

HB 1419 - H AMD 1191

By Representative MacEwen

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 38.52.010 and 2019 c 471 s 2 and 2019 c 207 s 1 are
4 each reenacted and amended to read as follows:

5 As used in this chapter:

6 (1) "Broadcaster" means a person or entity that holds a license
7 issued by the federal communications commission under 47 C.F.R. Part
8 73, 74, 76, or 78.

9 (2) (a) "Catastrophic incident" means any natural or human-caused
10 incident, including terrorism and enemy attack, that results in
11 extraordinary levels of mass casualties, damage, or disruption
12 severely affecting the population, infrastructure, environment,
13 economy, or government functions.

14 (b) "Catastrophic incident" does not include an event resulting
15 from individuals exercising their rights, under the first amendment,
16 of freedom of speech, and of the people to peaceably assemble.

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

20 (4) "Continuity of government planning" means the internal effort
21 of all levels and branches of government to provide that the
22 capability exists to continue essential functions and services
23 following a catastrophic incident. These efforts include, but are not
24 limited to, providing for: (a) Orderly succession and appropriate
25 changes of leadership whether appointed or elected; (b) filling
26 vacancies; (c) interoperability communications; and (d) processes and
27 procedures to reconvene government following periods of disruption
28 that may be caused by a catastrophic incident. Continuity of
29 government planning is intended to preserve the constitutional and
30 statutory authority of elected officials at the state and local level
31 and provide for the continued performance of essential functions and
32 services by each level and branch of government.

1 (5) "Continuity of operations planning" means the internal effort
2 of an organization to provide that the capability exists to continue
3 essential functions and services in response to a comprehensive array
4 of potential emergencies or disasters.

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

6 (7) "Director" means the adjutant general.

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

19 (9) (a) "Emergency or disaster" as used in all sections of this
20 chapter except RCW 38.52.430 means an event or set of circumstances
21 which: (i) Demands immediate action to preserve public health,
22 protect life, protect public property, or to provide relief to any
23 stricken community overtaken by such occurrences; or (ii) reaches
24 such a dimension or degree of destructiveness as to warrant the
25 governor proclaiming a state of emergency pursuant to RCW 43.06.010.

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

30 (10) "Emergency response" as used in RCW 38.52.430 means a public
31 agency's use of emergency services during an emergency or disaster as
32 defined in subsection (9) (b) of this section.

33 (11) "Emergency worker" means any person who is registered with a
34 local emergency management organization or the department and holds
35 an identification card issued by the local emergency management
36 director or the department for the purpose of engaging in authorized
37 emergency management activities or is an employee of the state of
38 Washington or any political subdivision thereof who is called upon to
39 perform emergency management activities.

1 (12) "Executive head" and "executive heads" means the county
2 executive in those charter counties with an elective office of county
3 executive, however designated, and, in the case of other counties,
4 the county legislative authority. In the case of cities and towns, it
5 means the mayor in those cities and towns with mayor-council or
6 commission forms of government, where the mayor is directly elected,
7 and it means the city manager in those cities and towns with council
8 manager forms of government. Cities and towns may also designate an
9 executive head for the purposes of this chapter by ordinance.

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) "First informer broadcaster" means an individual who:

19 (a) Is employed by, or acting pursuant to a contract under the
20 direction of, a broadcaster; and

21 (b) (i) Maintains, including repairing or resupplying,
22 transmitters, generators, or other essential equipment at a broadcast
23 station or facility; or (ii) provides technical support services to
24 broadcasters needed during a period of proclaimed emergency.

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

35 (16) "Injury" as used in this chapter shall mean and include
36 accidental injuries and/or occupational diseases arising out of
37 emergency management activities.

38 (17) "Life safety information" means information provided to
39 people during a response to a life-threatening emergency or disaster
40 informing them of actions they can take to preserve their safety.

1 Such information may include, but is not limited to, information
2 regarding evacuation, sheltering, sheltering-in-place, facility
3 lockdown, and where to obtain food and water.

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

6 (19) "Local organization for emergency services or management"
7 means an organization created in accordance with the provisions of
8 this chapter by state or local authority to perform local emergency
9 management functions.

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

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

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

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

26 **Sec. 2.** RCW 38.52.030 and 2019 c 471 s 3 are each amended to
27 read as follows:

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

32 (2) The director, subject to the direction and control of the
33 governor, shall be responsible to the governor for carrying out the
34 program for emergency management of this state. The director shall
35 coordinate the activities of all organizations for emergency
36 management within the state, and shall maintain liaison with and
37 cooperate with emergency management agencies and organizations of
38 other states and of the federal government, and shall have such

1 additional authority, duties, and responsibilities authorized by this
2 chapter, as may be prescribed by the governor.

