
HOUSE BILL 1047

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By Representatives Goodman, Haler, Moscoso, Appleton, Klippert, Muri, Hurst, S. Hunt, Hayes, Orwall, Johnson, MacEwen, and Gregerson; by request of Military Department

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1 AN ACT Relating to the state agencies continuity of operations
2 planning requirements; and amending RCW 38.52.010, 38.52.020, and
3 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
6 read as follows:

7 As used in this chapter:

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

20 (2) "Local organization for emergency services or management"
21 means an organization created in accordance with the provisions of

1 this chapter by state or local authority to perform local emergency
2 management functions.

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

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

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

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

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

26 (7) "Search and rescue" means the acts of searching for,
27 rescuing, or recovering by means of ground, marine, or air activity
28 any person who becomes lost, injured, or is killed while outdoors or
29 as a result of a natural, technological, or human caused disaster,
30 including instances involving searches for downed aircraft when
31 ground personnel are used. Nothing in this section shall affect
32 appropriate activity by the department of transportation under
33 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,
37 the county legislative authority. In the case of cities and towns, it
38 means the mayor in those cities and towns with mayor-council or
39 commission forms of government, where the mayor is directly elected,
40 and it means the city manager in those cities and towns with council

1 manager forms of government. Cities and towns may also designate an
2 executive head for the purposes of this chapter by ordinance.

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

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

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

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

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

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

23 (15) "Incident command system" means: (a) An all-hazards, on-
24 scene functional management system that establishes common standards
25 in organization, terminology, and procedures; provides a means
26 (unified command) for the establishment of a common set of incident
27 objectives and strategies during multiagency/multijurisdiction
28 operations while maintaining individual agency/jurisdiction
29 authority, responsibility, and accountability; and is a component of
30 the national interagency incident management system; or (b) an
31 equivalent and compatible all-hazards, on-scene functional management
32 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
36 effort of an organization to assure that the capability exists to
37 continue essential functions and services in response to a
38 comprehensive array of potential emergencies or disasters.

1 **Sec. 2.** RCW 38.52.020 and 1986 c 266 s 24 are each amended to
2 read 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
15 management in the political subdivisions of the state;

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

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

23 (d) To provide a means of compensating emergency management
24 workers who may suffer any injury, as herein defined, or death; who
25 suffer economic harm including personal property damage or loss; or
26 who incur 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 prioritization, development, and exercise
32 of continuity of 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
35 this state and its political subdivisions be coordinated to the
36 maximum extent with the comparable functions of the federal
37 government including its various departments and agencies of other
38 states and localities, and of private agencies of every type, to the
39 end that the most effective preparation and use may be made of the

1 nation's manpower, resources, and facilities for dealing with any
2 disaster that may occur.

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

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

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

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

36 (4) In accordance with the comprehensive emergency management
37 plans and the programs for the emergency management of this state,
38 the director shall procure supplies and equipment, institute training
39 programs and public information programs, and shall take all other

1 preparatory steps, including the partial or full mobilization of
2 emergency management organizations in advance of actual disaster, to
3 insure the furnishing of adequately trained and equipped forces of
4 emergency management personnel in time of need.

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

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

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

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

25 (9) The director, subject to the direction and control of the
26 governor, shall prepare and administer a state program for emergency
27 assistance to individuals within the state who are victims of a
28 natural, technological, or human caused disaster, as defined by RCW
29 38.52.010(6). Such program may be integrated into and coordinated
30 with disaster assistance plans and programs of the federal government
31 which provide to the state, or through the state to any political
32 subdivision thereof, services, equipment, supplies, materials, or
33 funds by way of gift, grant, or loan for purposes of assistance to
34 individuals affected by a disaster. Further, such program may
35 include, but shall not be limited to, grants, loans, or gifts of
36 services, equipment, supplies, materials, or funds of the state, or
37 any political subdivision thereof, to individuals who, as a result of
38 a disaster, are in need of assistance and who meet standards of
39 eligibility for disaster assistance established by the department of
40 social and health services: PROVIDED, HOWEVER, That nothing herein

1 shall be construed in any manner inconsistent with the provisions of
2 Article VIII, section 5 or section 7 of the Washington state
3 Constitution.

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

10 (a) Assessing the current needs and capabilities of state and
11 local radioactive and hazardous waste emergency response teams on an
12 ongoing basis;

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

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

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

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

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