

Chapter 42.14 RCW
CONTINUITY OF GOVERNMENT ACT

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Continuity of government: State Constitution Art. 2 § 42 (Amendment 39).

Microfilming of records to provide continuity of civil government: Chapter 40.10 RCW.

RCW 42.14.010 Definitions. Unless otherwise clearly required by the context, the following definitions apply:

(1) "Attack" means any acts of aggression taken against the United States causing substantial damage or injury to persons or property in the United States and in the state of Washington.

(2)(a) "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.

(b) "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.

(3) "Emergency or disaster" means an event or set of circumstances which: (a) 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 (b) reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010.

(4) "Unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office following a catastrophic incident and a proclamation of existing emergency by the governor or his or her successor. [2019 c 471 § 4; 2012 c 117 § 106; 1963 c 203 § 2.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Contingent effective date—2019 c 471 §§ 4-10: "Sections 4 through 10 of this act take effect if the proposed amendment to Article II, section 42 of the state Constitution providing

governmental continuity during emergency periods resulting from a catastrophic incident (House Joint Resolution No. 4200 or Senate Joint Resolution No. 8200) is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, sections 4 through 10 of this act are void in their entirety." [2019 c 471 § 11.] Senate Joint Resolution No. 8200 was approved and ratified by the voters at the November 5, 2019, general election.

Finding—Intent—2019 c 471: See note following RCW 38.52.010.

RCW 42.14.020 Office of governor. (1) In the event that all successors to the office of governor as provided by Article 3, section 10, as amended by amendment 6 of the Constitution of the state of Washington are unavailable following a catastrophic incident, the powers and duties of the office of governor shall be exercised and discharged by the speaker of the house of representatives.

(2) In the event the speaker of the house is unavailable, the powers and duties of the office of governor shall be exercised and discharged by the president pro tem of the senate.

(3) In the event that neither the speaker nor the president pro tem is available, the house of representatives and the senate in joint assembly shall elect an emergency interim governor. [2019 c 471 § 5; 1963 c 203 § 3.]

Contingent effective date—2019 c 471 §§ 4-10: See note following RCW 42.14.010.

Finding—Intent—2019 c 471: See note following RCW 38.52.010.

RCW 42.14.030 Legislature. In the event that a catastrophic incident reduces the number of legislators available for duty, then those legislators available for duty shall constitute the legislature and shall have full power to act in separate or joint assembly by majority vote of those present. In the event of a catastrophic incident, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution, or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. In the event of a catastrophic incident, the governor shall call the legislature into session as soon as practicable, and in any case within thirty days following the inception of the catastrophic incident. If the governor fails to issue such call, the legislature shall, on the thirtieth day from the date of inception of the catastrophic incident, automatically convene at the place where the governor then has his or her office. Each legislator shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the catastrophic incident, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended. [2019 c 471 § 6; 2012 c 117 § 107; 1963 c 203 § 4.]

Contingent effective date—2019 c 471 §§ 4-10: See note following RCW 42.14.010.

Finding—Intent—2019 c 471: See note following RCW 38.52.010.

RCW 42.14.035 Convening legislature at locations other than usual seat of government. Whenever, in the judgment of the governor, it becomes impracticable, due to an emergency resulting from a catastrophic incident, to convene the legislature in the usual seat of government at Olympia, the governor may call the legislature into emergency session in any location within this or an adjoining state. The first order of business of any legislature so convened shall be the establishment of temporary emergency seats of government for the state. After any emergency relocation, the affairs of state government shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency. [2019 c 471 § 7; 1969 ex.s. c 106 § 1.]

Contingent effective date—2019 c 471 §§ 4-10: See note following RCW 42.14.010.

Finding—Intent—2019 c 471: See note following RCW 38.52.010.

RCW 42.14.040 County commissioners. In the event that a catastrophic incident reduces the number of county commissioners of any county, then those commissioners available for duty shall have full authority to act in all matters as a board of county commissioners. In the event no county commissioner is available for duty, then those elected county officials, except for the members of the county board of education, as are available for duty shall jointly act as the board of county commissioners and shall possess by majority vote the full authority of the board of county commissioners. [2019 c 471 § 8; 1963 c 203 § 5.]

Contingent effective date—2019 c 471 §§ 4-10: See note following RCW 42.14.010.

Finding—Intent—2019 c 471: See note following RCW 38.52.010.

RCW 42.14.050 City or town officers. In the event that the executive head of any city or town is unavailable by reason of a catastrophic incident to exercise the powers and discharge the duties of the office, then those members of the city or town council or commission available for duty shall by majority vote select one of their number to act as the executive head of such city or town. In the event that a catastrophic incident reduces the number of city or town councilmembers or commission members, then those members available for duty shall have full power to act by majority vote of those present. [2019 c 471 § 9; 1981 c 213 § 8; 1963 c 203 § 6.]

Contingent effective date—2019 c 471 §§ 4-10: See note following RCW 42.14.010.

Finding—Intent—2019 c 471: See note following RCW 38.52.010.

RCW 42.14.060 Appointed officers of the state. The governor shall, subject to such rules and regulations as he or she may adopt, permit each appointed officer of the state to designate temporary interim successors to the office of such officer. [2012 c 117 § 108; 1963 c 203 § 7.]

RCW 42.14.070 Officers of political subdivisions. The legislative authority of each political subdivision, subject to the provisions of this chapter, shall adopt rules and regulations providing for appointment of temporary interim successors to the elected and appointed offices of the political subdivisions. [1963 c 203 § 8.]

RCW 42.14.075 Meetings of governing bodies of political subdivisions at other than usual places. Whenever, due to a catastrophic incident, or when such an event is imminent, it becomes imprudent, inexpedient, or impossible to conduct the affairs of a political subdivision at the regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of the governing body. After any emergency relocation, the affairs of political subdivisions shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency. [2019 c 471 § 10; 1969 ex.s. c 106 § 2.]

Contingent effective date—2019 c 471 §§ 4-10: See note following RCW 42.14.010.

Finding—Intent—2019 c 471: See note following RCW 38.52.010.

RCW 42.14.900 Short title. This act shall be known as the "continuity of government act." [1963 c 203 § 1.]