

PROPOSED CHANGE TO WASHINGTON CONSTITUTION ARTICLE II

SECTION 42 GOVERNMENTAL CONTINUITY DURING EMERGENCY PERIODS.

The legislature, in order to insure continuity of state and local governmental operations in periods of emergency, ~~disaster, or resulting from enemy~~ attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies, **disasters or attack**. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: Provided, That if, in the judgment of the legislature at the time of **the emergency, disaster or attack**, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency, ~~disaster or caused by enemy~~ attack only, from the following Sections of the Constitution: Article 14, Sections 1 and 2, Seat of Government; Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills; Article 3, Section 10 (Amendment 6), Succession to Governorship: Provided, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed; Article 3, Section 13, Vacancies in State Offices; Article 11, Section 6, Vacancies in County Offices; Article 11, Section 2, Seat of County Government; Article 3, Section 24, State Records. [AMENDMENT 39, 1961 House Joint Resolution No. 9, p 2758. Approved November, 1962.]

Continuity of government act: Chapter 42.14 RCW.

PROPOSED CHANGE TO RCW 42.14

42.14.010 Definitions.

Unless otherwise clearly required by the context, the following definitions apply:

(1) "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 an emergency or disaster or** an attack and a declaration of existing emergency by the governor or his successor.

(2) "Attack" means any acts of **warfare aggression** taken **by an enemy of** **against** the United States causing substantial damage or injury to persons or property in the United States and in the state of Washington.

(3) **"Emergency or disaster" as used in all sections of this chapter shall mean an event or set of circumstances which: (i) 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 (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010. (Reference RCW 38.52.010).**

(4) **Continuity of Operations Plan(ning) (COOP) is the internal effort of an organization to assure that the capability exists to continue essential functions in response to a comprehensive array of potential emergencies and incidents.**

(5) **Business Continuity Planning (BCP) is the internal effort of an organization to assure that the capability exists to continue all business functions in response to a comprehensive array of potential emergencies and incidents.**

[1963 c 203 § 2.]

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 emergency, disaster or enemy** attack, 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.

[1963 c 203 § 3.]

42.14.030
Legislature.

In the event **a catastrophic emergency, disaster or enemy** attack 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 emergency, disaster or** attack, (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 an attack, 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 emergency, disaster or** attack. If the governor fails to issue such call, the legislature shall, on the thirtieth day from the date of inception of the attack, automatically convene at the place where the governor then has his 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 attack, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

[1963 c 203 § 4.]

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 **enemy** attack or natural disaster, 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.

[1969 ex.s. c 106 § 1.]

42.14.040
County commissioners.

In the event **a catastrophic emergency, disaster or enemy** attack 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.

[1963 c 203 § 5.]

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 emergency, disaster or enemy attack 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 a catastrophic emergency, disaster or enemy attack reduces the number of city or town council members or commission members, then those members available for duty shall have full power to act by majority vote of those present.

[1981 c 213 § 8; 1963 c 203 § 6.]

42.14.060 **Appointed officers of the state.**

No Change Recommended

The governor shall, subject to such rules and regulations as he may adopt, permit each appointed officer of the state to designate temporary interim successors to the office of such officer.

[1963 c 203 § 7.]

42.14.070 **Officers of political subdivisions.**

No Change Recommended

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.]

42.14.075 **Meetings of governing bodies of political subdivisions at other than usual places.**

No Change Recommended

Whenever, due to a natural disaster, an attack or an attack 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.

[1969 ex.s. c 106 § 2.]

42.14.080
Continuity of Operations.

Added

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness as defined in RCW 38.52.010(6), and in order to ensure that preparations of this state will be adequate to deal with such disasters, to insure the continuity of essential government functions that protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, and to quickly recover the economy after a disaster or emergency it is hereby found and declared to be necessary:

(a) For the heads of state agencies, boards, councils, commissions, local governments, and the legislative and judicial branches of government to develop Continuity of Operations Plans (COOP),

(b) For COOP to be exercised on a regular basis to ensure government functions remain capable of timely restoration.

(2) The Director of the Military Department will be responsible for development and administration of the State COG/COOP program and the Office of the Chief Information Officer will manage and administer the State Business Systems Continuity program.

42.14.900
Short title.

This act shall be known as the "continuity of government/**continuity of operations** act."

[1963 c 203 § 1.]

42.14.910
Severability — 1963 c 203.

No Change Recommended

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1963 c 203 § 9.]

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