JAY INSLEE
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
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Agency Request Legislation – 2014 Legislative Session

CHECKLIST
(NOTE: The checklist will be available in the new BATS System)

Date Submitted to Governor's Office	
Agency Name	Washington Military Department
Legislative Liaison Contact Information	Nancy Bickford, 253-512-7712 and nancy.bickford@mil.wa.gov
Proposed Bill's Title	Continuity of Government
Z-Draft Number	
Total Number of Packages Submitted	Agency Will Submit (2) Packages for 2014 – This is #2 of 2
Previously Submitted? If yes, indicate year and Z-draft or bill number/title	No

A complete package includes:

- ☐ A statement that explains why you need the bill and how it is tied to a Governor's priority.
- ☐ A summary of major provisions in the draft bill and impacts on current law.
- ☐ List of names, titles and phone numbers for subject matter experts in your agency who are available to answer policy and fiscal impact questions related to the proposed bill.
- ☐ A complete list of all state and local government agencies affected by the proposed bill; a summary of their positions; and each agency's representative (and contact information) who may speak to the issue(s).
- ☐ Irrespective of whether a bill has a fiscal impact, a completed fiscal note from each of the affected state agency(s), including local government (coordinate with Department of Commerce).
- ☐ Stakeholder analysis that includes a complete list of affected stakeholders as well as tribal governments. For each, provide entities names, contact person and any concerns and position.
- ☐ An official Code Reviser draft of the proposed legislation containing Z-draft number. (If revisions are made during the review process, submit the requisite copies as soon as they are available.
- ☐ Proposal reviewed by agency's Assistant Attorneys General.
- ☐ Agency's Decision Package.

Statement of Need and How This Bill is Tied to Governor's Priorities

Existing constitutional and statutory provisions addressing Continuity of Government were primarily drafted to address the early 1960's Cold War civil defense era concerns of an **enemy attack**. However, Continuity of Government is now recognized as a broader concept applicable to any emergency or disaster, not just an enemy attack.(e.g., tsunami, earthquake, wildland fire, winter storms, terrorism).

The revisions to Washington State Constitution Article II, Section 42 Governmental Continuity During Emergency Periods, RCW 42.14 Continuity of Government Act, and RCW 38.52 Emergency Management Act provide amended language addressing the need for Continuity of Government **also** in the event of an **emergency or disaster caused by hazards other than enemy attack (e.g., tsunami, earthquake, flood, fire, terrorism)**.

In modernizing the Continuity of Government language, it is also necessary to address the concept of Continuity of Operations Planning (COOP). COOP is not currently defined or addressed in any State statute. COOP is nationally recognized as a critical Continuity of Government component encompassing the planning effort to ensure the provision of essential government functions and services during an emergency or disaster during any emergency conditions to properly serve the people of this State. Both the current Inslee Administration (#13-02) and previous Gregoire administration (#12-20) issued Governor's Directives directing that State agencies to develop Continuity of Operations Plans for their organizations and in coordination with each other. Amendments to RCW 38.52 incorporate COOP into the Emergency Management Act to ensure consistency in application among State agencies.

This proposed bill supports Governor's Inslee's Results Washington Goals #4 Healthy and Safe Communities and #5 Efficient, Effective Government.

Summary of Major Provisions

- **Washington Constitution Article II, Section 42 Governmental Continuity During Emergency Periods:** Amends language to address the need for continuity of state and local government during *periods of emergency resulting not only* ***from enemy attack*** *but also from* ***emergencies or disasters****.* Government must be able to continue to provide essential functions and services in all emergency circumstances. This amendment ensures that the constitutional need for governmental continuity also applies to emergencies or disasters caused by **domestic natural hazards** (e.g., tsunami, earthquake, wildland fire, winter storms) and **man-made hazards** (e.g., terrorism).

- RCW 42.14**.010:** Updates definitions in the Continuity of Government Act to reflect the amendments to Article II, Section 42 Governmental Continuity During Emergency Periods by expanding the application of governmental continuity from **only enemy attack to** any emergency, disaster or attack, to include **domestic natural** hazards (e.g., tsunami, earthquake, wildland fire, winter storms) and **man-made hazards** (e.g., terrorism).

- **RCW 42.14.010:** Adds the definition of **"emergency or disaster."**

- **RCW 42.14.020:** Makes the same changes to the Office of the Governor Continuity of Government provisions from ***enemy attack to emergency, disaster or attack.***

- **RCW 42.14.030**: Makes the same changes to the Legislature Continuity of Government provisions from ***enemy attack to emergency, disaster or attack.***

- **RCW 42.14.030: Amends the provisions for the governor calling the legislature into session from *as soon as practicable* or no later than the *30th day after the attack* to as soon as practicable.**

- **RCW 42.14.030: Deletes provisions that the legislature will convene on the 30th day from the attack at the place where the governor has his office** thereby leaving the location and time to convene more flexible in choice to accommodate any scenario. Also acknowledges, again, that Continuity of Government is needed to address any emergency or disaster and not just an enemy attack.

- **RCW 42.14.035:** Makes the similar changes for consistency to the Convening the legislature at locations other than usual seat of government provisions from ***enemy attack or natural disaster to emergency, disaster or attack.***

Summary of Major Provisions Continued

- **RCW 42.14.040:** Makes the same changes to the County commissioners provisions from ***enemy attack*** **to** ***emergency, disaster or attack.***

- **RCW 42.14.050:** Makes the same changes to the City or town officers provisions from ***enemy attack*** **to** ***emergency, disaster or attack.***

- **RCW 42.14.075:** Amends the provisions that allow for Meetings of governing bodies of political subdivisions at other than usual places from just when **natural disaster or an attack is imminent** **to** include when an ***emergency, disaster or attack is imminent.***

- **RCW 38.52.010**: Amends the statute to add a definition of Continuity of Operations Planning.

- **RCW 38.52.020:** Amends the statutory Declaration of policy and purpose for emergency management by adding new language expressing the need ***for the development and exercise of continuity of operations plans by the state.*** (Note: The statute does not go beyond the current and past Governor's directives and only makes this requirement for the state level.)

- **RCW 38.52.030:** Amends Director responsibilities to also include being responsible for **coordinating the development and exercise of continuity of operations plans by all state agencies, boards and commissions, and the legislature.**

Lists of Agency Subject Matter Experts Who Can Answer Policy and Fiscal Questions

- Nancy Bickford, 253-512-7712 or 253-255-8620 and nancy.bickford@mil.wa.gov – Intergovernmental Affairs and Policy Director
- Brian Buchholz, Attorney General's Office, 360.753.2693 or BrianB@ATG.WA.GOV
- Joe Panesko, Attorney General's Office, (360) 586-0643 or joep@atg.wa.gov
- John Ufford, Emergency Management Division, Planning, Analysis and Logistics Section Manager, 253-512-7052 or john.ufford@mil.wa.gov
- Dan Swisher, Chief Financial Officer, 253-512-8115 or dan.swisher@mil.wa.gov

List of Agencies – State and local that May Be Affected by the Bill – Summary of Position and Contact Information

Organization Name	*Representative*	*Title*	*Phone Number*	*Email*	*Position taken*

Fiscal Note – See separate attachment
Agency Decision Package – See separate attachment
Official Code Reviser Draft with Z# -- See separate attachment
Assistant Attorney General Review – Reviewed by Brian Buchholz and Joe Panesko 8-26-13 (see contact information listed above).

List of Stakeholders & Stakeholder Analysis

Organization Name	*Representative*	*Title*	*Phone Number*	*Email*	*Position taken*