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**SUBSTITUTE HOUSE BILL 2020**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Innovation, Community & Economic Development, & Veterans (originally sponsored by Representatives Timmons, Abbarno, Leavitt, Ryu, Ramel, Reed, Ormsby, Rule, Donaghy, Doglio, Cheney, Reeves, Wylie, Paul, and Shavers; by request of Military Department)

READ FIRST TIME 01/19/24.

1 AN ACT Relating to creating a state administered public  
2 infrastructure assistance program within the emergency management  
3 division; amending RCW 38.52.010 and 38.52.030; and creating a new  
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the state is  
7 experiencing disasters with greater frequency and longer duration,  
8 causing damage to public infrastructure that is beyond the capacity  
9 of local government and tribal government response. Furthermore,  
10 these impacts to public infrastructure result in disruption of  
11 essential services critical to the safety and well-being of  
12 Washingtonians. Therefore, the legislature intends to provide  
13 supplementary state assistance to county governments and federally  
14 recognized tribal governments, within existing appropriations, for  
15 the cost of disaster-related response to address public  
16 infrastructure damage when authorized under governor emergency  
17 proclamation.

18 **Sec. 2.** RCW 38.52.010 and 2022 c 203 s 2 are each amended to  
19 read as follows:

20 As used in this chapter:

1 (1) "911 emergency communications system" means a public 911  
2 communications system consisting of a network, database, and on-  
3 premises equipment that is accessed by dialing or accessing 911 and  
4 that enables reporting police, fire, medical, or other emergency  
5 situations to a public safety answering point. The system includes  
6 the capability to selectively route incoming 911 voice and data to  
7 the appropriate public safety answering point that operates in a  
8 defined 911 service area and the capability to automatically display  
9 the name, location, and telephone number of incoming 911 voice and  
10 data at the appropriate public safety answering point.

11 (2) "Automatic location identification" means information about a  
12 caller's location that is part of or associated with an enhanced or  
13 next generation 911 emergency communications system as defined in  
14 this section and RCW 82.14B.020 and intended for the purpose of  
15 display at a public safety answering point with incoming 911 voice or  
16 data, or both.

17 (3) "Automatic number identification" means a method for uniquely  
18 associating a communication device that has accessed 911 with the  
19 incoming 911 voice or data, or both, and intended for the purpose of  
20 display at a public safety answering point.

21 (4) "Baseline level of 911 service" means access to 911 dialing  
22 from all communication devices with service from a telecommunications  
23 provider within a county's jurisdiction so that incoming 911 voice  
24 and data communication is answered, received, and displayed on 911  
25 equipment at a public safety answering point designated by the  
26 county.

27 (5) "Broadcaster" means a person or entity that holds a license  
28 issued by the federal communications commission under 47 C.F.R. Part  
29 73, 74, 76, or 78.

30 (6) (a) "Catastrophic incident" means any natural or human-caused  
31 incident, including terrorism and enemy attack, that results in  
32 extraordinary levels of mass casualties, damage, or disruption  
33 severely affecting the population, infrastructure, environment,  
34 economy, or government functions.

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

38 (7) "Communication plan," as used in RCW 38.52.070, means a  
39 section in a local comprehensive emergency management plan that  
40 addresses emergency notification of life safety information.

1 (8) "Continuity of government planning" means the internal effort  
2 of all levels and branches of government to provide that the  
3 capability exists to continue essential functions and services  
4 following a catastrophic incident. These efforts include, but are not  
5 limited to, providing for: (a) Orderly succession and appropriate  
6 changes of leadership whether appointed or elected; (b) filling  
7 vacancies; (c) interoperability communications; and (d) processes and  
8 procedures to reconvene government following periods of disruption  
9 that may be caused by a catastrophic incident. Continuity of  
10 government planning is intended to preserve the constitutional and  
11 statutory authority of elected officials at the state and local level  
12 and provide for the continued performance of essential functions and  
13 services by each level and branch of government.

