

**SB 6433 - S AMD 105**

By Senators Kastama, Roach and Benton

**ADOPTED 2/11/2006**

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that recent events,  
4 including the 9/11 terrorist acts, the tsunami in southeast Asia,  
5 Hurricanes Katrina and Rita in the gulf coast, outbreaks of avian flu,  
6 and the earthquake in Pakistan, have demonstrated the need for a  
7 coordinated, comprehensive all-hazards disaster plan involving  
8 citizens, industry, local governments, and the state. Washington  
9 state's topography, geography, location, and strategic and economic  
10 interests place the state at particular risk from both natural  
11 disasters and man-made disasters. In response, Washington state and  
12 its local governments have implemented nationally recognized all-  
13 hazards emergency management and disaster response plans. However,  
14 recent studies have revealed the lack of a secure funding source for  
15 resolving impediments to the ability of state and local programs to  
16 integrate and coordinate comprehensive disaster preparedness. In  
17 addition, local programs suffer disparities in funding and expertise,  
18 leaving troublesome gaps in a well-coordinated statewide all-hazards  
19 emergency management system.

20 Recognizing that all disasters are local disasters, the legislature  
21 therefore intends to strengthen state and local emergency response,  
22 mitigation, preparation, and coordination by establishing a stable  
23 source of funding with the intent that Washington state become the  
24 nationally recognized leader in emergency management. The funding will  
25 be dedicated to the development and coordination of state and local  
26 government emergency management programs by supporting joint training  
27 exercises, citizen and industry coordination with emergency management  
28 efforts, public education, and relationship building among local and  
29 state emergency management officials.

30 NEW SECTION. **Sec. 2.** The emergency management, preparedness, and  
31 assistance account is created in the state treasury. Moneys in the

1 account may be spent only after appropriation. Expenditures from the  
2 account may be used only as provided in section 3 of this act.

3 NEW SECTION. **Sec. 3.** (1)(a) The department must use twenty  
4 percent of the funds appropriated from the emergency management,  
5 preparedness, and assistance account for the department's  
6 administration of this section, and to: Fund the assessment required  
7 by section 4 of this act; fund state agency activities, including  
8 military department activities, that develop and coordinate  
9 comprehensive emergency management plans; train elected and appointed  
10 state officials on state laws, disaster command and response  
11 structures, and the roles and responsibilities of officials before,  
12 during, and after a disaster; administer periodic joint emergency  
13 management training exercises involving the military department and  
14 other state agencies; and implement state agency projects that will  
15 strengthen emergency response, mitigation, preparation, and  
16 coordination.

17 (b) The department must allocate eighty percent of the funds  
18 appropriated from the emergency management, preparedness, and  
19 assistance account for grants to regional agencies, local governments,  
20 tribal governments, regional incident management teams, and private  
21 organizations to: Develop and coordinate comprehensive emergency  
22 management plans; train elected and appointed officials on state laws,  
23 ordinances, disaster command and response structures, and the roles and  
24 responsibilities of officials before, during, and after a disaster;  
25 administer periodic joint emergency management training exercises; and  
26 implement projects that will strengthen emergency response, mitigation,  
27 preparation, and coordination.

28 (2) Projects funded under this section must include, but need not  
29 be limited to, projects that will promote neighborhood level public  
30 education on disaster preparedness and recovery issues, situate all  
31 weather radios in public buildings, enhance coordination of public  
32 sector and private sector relief efforts, and improve the training and  
33 operations capabilities of agencies assigned lead or support  
34 responsibilities in the state comprehensive emergency management plan.

35 (3) Grant funding may also be used as seed money to establish a  
36 dedicated, full-time emergency management director in every county that  
37 does not have such a director as of the effective date of this section.

