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**SUBSTITUTE HOUSE BILL 2124**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** House Public Safety (originally sponsored by 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)

READ FIRST TIME 01/28/14.

1       AN ACT Relating to the continuity of government and operations in  
2 the event of an emergency, disaster, or attack; and amending RCW  
3 38.52.010, 38.52.020, and 38.52.030.

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

5       **Sec. 1.** RCW 38.52.010 and 2007 c 292 s 1 are each amended to read  
6 as follows:

7       As used in this chapter:

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

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

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

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

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

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

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

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

34 (8) "Executive head" and "executive heads" means the county  
35 executive in those charter counties with an elective office of county  
36 executive, however designated, and, in the case of other counties, the  
37 county legislative authority. In the case of cities and towns, it  
38 means the mayor in those cities and towns with mayor-council or

1 commission forms of government, where the mayor is directly elected,  
2 and it means the city manager in those cities and towns with council  
3 manager forms of government. Cities and towns may also designate an  
4 executive head for the purposes of this chapter by ordinance.

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

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

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

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

12 (13) "Expense of an emergency response" as used in RCW 38.52.430  
13 means reasonable costs incurred by a public agency in reasonably making  
14 an appropriate emergency response to the incident, but shall only  
15 include those costs directly arising from the response to the  
16 particular incident. Reasonable costs shall include the costs of  
17 providing police, coroner, firefighting, rescue, emergency medical  
18 services, or utility response at the scene of the incident, as well as  
19 the salaries of the personnel responding to the incident.

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

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

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

35 (17) "Continuity of operations planning" means the internal effort  
36 of an organization to assure that the capability exists to continue  
37 essential functions and services in response to a comprehensive array  
38 of potential emergencies or disasters.

1       **Sec. 2.** RCW 38.52.020 and 1986 c 266 s 24 are each amended to read  
2 as follows:

3       (1) Because of the existing and increasing possibility of the  
4 occurrence of disasters of unprecedented size and destructiveness as  
5 defined in RCW 38.52.010(6), and in order to insure that preparations  
6 of this state will be adequate to deal with such disasters, to insure  
7 the administration of state and federal programs providing disaster  
8 relief to individuals, and further to insure adequate support for  
9 search and rescue operations, and generally to protect the public  
10 peace, health, and safety, and to preserve the lives and property of  
11 the people of the state, it is hereby found and declared to be  
12 necessary:

13       (a) To provide for emergency management by the state, and to  
14 authorize the creation of local organizations for emergency management  
15 in the political subdivisions of the state;

16       (b) To confer upon the governor and upon the executive heads of the  
17 political subdivisions of the state the emergency powers provided  
18 herein;

19       (c) To provide for the rendering of mutual aid among the political  
20 subdivisions of the state and with other states and to cooperate with  
21 the federal government with respect to the carrying out of emergency  
22 management functions;

23       (d) To provide a means of compensating emergency management workers  
24 who may suffer any injury, as herein defined, or death; who suffer  
25 economic harm including personal property damage or loss; or who incur  
26 expenses for transportation, telephone or other methods of  
27 communication, and the use of personal supplies as a result of  
28 participation in emergency management activities; (~~and~~)

29       (e) To provide programs, with intergovernmental cooperation, to  
30 educate and train the public to be prepared for emergencies; and

31       (f) To provide for the development and exercise of continuity of  
32 operations plans by the state.

33       (2) It is further declared to be the purpose of this chapter and  
34 the policy of the state that all emergency management functions of this  
35 state and its political subdivisions be coordinated to the maximum  
36 extent with the comparable functions of the federal government  
37 including its various departments and agencies of other states and  
38 localities, and of private agencies of every type, to the end that the

1 most effective preparation and use may be made of the nation's  
2 manpower, resources, and facilities for dealing with any disaster that  
3 may occur.

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

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

10 (2) The director, subject to the direction and control of the  
11 governor, shall be responsible to the governor for carrying out the  
12 program for emergency management of this state. The director shall  
13 coordinate the activities of all organizations for emergency management  
14 within the state, and shall maintain liaison with and cooperate with  
15 emergency management agencies and organizations of other states and of  
16 the federal government, and shall have such additional authority,  
17 duties, and responsibilities authorized by this chapter, as may be  
18 prescribed by the governor.

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

1 (4) In accordance with the comprehensive emergency management plans  
2 and the programs for the emergency management of this state, the  
3 director shall procure supplies and equipment, institute training  
4 programs and public information programs, and shall take all other  
5 preparatory steps, including the partial or full mobilization of  
6 emergency management organizations in advance of actual disaster, to  
7 insure the furnishing of adequately trained and equipped forces of  
8 emergency management personnel in time of need.

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

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

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

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

27 (9) The director, subject to the direction and control of the  
28 governor, shall prepare and administer a state program for emergency  
29 assistance to individuals within the state who are victims of a  
30 natural, technological, or human caused disaster, as defined by RCW  
31 38.52.010(6). Such program may be integrated into and coordinated with  
32 disaster assistance plans and programs of the federal government which  
33 provide to the state, or through the state to any political subdivision  
34 thereof, services, equipment, supplies, materials, or funds by way of  
35 gift, grant, or loan for purposes of assistance to individuals affected  
36 by a disaster. Further, such program may include, but shall not be  
37 limited to, grants, loans, or gifts of services, equipment, supplies,  
38 materials, or funds of the state, or any political subdivision thereof,

1 to individuals who, as a result of a disaster, are in need of  
2 assistance and who meet standards of eligibility for disaster  
3 assistance established by the department of social and health services:  
4 PROVIDED, HOWEVER, That nothing herein shall be construed in any manner  
5 inconsistent with the provisions of Article VIII, section 5 or section  
6 7 of the Washington state Constitution.

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

13 (a) Assessing the current needs and capabilities of state and local  
14 radioactive and hazardous waste emergency response teams on an ongoing  
15 basis;

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

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

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

24 (11) The director is responsible to the governor for developing and  
25 implementing a program for interagency coordination of continuity of  
26 operations planning by state agencies, boards, and commissions. Each  
27 state agency, board, and commission is responsible for developing an  
28 organizational continuity of operations plan that is updated and  
29 exercised annually in compliance with the program for interagency  
30 coordination of continuity of operations planning.

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