
ENGROSSED SENATE BILL 6433

State of Washington

59th Legislature

2006 Regular Session

By Senators Kastama, Jacobsen, Poulsen, Pridemore, Rockefeller, Shin, Haugen, Rasmussen, Keiser, Regala, Thibaudeau, Franklin, McAuliffe and Kohl-Welles

Read first time 01/12/2006. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to establishing the emergency management,
2 preparedness, and assistance account; adding new sections to chapter
3 38.52 RCW; creating new sections; and providing an expiration date.

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

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

1 addition, local programs suffer disparities in funding and expertise,
2 leaving troublesome gaps in a well-coordinated statewide all-hazards
3 emergency management system.

4 Recognizing that all disasters are local disasters, the legislature
5 therefore intends to strengthen state and local emergency response,
6 mitigation, preparation, and coordination by establishing a stable
7 source of funding with the intent that Washington state become the
8 nationally recognized leader in emergency management. The funding will
9 be dedicated to the development and coordination of state and local
10 government emergency management programs by supporting joint training
11 exercises, citizen and industry coordination with emergency management
12 efforts, public education, and relationship building among local and
13 state emergency management officials.

14 NEW SECTION. **Sec. 2.** The emergency management, preparedness, and
15 assistance account is created in the state treasury. Moneys in the
16 account may be spent only after appropriation. Expenditures from the
17 account may be used only as provided in section 3 of this act.

18 NEW SECTION. **Sec. 3.** (1)(a) The department must use twenty
19 percent of the funds appropriated from the emergency management,
20 preparedness, and assistance account for the department's
21 administration of this section, and to: Fund the assessment required
22 by section 4 of this act; fund state agency activities, including
23 military department activities, that develop and coordinate
24 comprehensive emergency management plans; train elected and appointed
25 state officials on state laws, disaster command and response
26 structures, and the roles and responsibilities of officials before,
27 during, and after a disaster; administer periodic joint emergency
28 management training exercises involving the military department and
29 other state agencies; and implement state agency projects that will
30 strengthen emergency response, mitigation, preparation, and
31 coordination.

32 (b) The department must allocate eighty percent of the funds
33 appropriated from the emergency management, preparedness, and
34 assistance account for grants to regional agencies, local governments,
35 tribal governments, regional incident management teams, and private
36 organizations to: Develop and coordinate comprehensive emergency

1 management plans; train elected and appointed officials on state laws,
2 ordinances, disaster command and response structures, and the roles and
3 responsibilities of officials before, during, and after a disaster;
4 administer periodic joint emergency management training exercises; and
5 implement projects that will strengthen emergency response, mitigation,
6 preparation, and coordination.

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

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

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

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

23 (b) Specify a formula that establishes a base grant allocation and
24 weighted factors for funds to be allocated over the base grant amount
25 for regional agencies, local governments, tribal governments, regional
26 incident management teams, and private organizations with existing
27 emergency management and preparedness programs that are located in a
28 part of the state where the risk of exposure to disasters is deemed by
29 the department to be particularly acute;

30 (c) Specify match requirements; and

31 (d) Include requirements that, at a minimum, a local emergency
32 management agency have: A comprehensive emergency management plan or
33 be a member of a joint local organization for emergency management; and
34 a local director who works at least forty hours a week in that
35 capacity, or have designated by ordinance or resolution an emergency
36 management coordinator who works at least fifteen hours a week in that
37 capacity.

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

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

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

9 NEW SECTION. **Sec. 4.** Beginning in January 2008 and biennially
10 thereafter, the department must conduct in conjunction with the
11 emergency management council a strategic assessment of, and issue a
12 report on, the ability of state, local, and tribal emergency management
13 organizations to effectively provide for all phases of comprehensive
14 emergency management. The assessment must:

15 (1) Evaluate state, local, and tribal emergency management
16 capabilities and needs;

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

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

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

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

27 NEW SECTION. **Sec. 5.** The joint legislative audit and review
28 committee must study and review the performance of programs implemented
29 under this act. The committee must examine at least the following
30 factors: The number and type of joint exercises conducted under
31 section 3 of this act; the number of programs receiving grant money and
32 the status of those programs; the coordination of comprehensive
33 emergency management plans between state and local jurisdictions; the
34 number of training programs administered; the number of comprehensive
35 emergency management or safety plans created using funds distributed
36 under section 3 of this act; and the number of emergency preparedness

1 officials created and trained with funds distributed under this act.
2 The committee must provide a final report on this review by December
3 2008. Funds from the emergency management, preparedness, and
4 assistance account may be provided to the committee for the purposes of
5 conducting the study.

6 NEW SECTION. **Sec. 6.** The legislature shall establish an advisory
7 committee to study issues related to the collection of an annual, per
8 policy surcharge on homeowner's, mobile homeowner's, tenant
9 homeowner's, condominium unit owner's and commercial fire, multiple
10 peril, and business owner's property insurance policies to fund
11 emergency management. The advisory committee will study if and how
12 retaliatory tax provisions may be implicated, costs associated with
13 collecting the fee, costs associated with allowing other insurance
14 surcharges to be excluded from the premium calculation, and any other
15 issues deemed relevant by the committee. The advisory committee, where
16 appropriate, may consult with individuals from the public and private
17 sector. The advisory committee shall report its findings and
18 recommendations to the appropriate committees of the legislature by
19 November 30, 2006.

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

22 NEW SECTION. **Sec. 8.** Section 6 of this act expires January 1,
23 2007.

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