1 (4) The department must establish criteria and procedures for  
2 competitive allocation of these funds by rule. At a minimum, the rules  
3 must:

4 (a) Establish preferential funding for projects and exercises  
5 addressing needs and recommendations identified by the department in  
6 the assessment conducted under section 4 of this act;

7 (b) Specify a formula that establishes a base grant allocation and  
8 weighted factors for funds to be allocated over the base grant amount  
9 for regional agencies, local governments, tribal governments, regional  
10 incident management teams, and private organizations with existing  
11 emergency management and preparedness programs that are located in a  
12 part of the state where the risk of exposure to disasters is deemed by  
13 the department to be particularly acute;

14 (c) Specify match requirements; and

15 (d) Include requirements that, at a minimum, a local emergency  
16 management agency have: A comprehensive emergency management plan or  
17 be a member of a joint local organization for emergency management; and  
18 a local director who works at least forty hours a week in that  
19 capacity, or have designated by ordinance or resolution an emergency  
20 management coordinator who works at least fifteen hours a week in that  
21 capacity.

22 (5) No more than five percent of any award made under subsection  
23 (1)(b) of this section may be used for administrative expenses.

24 (6) The distribution formula provided in this section may be  
25 adjusted proportionally when necessary to meet any matching  
26 requirements imposed as a condition of receiving federal disaster  
27 relief assistance or planning funds.

28 (7) Local governments receiving funds under this section may not  
29 use the funds to supplant existing funding.

30 NEW SECTION. **Sec. 4.** Beginning in January 2008 and biennially  
31 thereafter, the department must conduct in conjunction with the  
32 emergency management council a strategic assessment of, and issue a  
33 report on, the ability of state, local, and tribal emergency management  
34 organizations to effectively provide for all phases of comprehensive  
35 emergency management. The assessment must:

36 (1) Evaluate state, local, and tribal emergency management  
37 capabilities and needs;

1 (2) Evaluate the ability of state, local, and tribal emergency  
2 management organizations to provide emergency management mitigation,  
3 preparedness, response, and recovery;

4 (3) Evaluate the effectiveness of the emergency management  
5 structure at the state, local, and tribal levels;

6 (4) Provide findings and make recommendations that increase the  
7 ability of state, local, and tribal emergency management organizations  
8 to meet current and future risks; and

9 (5) Detail where and for what purpose funds under section 3(1)(b)  
10 of this act have been distributed.

11 NEW SECTION. **Sec. 5.** The joint legislative audit and review  
12 committee must study and review the performance of programs implemented  
13 under this act. The committee must examine at least the following  
14 factors: The number and type of joint exercises conducted under  
15 section 3 of this act; the number of programs receiving grant money and  
16 the status of those programs; the coordination of comprehensive  
17 emergency management plans between state and local jurisdictions; the  
18 number of training programs administered; the number of comprehensive  
19 emergency management or safety plans created using funds distributed  
20 under section 3 of this act; and the number of emergency preparedness  
21 officials created and trained with funds distributed under this act.  
22 The committee must provide a final report on this review by December  
23 2008. Funds from the emergency management, preparedness, and  
24 assistance account may be provided to the committee for the purposes of  
25 conducting the study.

26 NEW SECTION. **Sec. 6.** The legislature shall establish an advisory  
27 committee to study issues related to the collection of an annual, per  
28 policy surcharge on homeowner's, mobile homeowner's, tenant  
29 homeowner's, condominium unit owner's and commercial fire, multiple  
30 peril, and business owner's property insurance policies to fund  
31 emergency management. The advisory committee will study if and how  
32 retaliatory tax provisions may be implicated, costs associated with  
33 collecting the fee, costs associated with allowing other insurance  
34 surcharges to be excluded from the premium calculation, and any other  
35 issues deemed relevant by the committee. The advisory committee, where  
36 appropriate, may consult with individuals from the public and private  
37 sector. The advisory committee shall report its findings and

1 recommendations to the appropriate committees of the legislature by  
2 November 30, 2006.

3 NEW SECTION. **Sec. 7.** Sections 2 through 4 of this act are each  
4 added to chapter 38.52 RCW.

5 NEW SECTION. **Sec. 8.** Section 6 of this act expires January 1,  
6 2007.

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10 **ADOPTED 2/11/2006**

11 On page 1, line 2 of the title, after "account;" strike the  
12 remainder of the title and insert "adding new sections to chapter 38.52  
13 RCW; creating new sections; and providing an expiration date."

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**EFFECT:** Takes out the funding mechanism for the account. Requires the legislature to study issues related to collecting a per policy surcharge on insurance policies to fund emergency management.