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**SENATE BILL 5247**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Frockt, Zeiger, Hobbs, Bailey, Rolfes, Hunt, Conway, Das, Honeyford, Keiser, and Mullet; by request of Military Department

Read first time 01/16/19. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to addressing catastrophic incidents that are  
2 natural or human-caused emergencies by providing guidance that may be  
3 used by state public schools to plan for seismic catastrophic  
4 incidents; amending RCW 38.52.010 and 38.52.030; and creating a new  
5 section.

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

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

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

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

10 As used in this chapter:

11 (1) "Catastrophic incident" means any natural or human-caused  
12 emergency or disaster event, including terrorism and enemy attack,  
13 that is expected to result in extraordinary levels of mass  
14 casualties, damage, or disruption severely affecting the population,  
15 infrastructure, environment, economy, or government functions.

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

19 ~~((2))~~ (3) "Continuity of operations planning" means the  
20 internal effort of an organization to assure that the capability  
21 exists to continue essential functions and services in response to a  
22 comprehensive array of potential emergencies or disasters.

23 ~~((3))~~ (4) "Department" means the state military department.

24 ~~((4))~~ (5) "Director" means the adjutant general.

25 ~~((5))~~ (6) "Emergency management" or "comprehensive emergency  
26 management" means the preparation for and the carrying out of all  
27 emergency functions, other than functions for which the military  
28 forces are primarily responsible, to mitigate, prepare for, respond  
29 to, and recover from emergencies and disasters, and to aid victims  
30 suffering from injury or damage, resulting from disasters caused by  
31 all hazards, whether natural, technological, or human-caused, and to  
32 provide support for search and rescue operations for persons and  
33 property in distress. However, "emergency management" or  
34 "comprehensive emergency management" does not mean preparation for  
35 emergency evacuation or relocation of residents in anticipation of  
36 nuclear attack.

37 ~~((6))~~ (7)(a) "Emergency or disaster" as used in all sections of  
38 this chapter except RCW 38.52.430 shall mean an event or set of  
39 circumstances which: (i) Demands immediate action to preserve public

1 health, protect life, protect public property, or to provide relief  
2 to any stricken community overtaken by such occurrences, or (ii)  
3 reaches such a dimension or degree of destructiveness as to warrant  
4 the governor declaring a state of emergency pursuant to RCW  
5 43.06.010.

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

10 ~~((7))~~ (8) "Emergency response" as used in RCW 38.52.430 means a  
11 public agency's use of emergency services during an emergency or  
12 disaster as defined in subsection ~~((6))~~ (7)(b) of this section.

13 ~~((8))~~ (9) "Emergency worker" means any person who is registered  
14 with a local emergency management organization or the department and  
15 holds an identification card issued by the local emergency management  
16 director or the department for the purpose of engaging in authorized  
17 emergency management activities or is an employee of the state of  
18 Washington or any political subdivision thereof who is called upon to  
19 perform emergency management activities.

20 ~~((9))~~ (10) "Executive head" and "executive heads" means the  
21 county executive in those charter counties with an elective office of  
22 county executive, however designated, and, in the case of other  
23 counties, the county legislative authority. In the case of cities and  
24 towns, it means the mayor in those cities and towns with mayor-  
25 council or commission forms of government, where the mayor is  
26 directly elected, and it means the city manager in those cities and  
27 towns with council manager forms of government. Cities and towns may  
28 also designate an executive head for the purposes of this chapter by  
29 ordinance.

30 ~~((10))~~ (11) "Expense of an emergency response" as used in RCW  
31 38.52.430 means reasonable costs incurred by a public agency in  
32 reasonably making an appropriate emergency response to the incident,  
33 but shall only include those costs directly arising from the response  
34 to the particular incident. Reasonable costs shall include the costs  
35 of providing police, coroner, firefighting, rescue, emergency medical  
36 services, or utility response at the scene of the incident, as well  
37 as the salaries of the personnel responding to the incident.

38 ~~((11))~~ (12) "Incident command system" means: (a) An all-  
39 hazards, on-scene functional management system that establishes  
40 common standards in organization, terminology, and procedures;

1 provides a means (unified command) for the establishment of a common  
2 set of incident objectives and strategies during multiagency/  
3 multijurisdiction operations while maintaining individual agency/  
4 jurisdiction authority, responsibility, and accountability; and is a  
5 component of the national interagency incident management system; or  
6 (b) an equivalent and compatible all-hazards, on-scene functional  
7 management system.

8 ~~((12))~~ (13) "Injury" as used in this chapter shall mean and  
9 include accidental injuries and/or occupational diseases arising out  
10 of emergency management activities.

11 ~~((13))~~ (14) "Life safety information" means information  
12 provided to people during a response to a life-threatening emergency  
13 or disaster informing them of actions they can take to preserve their  
14 safety. Such information may include, but is not limited to,  
15 information regarding evacuation, sheltering, sheltering-in-place,  
16 facility lockdown, and where to obtain food and water.

17 ~~((14))~~ (15) "Local director" means the director of a local  
18 organization of emergency management or emergency services.

19 ~~((15))~~ (16) "Local organization for emergency services or  
20 management" means an organization created in accordance with the  
21 provisions of this chapter by state or local authority to perform  
22 local emergency management functions.

23 ~~((16))~~ (17) "Political subdivision" means any county, city or  
24 town.

25 ~~((17))~~ (18) "Public agency" means the state, and a city,  
26 county, municipal corporation, district, town, or public authority  
27 located, in whole or in part, within this state which provides or may  
28 provide firefighting, police, ambulance, medical, or other emergency  
29 services.

30 ~~((18))~~ (19) "Radio communications service company" has the  
31 meaning ascribed to it in RCW 82.14B.020.

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

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

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

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

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

35       (4) The director shall develop guidance, in consultation with the  
36 office of the superintendent of public instruction, that may be used  
37 by local school districts in developing, maintaining, training, and  
38 exercising catastrophic incident plans.

39       (5) In accordance with the comprehensive emergency management  
40 plans and the programs for the emergency management of this state,

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

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

12 ~~((+6))~~ (7) The emergency management council shall advise the  
13 director on all aspects of the communications and warning systems and  
14 facilities operated or controlled under the provisions of this  
15 chapter.

16 ~~((+7))~~ (8) The director, through the state enhanced 911  
17 coordinator, shall coordinate and facilitate implementation and  
18 operation of a statewide enhanced 911 emergency communications  
19 network.

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

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

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

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

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

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

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

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

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

32 ~~((12))~~ (13) The director shall maintain a copy of the  
33 continuity of operations plan for election operations for each county  
34 that has a plan available.

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