
SENATE BILL 5936

State of Washington 65th Legislature 2017 1st Special Session

By Senators Frockt, Miloscia, and Ranker

1 AN ACT Relating to removing the prohibition on planning for a
2 nuclear attack in emergency management plans; amending RCW 38.52.030
3 and 38.52.170; and reenacting and amending RCW 38.52.010.

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

5 **Sec. 1.** RCW 38.52.010 and 2015 c 61 s 1 are each reenacted and
6 amended to read as follows:

7 As used in this chapter:

8 (1) "Continuity of operations planning" means the internal effort
9 of an organization to assure that the capability exists to continue
10 essential functions and services in response to a comprehensive array
11 of potential emergencies or disasters.

12 (2) "Department" means the state military department.

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

14 (4) "Emergency management" or "comprehensive emergency
15 management" means the preparation for and the carrying out of all
16 emergency functions, other than functions for which the military
17 forces are primarily responsible, to mitigate, prepare for, respond
18 to, and recover from emergencies and disasters, and to aid victims
19 suffering from injury or damage, resulting from disasters caused by
20 all hazards, whether natural, technological, or human caused, and to
21 provide support for search and rescue operations for persons and

1 property in distress. ((However, ~~"emergency management" or~~
2 ~~"comprehensive emergency management" does not mean preparation for~~
3 ~~emergency evacuation or relocation of residents in anticipation of~~
4 ~~nuclear attack.~~))

5 (5)(a) "Emergency or disaster" as used in all sections of this
6 chapter except RCW 38.52.430 shall mean an event or set of
7 circumstances which: (i) Demands immediate action to preserve public
8 health, protect life, protect public property, or to provide relief
9 to any stricken community overtaken by such occurrences, or (ii)
10 reaches such a dimension or degree of destructiveness as to warrant
11 the governor declaring a state of emergency pursuant to RCW
12 43.06.010.

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

17 (6) "Emergency response" as used in RCW 38.52.430 means a public
18 agency's use of emergency services during an emergency or disaster as
19 defined in subsection (5)(b) of this section.

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

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

36 (9) "Expense of an emergency response" as used in RCW 38.52.430
37 means reasonable costs incurred by a public agency in reasonably
38 making an appropriate emergency response to the incident, but shall
39 only include those costs directly arising from the response to the
40 particular incident. Reasonable costs shall include the costs of

1 providing police, coroner, firefighting, rescue, emergency medical
2 services, or utility response at the scene of the incident, as well
3 as the salaries of the personnel responding to the incident.

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

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

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

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

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

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

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

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

1 **Sec. 2.** RCW 38.52.030 and 2015 c 61 s 3 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 for the state which shall include an analysis
18 of the natural, technological, or human caused hazards which could
19 affect the state of Washington, and shall include the procedures to
20 be used during emergencies for coordinating local resources, as
21 necessary, and the resources of all state agencies, departments,
22 commissions, and boards. The comprehensive emergency management plan
23 shall direct the department in times of state emergency to administer
24 and manage the state's emergency operations center. This will include
25 representation from all appropriate state agencies and be available
26 as a single point of contact for the authorizing of state resources
27 or actions, including emergency permits. The comprehensive emergency
28 management plan must specify the use of the incident command system
29 for multiagency/multijurisdiction operations. ~~((The comprehensive,~~
30 ~~all-hazard emergency plan authorized under this subsection may not~~
31 ~~include preparation for emergency evacuation or relocation of~~
32 ~~residents in anticipation of nuclear attack.)) This plan shall be
33 known as the comprehensive emergency management plan.~~

34 (4) In accordance with the comprehensive emergency management
35 plans and the programs for the emergency management of this state,
36 the director shall procure supplies and equipment, institute training
37 programs and public information programs, and shall take all other
38 preparatory steps, including the partial or full mobilization of
39 emergency management organizations in advance of actual disaster, to

1 insure the furnishing of adequately trained and equipped forces of
2 emergency management personnel in time of need.

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

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

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

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

23 (9) The director, subject to the direction and control of the
24 governor, shall prepare and administer a state program for emergency
25 assistance to individuals within the state who are victims of a
26 natural, technological, or human caused disaster, as defined by RCW
27 38.52.010(5). Such program may be integrated into and coordinated
28 with disaster assistance plans and programs of the federal government
29 which provide to the state, or through the state to any political
30 subdivision thereof, services, equipment, supplies, materials, or
31 funds by way of gift, grant, or loan for purposes of assistance to
32 individuals affected by a disaster. Further, such program may
33 include, but shall not be limited to, grants, loans, or gifts of
34 services, equipment, supplies, materials, or funds of the state, or
35 any political subdivision thereof, to individuals who, as a result of
36 a disaster, are in need of assistance and who meet standards of
37 eligibility for disaster assistance established by the department of
38 social and health services: PROVIDED, HOWEVER, That nothing herein
39 shall be construed in any manner inconsistent with the provisions of

1 Article VIII, section 5 or section 7 of the Washington state
2 Constitution.

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

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

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

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

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

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

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

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

1 and/or its political subdivisions by this chapter. ((~~The plan of~~
2 ~~emergency management authorized under this section may not include~~
3 ~~preparation for emergency evacuation or relocation of residents in~~
4 ~~anticipation of nuclear attack.~~))

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