
SENATE BILL 6433

State of Washington

59th Legislature

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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; and creating new sections.

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 all-
15 hazards emergency management and disaster response plans. However,
16 recent studies have revealed impediments to the ability of state and
17 local programs to integrate and coordinate comprehensive disaster
18 preparedness. Specifically, local programs suffer disparities in

1 funding and expertise, leaving troublesome gaps in a well-coordinated
2 statewide all-hazards emergency management system.

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

12 NEW SECTION. **Sec. 2.** The director shall appoint no fewer than
13 nine regional liaisons to work out of regional offices established
14 throughout the state. The director may provide for office space and
15 support staff as necessary. Regional liaisons shall identify which
16 political subdivisions, public agencies, and special purpose districts
17 within that region are required by statute to develop and implement a
18 comprehensive emergency management or comprehensive safety plan and
19 report on the implementation status of the plan. Regional liaisons
20 shall also: Provide local programs with assistance, guidance, and
21 technical expertise on emergency management planning and grant
22 applications; coordinate regional collaboration, planning, training,
23 and exercises; and assist local programs with training and ongoing
24 education of appointed and elected officials and the public.

25 NEW SECTION. **Sec. 3.** The emergency management, preparedness, and
26 assistance account is created in the custody of the state treasurer.
27 All receipts from the surcharge authorized by section 4 of this act
28 must be deposited into the account. Expenditures from the account may
29 be used only as provided in section 5 of this act. Only the director
30 or the director's designee may authorize expenditures from the account.
31 The account is subject to allotment procedures under chapter 43.88 RCW,
32 but an appropriation is not required for expenditures.

33 NEW SECTION. **Sec. 4.** In order to provide funds for emergency
34 management, preparedness, and assistance, an annual surcharge of two
35 dollars per policy must be imposed on every homeowner's, mobile

1 homeowner's, tenant homeowner's, and condominium unit owner's insurance
2 policy, and an annual four-dollar surcharge shall be imposed on every
3 commercial fire, commercial multiple peril, and business owner's
4 property insurance policy, issued or renewed on or after the effective
5 date of this act. The surcharge must be paid by the policyholder to
6 the insurer. The insurer must collect the surcharge and remit it to
7 the department of revenue, which will collect, administer, audit, and
8 enforce the surcharge. The surcharge is not to be considered premiums
9 of the insurer, however, nonpayment of the surcharge by the insured may
10 be a valid reason for cancellation of the policy. All proceeds of the
11 surcharge must be deposited in the emergency management, preparedness,
12 and assistance account and may not be used to supplant existing state
13 general fund funding.

14 NEW SECTION. **Sec. 5.** (1) Funds appropriated from the emergency
15 management, preparedness, and assistance account must be allocated by
16 the department as follows:

17 (a) An amount sufficient to fund regional representatives, offices,
18 and staff support as required by section 2 of this act; and

19 (b) Of the remainder:

20 (i) Thirty percent to administer periodic joint emergency
21 management training exercises. Joint training exercises must involve
22 the department and at least three other local or tribal emergency
23 management agencies. Each exercise must include a postexercise
24 evaluation and report released jointly by the department and the
25 participating agencies;

26 (ii) Thirty percent to provide funding to state, local, and tribal
27 government agencies to develop and coordinate comprehensive emergency
28 management plans; and to train local elected and appointed officials on
29 state laws, ordinances, disaster command and response structures, and
30 the roles and responsibilities of officials before, during, and after
31 a disaster;

32 (iii) Twenty percent to provide for state relief assistance for
33 nonfederally declared disasters; and

34 (iv) Twenty percent for grants to state or regional agencies, local
35 governments, tribal governments, and private organizations to implement
36 projects that will further state and local emergency management
37 objectives. These projects must include, but need not be limited to,

1 projects that will promote neighborhood level public education on
2 disaster preparedness and recovery issues, situate all weather radios
3 in public buildings, enhance coordination of relief efforts of
4 statewide private-sector organizations, and improve the training and
5 operations capabilities of agencies assigned lead or support
6 responsibilities in the state comprehensive emergency management plan.
7 The department shall establish criteria and procedures for competitive
8 allocation of these funds by rule. No more than five percent of any
9 award made under this subsection (1)(b)(iv) may be used for
10 administrative expenses.

11 (2) The distribution formula provided in this section may be
12 adjusted proportionally when necessary to meet any matching
13 requirements imposed as a condition of receiving federal disaster
14 relief assistance or planning funds. Local governments receiving funds
15 under this section may not use the funds to supplant existing funding.
16 The department must allocate funds to local emergency management
17 agencies and programs pursuant to criteria specified in rule. The
18 rules must include, but are not limited to:

19 (a) Requiring that, at a minimum, a local emergency management
20 agency have a comprehensive emergency management plan or be a member of
21 a joint local organization for emergency management; and have a local
22 director who works at least forty hours a week in that capacity, or
23 have designated by ordinance or resolution an emergency management
24 coordinator who works at least fifteen hours a week in that capacity;

25 (b) Specifying a formula that establishes a base grant allocation
26 and weighted factors for funds to be allocated over the base grant
27 amount;

28 (c) Specifying match requirements; and

29 (d) Preferential funding to provide incentives to counties and
30 municipalities to participate in mutual aid agreements.

31 (3) If adequate funds are available as determined by the
32 department, every county must receive funds at least sufficient to fund
33 a dedicated, full-time emergency management director.

34 NEW SECTION. **Sec. 6.** The department must submit a report
35 quarterly to the office of financial management and the legislative
36 fiscal committees detailing information on the emergency management,
37 preparedness, and assistance account, including: The amount and type

1 of deposits into the account; the current available fund balance as of
2 the reporting date; and the projected fund balance at the end of the
3 biennium based on current revenue and expenditure patterns.

4 NEW SECTION. **Sec. 7.** The joint legislative audit and review
5 committee must study and review the performance of programs implemented
6 under this act. The committee must examine at least the following
7 factors: The number and type of joint exercises conducted under
8 section 5 of this act; the number of programs receiving grant money and
9 the status of those programs; the coordination of comprehensive
10 emergency management plans between state and local jurisdictions; the
11 number of training programs administered; the number of comprehensive
12 emergency management or safety plans created using funds distributed
13 under section 5 of this act; and the number of emergency preparedness
14 officials created and trained with funds distributed under this act.
15 The committee must provide a final report on this review by December
16 2008.

17 NEW SECTION. **Sec. 8.** Sections 2 through 6 of this act are each
18 added to chapter 38.52 RCW.

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