14 (9) "Continuity of operations planning" means the internal effort  
15 of an organization to provide that the capability exists to continue  
16 essential functions and services in response to a comprehensive array  
17 of potential emergencies or disasters.

18 (10) "Department" means the state military department.

19 (11) "Director" means the adjutant general.

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

32 (13)(a) "Emergency or disaster" as used in all sections of this  
33 chapter except RCW 38.52.430 means an event or set of circumstances  
34 which: (i) Demands immediate action to preserve public health,  
35 protect life, protect public property, or to provide relief to any  
36 stricken community overtaken by such occurrences; or (ii) reaches  
37 such a dimension or degree of destructiveness as to warrant the  
38 governor proclaiming a state of emergency pursuant to RCW 43.06.010.

39 (b) "Emergency" as used in RCW 38.52.430 means an incident that  
40 requires a normal police, coroner, fire, rescue, emergency medical

1 services, or utility response as a result of a violation of one of  
2 the statutes enumerated in RCW 38.52.430.

3 (14) "Emergency response" as used in RCW 38.52.430 means a public  
4 agency's use of emergency services during an emergency or disaster as  
5 defined in subsection (13) (b) of this section.

6 (15) "Emergency services communication system" means a  
7 multicounty or countywide communications network, including an  
8 enhanced or next generation 911 emergency communications system,  
9 which provides rapid public access for coordinated dispatching of  
10 services, personnel, equipment, and facilities for police, fire,  
11 medical, or other emergency services.

12 (16) "Emergency services communications system data" includes  
13 voice or audio; multimedia, including pictures and video; text  
14 messages; telematics or telemetrics; or other information that is  
15 received or displayed, or both, at a public safety answering point in  
16 association with a 911 access.

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

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

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

1 (20) "First informer broadcaster" means an individual who:

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

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

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

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

21 (23) "Interconnected voice over internet protocol service  
22 provider" means a provider of interconnected voice over internet  
23 protocol service as defined by the federal communications commission  
24 in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date  
25 determined by the department.

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

32 (25) "Local director" means the director of a local organization  
33 of emergency management or emergency services.

34 (26) "Local organization for emergency services or management"  
35 means an organization created in accordance with the provisions of  
36 this chapter by state or local authority to perform local emergency  
37 management functions.

38 (27) "Next generation 911" means an internet protocol-based  
39 system comprised of managed emergency services internet protocol  
40 networks, functional elements (applications), and databases that

1 replicate enhanced 911 features and functions as defined in RCW  
2 82.14B.020(4) that provide additional capabilities designed to  
3 provide access to emergency services from all connected  
4 communications sources and provide multimedia data capabilities for  
5 public safety answering points.

6 (28) "Next generation 911 demarcation point" means the location  
7 and equipment that separates the next generation 911 network from:

8 (a) A telecommunications provider's network, known as the ingress  
9 next generation 911 demarcation point; and

10 (b) A public safety answering point, known as the egress next  
11 generation 911 demarcation point.

12 (29) "Next generation 911 emergency communications system" means  
13 a public communications system consisting of networks, databases, and  
14 public safety answering point 911 hardware, software, and technology  
15 that is accessed by the public in the state through 911. The system  
16 includes the capability to: Route incoming 911 voice and data to the  
17 appropriate public safety answering point that operates in a defined  
18 911 service area; answer incoming 911 voice and data; and receive and  
19 display incoming 911 voice and data, including automatic location  
20 identification and automatic number identification, at a public  
21 safety answering point. "Next generation 911 emergency communications  
22 system" includes future modernizations to the 911 system.