3 (3) The director shall develop and maintain a comprehensive, all-
4 hazard emergency plan for the state which shall include an analysis
5 of the natural, technological, or human caused hazards which could
6 affect the state of Washington, and shall include the procedures to
7 be used during emergencies for coordinating local resources, as
8 necessary, and the resources of all state agencies, departments,
9 commissions, and boards. The comprehensive emergency management plan
10 shall direct the department in times of state emergency to administer
11 and manage the state's emergency operations center. This will include
12 representation from all appropriate state agencies and be available
13 as a single point of contact for the authorizing of state resources
14 or actions, including emergency permits. The comprehensive emergency
15 management plan must specify the use of the incident command system
16 for multiagency/multijurisdiction operations. (~~The comprehensive,
17 all-hazard emergency plan authorized under this subsection may not
18 include preparation for emergency evacuation or relocation of
19 residents in anticipation of nuclear attack.~~) This plan shall be
20 known as the comprehensive emergency management plan.

21 (4) In accordance with the comprehensive emergency management
22 plans and the programs for the emergency management of this state,
23 the director shall procure supplies and equipment, institute training
24 programs and public information programs, and shall take all other
25 preparatory steps, including the partial or full mobilization of
26 emergency management organizations in advance of actual disaster, to
27 insure the furnishing of adequately trained and equipped forces of
28 emergency management personnel in time of need.

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

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

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

1 (8) The director shall appoint a state coordinator of search and
2 rescue operations to coordinate those state resources, services and
3 facilities (other than those for which the state director of
4 aeronautics is directly responsible) requested by political
5 subdivisions in support of search and rescue operations, and on
6 request to maintain liaison with and coordinate the resources,
7 services, and facilities of political subdivisions when more than one
8 political subdivision is engaged in joint search and rescue
9 operations.

10 (9) The director, subject to the direction and control of the
11 governor, shall prepare and administer a state program for emergency
12 assistance to individuals within the state who are victims of a
13 natural, technological, or human caused disaster, as defined by RCW
14 38.52.010(~~(+6)~~) (9). Such program may be integrated into and
15 coordinated with disaster assistance plans and programs of the
16 federal government which provide to the state, or through the state
17 to any political subdivision thereof, services, equipment, supplies,
18 materials, or funds by way of gift, grant, or loan for purposes of
19 assistance to individuals affected by a disaster. Further, such
20 program may include, but shall not be limited to, grants, loans, or
21 gifts of services, equipment, supplies, materials, or funds of the
22 state, or any political subdivision thereof, to individuals who, as a
23 result of a disaster, are in need of assistance and who meet
24 standards of eligibility for disaster assistance established by the
25 department of social and health services: PROVIDED, HOWEVER, That
26 nothing herein shall be construed in any manner inconsistent with the
27 provisions of Article VIII, section 5 or section 7 of the Washington
28 state Constitution.

29 (10) The director shall appoint a state coordinator for
30 radioactive and hazardous waste emergency response programs. The
31 coordinator shall consult with the state radiation control officer in
32 matters relating to radioactive materials. The duties of the state
33 coordinator for radioactive and hazardous waste emergency response
34 programs shall include:

35 (a) Assessing the current needs and capabilities of state and
36 local radioactive and hazardous waste emergency response teams on an
37 ongoing basis;

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

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

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

6 (11) The director is responsible to the governor to lead the
7 development and management of a program for interagency coordination
8 and prioritization of continuity of operations planning by state
9 agencies. Each state agency is responsible for developing an
10 organizational continuity of operations plan that is updated and
11 exercised annually in compliance with the program for interagency
12 coordination of continuity of operations planning.

13 (12) The director shall maintain a copy of the continuity of
14 operations plan for election operations for each county that has a
15 plan available.

16 (13) Subject to the availability of amounts appropriated for this
17 specific purpose, the director is responsible to the governor to lead
18 the development and management of a program to provide information
19 and education to state and local government officials regarding
20 catastrophic incidents and continuity of government planning to
21 assist with statewide development of continuity of government plans
22 by all levels and branches of state and local government that address
23 how essential government functions and services will continue to be
24 provided following a catastrophic incident.

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

27 Whenever the director finds that it will be in the interest of
28 the emergency management of this state or of the United States, the
29 director may, with the approval of the governor, agree with the
30 federal government, or any agency thereof carrying on activities
31 within this state, upon a plan of emergency management applicable to
32 a federally owned area, which plan may or may not conform to all of
33 the other provisions of this chapter with the view to integrating
34 federally owned areas into the comprehensive plan and program of the
35 emergency management of this state. Such plan may confer upon persons
36 carrying out such plan any or all of the rights, powers, privileges
37 and immunities granted employees or representatives of the state
38 and/or its political subdivisions by this chapter. (~~The plan of~~
39 ~~emergency management authorized under this section may not include~~

1 ~~preparation for emergency evacuation or relocation of residents in~~
2 ~~anticipation of nuclear attack.))"~~

3 Correct the title.

EFFECT: Updates underlying provisions of the bill to account for changes in statute made by legislation that passed in the previous session.

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