
HOUSE BILL 1419

State of Washington

66th Legislature

2019 Regular Session

By Representatives MacEwen and Shea

Read first time 01/22/19. Referred to Committee on Housing,
Community Development & Veterans.

1 AN ACT Relating to removing the prohibition on planning for a
2 nuclear attack in emergency management plans; and amending RCW
3 38.52.010, 38.52.030, and 38.52.170.

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

5 **Sec. 1.** RCW 38.52.010 and 2017 c 312 s 3 are each amended to
6 read as follows:

7 As used in this chapter:

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

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

15 (3) "Department" means the state military department.

16 (4) "Director" means the adjutant general.

17 (5) "Emergency management" or "comprehensive emergency
18 management" means the preparation for and the carrying out of all
19 emergency functions, other than functions for which the military
20 forces are primarily responsible, to mitigate, prepare for, respond
21 to, and recover from emergencies and disasters, and to aid victims

1 suffering from injury or damage, resulting from disasters caused by
2 all hazards, whether natural, technological, or human caused, and to
3 provide support for search and rescue operations for persons and
4 property in distress. (~~However, "emergency management" or~~
5 ~~"comprehensive emergency management" does not mean preparation for~~
6 ~~emergency evacuation or relocation of residents in anticipation of~~
7 ~~nuclear attack.~~)

8 (6) (a) "Emergency or disaster" as used in all sections of this
9 chapter except RCW 38.52.430 shall mean an event or set of
10 circumstances which: (i) Demands immediate action to preserve public
11 health, protect life, protect public property, or to provide relief
12 to any stricken community overtaken by such occurrences, or (ii)
13 reaches such a dimension or degree of destructiveness as to warrant
14 the governor declaring a state of emergency pursuant to RCW
15 43.06.010.

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

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

23 (8) "Emergency worker" means any person who is registered with a
24 local emergency management organization or the department and holds
25 an identification card issued by the local emergency management
26 director or the department for the purpose of engaging in authorized
27 emergency management activities or is an employee of the state of
28 Washington or any political subdivision thereof who is called upon to
29 perform emergency management activities.

30 (9) "Executive head" and "executive heads" means the county
31 executive in those charter counties with an elective office of county
32 executive, however designated, and, in the case of other counties,
33 the county legislative authority. In the case of cities and towns, it
34 means the mayor in those cities and towns with mayor-council or
35 commission forms of government, where the mayor is directly elected,
36 and it means the city manager in those cities and towns with council
37 manager forms of government. Cities and towns may also designate an
38 executive head for the purposes of this chapter by ordinance.

39 (10) "Expense of an emergency response" as used in RCW 38.52.430
40 means reasonable costs incurred by a public agency in reasonably

1 making an appropriate emergency response to the incident, but shall
2 only include those costs directly arising from the response to the
3 particular incident. Reasonable costs shall include the costs of
4 providing police, coroner, firefighting, rescue, emergency medical
5 services, or utility response at the scene of the incident, as well
6 as the salaries of the personnel responding to the incident.

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

17 (12) "Injury" as used in this chapter shall mean and include
18 accidental injuries and/or occupational diseases arising out of
19 emergency management activities.

20 (13) "Life safety information" means information provided to
21 people during a response to a life-threatening emergency or disaster
22 informing them of actions they can take to preserve their safety.
23 Such information may include, but is not limited to, information
24 regarding evacuation, sheltering, sheltering-in-place, facility
25 lockdown, and where to obtain food and water.

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

28 (15) "Local organization for emergency services or management"
29 means an organization created in accordance with the provisions of
30 this chapter by state or local authority to perform local emergency
31 management functions.

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

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

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

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

9 **Sec. 2.** RCW 38.52.030 and 2018 c 26 s 2 are each amended to read
10 as follows:

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

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

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

1 ~~residents in anticipation of nuclear attack.~~) This plan shall be
2 known as the comprehensive emergency management plan.

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

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

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

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

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

31 (9) The director, subject to the direction and control of the
32 governor, shall prepare and administer a state program for emergency
33 assistance to individuals within the state who are victims of a
34 natural, technological, or human caused disaster, as defined by RCW
35 38.52.010(6). Such program may be integrated into and coordinated
36 with disaster assistance plans and programs of the federal government
37 which provide to the state, or through the state to any political
38 subdivision thereof, services, equipment, supplies, materials, or
39 funds by way of gift, grant, or loan for purposes of assistance to
40 individuals affected by a disaster. Further, such program may

1 include, but shall not be limited to, grants, loans, or gifts of
2 services, equipment, supplies, materials, or funds of the state, or
3 any political subdivision thereof, to individuals who, as a result of
4 a disaster, are in need of assistance and who meet standards of
5 eligibility for disaster assistance established by the department of
6 social and health services: PROVIDED, HOWEVER, That nothing herein
7 shall be construed in any manner inconsistent with the provisions of
8 Article VIII, section 5 or section 7 of the Washington state
9 Constitution.

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

16 (a) Assessing the current needs and capabilities of state and
17 local radioactive and hazardous waste emergency response teams on an
18 ongoing basis;

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

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

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

27 (11) The director is responsible to the governor to lead the
28 development and management of a program for interagency coordination
29 and prioritization of continuity of operations planning by state
30 agencies. Each state agency is responsible for developing an
31 organizational continuity of operations plan that is updated and
32 exercised annually in compliance with the program for interagency
33 coordination of continuity of operations planning.

34 (12) The director shall maintain a copy of the continuity of
35 operations plan for election operations for each county that has a
36 plan available.

37 **Sec. 3.** RCW 38.52.170 and 1986 c 266 s 30 are each amended to
38 read as follows:

1 Whenever the director finds that it will be in the interest of
2 the emergency management of this state or of the United States, the
3 director may, with the approval of the governor, agree with the
4 federal government, or any agency thereof carrying on activities
5 within this state, upon a plan of emergency management applicable to
6 a federally owned area, which plan may or may not conform to all of
7 the other provisions of this chapter with the view to integrating
8 federally owned areas into the comprehensive plan and program of the
9 emergency management of this state. Such plan may confer upon persons
10 carrying out such plan any or all of the rights, powers, privileges
11 and immunities granted employees or representatives of the state
12 and/or its political subdivisions by this chapter. (~~The plan of~~
13 ~~emergency management authorized under this section may not include~~
14 ~~preparation for emergency evacuation or relocation of residents in~~
15 ~~anticipation of nuclear attack.))~~

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