or any political subdivision thereof who is called upon to
10 perform emergency management activities.

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

21 ~~((10))~~ (11) "Expense of an emergency response" as used in RCW
22 38.52.430 means reasonable costs incurred by a public agency in
23 reasonably making an appropriate emergency response to the incident,
24 but shall only include those costs directly arising from the response
25 to the particular incident. Reasonable costs shall include the costs
26 of providing police, coroner, firefighting, rescue, emergency medical
27 services, or utility response at the scene of the incident, as well
28 as the salaries of the personnel responding to the incident.

29 ~~((11))~~ (12) "Incident command system" means: (a) An all-
30 hazards, on-scene functional management system that establishes
31 common standards in organization, terminology, and procedures;
32 provides a means (unified command) for the establishment of a common
33 set of incident objectives and strategies during multiagency/
34 multijurisdiction operations while maintaining individual agency/
35 jurisdiction authority, responsibility, and accountability; and is a
36 component of the national interagency incident management system; or
37 (b) an equivalent and compatible all-hazards, on-scene functional
38 management system.

1 (~~(12)~~) (13) "Injury" as used in this chapter shall mean and
2 include accidental injuries and/or occupational diseases arising out
3 of emergency management activities.

4 (~~(13)~~) (14) "Life safety information" means information
5 provided to people during a response to a life-threatening emergency
6 or disaster informing them of actions they can take to preserve their
7 safety. Such information may include, but is not limited to,
8 information regarding evacuation, sheltering, sheltering-in-place,
9 facility lockdown, and where to obtain food and water.

10 (~~(14)~~) (15) "Local director" means the director of a local
11 organization of emergency management or emergency services.

12 (~~(15)~~) (16) "Local organization for emergency services or
13 management" means an organization created in accordance with the
14 provisions of this chapter by state or local authority to perform
15 local emergency management functions.

16 (~~(16)~~) (17) "Political subdivision" means any county, city or
17 town.

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

23 (~~(18)~~) (19) "Radio communications service company" has the
24 meaning ascribed to it in RCW 82.14B.020.

25 (~~(19)~~) (20) "Search and rescue" means the acts of searching
26 for, rescuing, or recovering by means of ground, marine, or air
27 activity any person who becomes lost, injured, or is killed while
28 outdoors or as a result of a natural, technological, or human-caused
29 disaster, including instances involving searches for downed aircraft
30 when ground personnel are used. Nothing in this section shall affect
31 appropriate activity by the department of transportation under
32 chapter 47.68 RCW.

33 **Sec. 3.** RCW 38.52.030 and 2018 c 26 s 2 are each amended to read
34 as follows:

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

1 (2) The director, subject to the direction and control of the
2 governor, shall be responsible to the governor for carrying out the
3 program for emergency management of this state. The director shall
4 coordinate the activities of all organizations for emergency
5 management within the state, and shall maintain liaison with and
6 cooperate with emergency management agencies and organizations of
7 other states and of the federal government, and shall have such
8 additional authority, duties, and responsibilities authorized by this
9 chapter, as may be prescribed by the governor.

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

29 (4) Subject to the availability of amounts appropriated for this
30 specific purpose, the director may develop guidance, in consultation
31 with the office of the superintendent of public instruction, that may
32 be used by local school districts in developing, maintaining,
33 training, and exercising catastrophic incident plans.

34 (5) In accordance with the comprehensive emergency management
35 plans and the programs for the emergency management of this state,
36 the director shall procure supplies and equipment, institute training
37 programs and public information programs, and shall take all other
38 preparatory steps, including the partial or full mobilization of
39 emergency management organizations in advance of actual disaster, to

1 insure the furnishing of adequately trained and equipped forces of
2 emergency management personnel in time of need.

3 ~~((+5))~~ (6) The director shall make such studies and surveys of
4 the industries, resources, and facilities in this state as may be
5 necessary to ascertain the capabilities of the state for emergency
6 management, and shall plan for the most efficient emergency use
7 thereof.

8 ~~((+6))~~ (7) The emergency management council shall advise the
9 director on all aspects of the communications and warning systems and
10 facilities operated or controlled under the provisions of this
11 chapter.

12 ~~((+7))~~ (8) The director, through the state enhanced 911
13 coordinator, shall coordinate and facilitate implementation and
14 operation of a statewide enhanced 911 emergency communications
15 network.

16 ~~((+8))~~ (9) The director shall appoint a state coordinator of
17 search and rescue operations to coordinate those state resources,
18 services and facilities (other than those for which the state
19 director of aeronautics is directly responsible) requested by
20 political subdivisions in support of search and rescue operations,
21 and on request to maintain liaison with and coordinate the resources,
22 services, and facilities of political subdivisions when more than one
23 political subdivision is engaged in joint search and rescue
24 operations.

25 ~~((+9))~~ (10) The director, subject to the direction and control
26 of the governor, shall prepare and administer a state program for
27 emergency assistance to individuals within the state who are victims
28 of a natural, technological, or human-caused disaster, as defined by
29 RCW 38.52.010~~((+6))~~ (7). Such program may be integrated into and
30 coordinated with disaster assistance plans and programs of the
31 federal government which provide to the state, or through the state
32 to any political subdivision thereof, services, equipment, supplies,
33 materials, or funds by way of gift, grant, or loan for purposes of
34 assistance to individuals affected by a disaster. Further, such
35 program may include, but shall not be limited to, grants, loans, or
36 gifts of services, equipment, supplies, materials, or funds of the
37 state, or any political subdivision thereof, to individuals who, as a
38 result of a disaster, are in need of assistance and who meet
39 standards of eligibility for disaster assistance established by the
40 department of social and health services: PROVIDED, HOWEVER, That

1 nothing herein shall be construed in any manner inconsistent with the
2 provisions of Article VIII, section 5 or section 7 of the Washington
3 state Constitution.

4 ~~((10))~~ (11) The director shall appoint a state coordinator for
5 radioactive and hazardous waste emergency response programs. The
6 coordinator shall consult with the state radiation control officer in
7 matters relating to radioactive materials. The duties of the state
8 coordinator for radioactive and hazardous waste emergency response
9 programs shall include:

10 (a) Assessing the current needs and capabilities of state and
11 local radioactive and hazardous waste emergency response teams on an
12 ongoing basis;

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

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

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

21 ~~((11))~~ (12) The director is responsible to the governor to lead
22 the development and management of a program for interagency
23 coordination and prioritization of continuity of operations planning
24 by state agencies. Each state agency is responsible for developing an
25 organizational continuity of operations plan that is updated and
26 exercised annually in compliance with the program for interagency
27 coordination of continuity of operations planning.

28 ~~((12))~~ (13) The director shall maintain a copy of the
29 continuity of operations plan for election operations for each county
30 that has a plan available."

31 Correct the title.

EFFECT: Removes provisions to create a functional recovery task
force. Removes definitions of "functional recovery standard" and
"emergency services building."

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