
SUBSTITUTE HOUSE BILL 2124

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

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

(9) "Director" means the adjutant general.

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

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

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

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

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

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

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

(17) "Continuity of operations planning" means 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.

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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