23 (30) "Next generation 911 emergency services internet protocol  
24 network" means a managed internet protocol network used for 911  
25 emergency services communications that is managed and maintained,  
26 including security and credentialing functions, by the state 911  
27 coordination office to provide next generation 911 emergency  
28 communications from the ingress next generation 911 demarcation point  
29 to the egress next generation 911 demarcation point. It provides the  
30 internet protocol transport infrastructure upon which application  
31 platforms and core services are necessary for providing next  
32 generation 911 services. Next generation 911 emergency services  
33 internet protocol networks may be constructed from a mix of dedicated  
34 and shared facilities and may be interconnected at local, regional,  
35 state, federal, national, and international levels to form an  
36 internet protocol-based inter-network (network of networks).

37 (31) "Next generation 911 service" means public access to the  
38 next generation 911 emergency communications system and its  
39 capabilities by accessing 911 from communication devices to report

1 police, fire, medical, or other emergency situations to a public  
2 safety answering point.

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

4 (33) "Public agency" means the state, and a city, county,  
5 municipal corporation, district, town, or public authority located,  
6 in whole or in part, within this state which provides or may provide  
7 firefighting, police, ambulance, medical, or other emergency  
8 services.

9 (34) "Public infrastructure assistance" means supplementary state  
10 assistance provided to county governments and federally recognized  
11 tribal governments, when authorized under governor emergency  
12 proclamation for the cost of disaster-related public property debris  
13 removal, emergency protective measures to protect life and property,  
14 and permanent repair work to damaged or destroyed public  
15 infrastructure.

16 (35) "Public safety answering point" means the public safety  
17 location that receives and answers 911 voice and data originating in  
18 a given area as designated by the county. Public safety answering  
19 points must be equipped with 911 hardware, software, and technology  
20 that is accessed through 911 and is capable of answering incoming 911  
21 calls and receiving and displaying incoming 911 data.

22 (a) "Primary public safety answering point" means a public safety  
23 answering point, as designated by the county, to which 911 calls and  
24 data originating in a given area and entering the next generation 911  
25 network are initially routed for answering.

26 (b) "Secondary public safety answering point" means a public  
27 safety answering point, as designated by the county, that only  
28 receives 911 voice and data that has been transferred by other public  
29 safety answering points.

30 (~~(35)~~) (36) "Radio communications service company" means every  
31 corporation, company, association, joint stock, partnership, and  
32 person, their lessees, trustees, or receivers appointed by any court,  
33 and every city or town making available facilities to provide  
34 commercial mobile radio services, as defined by 47 U.S.C. Sec.  
35 332(d)(1), or cellular communications services for hire, sale, and  
36 both facilities-based and nonfacilities-based resellers, and does not  
37 include radio paging providers.

38 (~~(36)~~) (37) "Search and rescue" means the acts of searching  
39 for, rescuing, or recovering by means of ground, marine, or air  
40 activity any person who becomes lost, injured, or is killed while

1 outdoors or as a result of a natural, technological, or human-caused  
2 disaster, including instances involving searches for downed aircraft  
3 when ground personnel are used. Nothing in this section shall affect  
4 appropriate activity by the department of transportation under  
5 chapter 47.68 RCW.

6 ~~((37))~~ (38) "Telecommunications provider" means a  
7 telecommunications company as defined in RCW 80.04.010, a radio  
8 communications service company as defined in RCW 38.52.010, a  
9 commercial mobile radio service provider as defined in 47 C.F.R. Sec.  
10 20.3, providers of interconnected voice over internet protocol  
11 service as defined in RCW 38.52.010, and providers of data services.

12 ~~((38))~~ (39) "Washington state patrol public safety answering  
13 points" means those designated as primary or secondary public safety  
14 answering points by the counties in which they provide service.

