

FINAL BILL REPORT

SSB 5012

C 471 L 19
Synopsis as Enacted

Brief Description: Concerning governmental continuity during emergency periods.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Takko, Zeiger, Rolfes, Hobbs, O'Ban, Keiser, Warnick, Hunt, Pedersen, Bailey, Conway, McCoy, Wellman, Palumbo, Kuderer and Carlyle).

Senate Committee on State Government, Tribal Relations & Elections
Senate Committee on Ways & Means
House Committee on Housing, Community Development & Veterans
House Committee on Appropriations

Background: Emergency Management. 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 and managing a program for interagency coordination and prioritizing continuity of operations by state agencies. Each state agency must develop a continuity of operations plan that is updated and exercised annually in compliance with the Program for Interagency Coordination of Continuity of Operation Planning.

Continuity of operations planning is 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.

Washington's Continuity of Government Act. Washington's Continuity of Government Act (COGA) provides direction for the continuity of government and operations in the event of an enemy attack taken against the United States in the state of Washington.

For state government operations, COGA states 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, or by the president pro tem of the Senate if the Speaker of the House is unavailable. 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 their 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 available for duty will constitute the

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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 alternate location.

For local government operations, COGA states 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 the executive head of any city or town is unavailable to fulfill their responsibility due to enemy attack, then 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 it becomes impossible to conduct affairs of a political subdivision at its usual location, then the governing body may meet at an alternate 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.

State of Emergency. A state of emergency is proclaimed by the Governor after finding a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace. The Governor may proclaim a state of emergency in the area affected. The state of emergency is effective upon the Governor's signature and remains in effect until the Governor declares its termination. The Governor must terminate a state of emergency when order has been restored in the area effected.

Summary: Subject to appropriation, the adjutant general is responsible to the Governor for developing and managing a program to provide information and education to state and local government officials regarding catastrophic incidents and continuity of government planning. This program will assist with statewide development of continuity of government plans.

"Continuity of government planning" is defined as the internal effort of an organization to assure that the capability exists to continue essential functions and services following a catastrophic incident.

Continuity of Government Act. COGA is amended to include time periods and events that occur in the state relating to a catastrophic incident rather than enemy attacks.

"Catastrophic incident" means any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, or government functions. Catastrophic incident does not include an event resulting from individuals exercising their rights, under the first amendment, of freedom of speech, and of the people to peaceably assemble. "Attack" is redefined to mean any acts of aggression, rather than warfare, against the United States causing substantial damage or injury to a person or property in the United States and state of Washington.

"Emergency" or "disaster" means an event or set of the following circumstances: (1) 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 (2) reaches such a dimension or degree of destructiveness as to warrant the Governor proclaiming a state of emergency.

Votes on Final Passage:

Senate	37	11	
House	90	8	(House amended)
Senate	48	1	(Senate concurred)

Effective: July 28, 2019

Contingent (Sections 4 through 10 are contingent upon the approval and ratification of SJR 8200 at the next general election)