15 **Sec. 3.** RCW 38.52.030 and 2022 c 203 s 3 are each amended to  
16 read as follows:

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

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

30 (3) The director shall develop and maintain a comprehensive, all-  
31 hazard emergency plan for the state which shall include an analysis  
32 of the natural, technological, or human-caused hazards which could  
33 affect the state of Washington, and shall include the procedures to  
34 be used during emergencies for coordinating local resources, as  
35 necessary, and the resources of all state agencies, departments,  
36 commissions, and boards. The comprehensive emergency management plan  
37 shall direct the department in times of state emergency to administer  
38 and manage the state's emergency operations center. This will include  
39 representation from all appropriate state agencies and be available



1 as a single point of contact for the authorizing of state resources  
2 or actions, including emergency permits. The comprehensive emergency  
3 management plan must specify the use of the incident command system  
4 for multiagency/multijurisdiction operations. The comprehensive, all-  
5 hazard emergency plan authorized under this subsection may not  
6 include preparation for emergency evacuation or relocation of  
7 residents in anticipation of nuclear attack. This plan shall be known  
8 as the comprehensive emergency management plan.

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

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

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

25 (7) The director, through the state 911 coordinator, shall  
26 coordinate and facilitate implementation and operation of a statewide  
27 911 emergency communications network.

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

37 (9) The director, subject to the direction and control of the  
38 governor, shall prepare and administer a state program for emergency  
39 assistance to individuals within the state who are victims of a  
40 natural, technological, or human-caused disaster, as defined by RCW

1 38.52.010(13). Such program may be integrated into and coordinated  
2 with disaster assistance plans and programs of the federal government  
3 which provide to the state, or through the state to any political  
4 subdivision thereof, services, equipment, supplies, materials, or  
5 funds by way of gift, grant, or loan for purposes of assistance to  
6 individuals affected by a disaster. Further, such program may  
7 include, but shall not be limited to, grants, loans, or gifts of  
8 services, equipment, supplies, materials, or funds of the state, or  
9 any political subdivision thereof, to individuals who, as a result of  
10 a disaster, are in need of assistance and who meet standards of  
11 eligibility for disaster assistance established by the department of  
12 social and health services: PROVIDED, HOWEVER, That nothing herein  
13 shall be construed in any manner inconsistent with the provisions of  
14 Article VIII, section 5 or section 7 of the Washington state  
15 Constitution.

16 (10) The director is authorized to administer a state public  
17 infrastructure assistance program for emergency assistance to county  
18 governments and federally recognized tribal governments within the  
19 state that experience or respond to public infrastructure damage due  
20 to a natural, technological, or human-caused disaster. The department  
21 may initiate rule making to address the distribution of funds from  
22 county governments to recipients within the county, including  
23 political subdivisions as defined in RCW 38.52.010, special purpose  
24 districts as defined in RCW 36.96.010, and nonprofit organizations.

25 (11) The director shall appoint a state coordinator for  
26 radioactive and hazardous waste emergency response programs. The  
27 coordinator shall consult with the state radiation control officer in  
28 matters relating to radioactive materials. The duties of the state  
29 coordinator for radioactive and hazardous waste emergency response  
30 programs shall include:

31 (a) Assessing the current needs and capabilities of state and  
32 local radioactive and hazardous waste emergency response teams on an  
33 ongoing basis;

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

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

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

3 (~~(11)~~) (12) The director is responsible to the governor to lead  
4 the development and management of a program for interagency  
5 coordination and prioritization of continuity of operations planning  
6 by state agencies. Each state agency is responsible for developing an  
7 organizational continuity of operations plan that is updated and  
8 exercised annually in compliance with the program for interagency  
9 coordination of continuity of operations planning.

10 (~~(12)~~) (13) The director shall maintain a copy of the  
11 continuity of operations plan for election operations for each county  
12 that has a plan available.

13 (~~(13)~~) (14) Subject to the availability of amounts appropriated  
14 for this specific purpose, the director is responsible to the  
15 governor to lead the development and management of a program to  
16 provide information and education to state and local government  
17 officials regarding catastrophic incidents and continuity of  
18 government planning to assist with statewide development of  
19 continuity of government plans by all levels and branches of state  
20 and local government that address how essential government functions  
21 and services will continue to be provided following a catastrophic  
22 incident.

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