

**BACKGROUND:** Partnering with tribal governments and understanding their capabilities and available resources is an important component of the state's efforts in HB 1040 to prepare for disaster. A significant percentage of the acres burned in 2015 and 2017 that are referenced in HB 1040 occurred on tribal lands, and the response included tribal, state, and local partnerships. In respect for the government-to-government relationship between the tribes and the state as provided for in RCW 43.376 and to provide more effective recommendations from the work group in HB 1040, tribal representatives selected by tribal leaders should be added as members of the work group. A proposed solution to appointing an appropriate tribal representative and resolving the lack of tribal representation on the emergency management council in RCW 38.52.040 would be the following:

- (1) create a tribal advisory committee under the emergency management council in RCW 38.52.040;
- (2) require the tribal advisory committee select two members to the emergency management council;  
and
- (3) include two members appointed by the tribal advisory committee to the emergency management council to the work group in HB 1040.

Z-0144.4

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**HOUSE BILL 1040**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Reeves, Stanford, Barkis, Slatter, and Ryu; by request of Insurance Commissioner

Prefiled 12/10/18. Read first time 01/14/19. Referred to Committee on Housing, Community Development & Veterans.

AN ACT Relating to the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities; adding a new section to chapter 48.02 RCW; creating a new section; and amending RCW 38.52.040.

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

NEW SECTION. **Sec. 1.** The legislature finds that residents of this state have been impacted by natural disasters such as floods, landslides, wildfires, and earthquakes and continue to be at risk from these and other natural disasters. In 2016, insured losses from natural disasters in the United States totaled almost twenty-four billion dollars. In 2015, Washington state had the largest wildfire season in state history, with more than one million acres burned and costing more than two hundred fifty-three million dollars. In 2017, four hundred four thousand two hundred twenty-three acres burned in Washington state and there were more than four hundred thirty national flood insurance program claims filed, totaling over seven million dollars.

The legislature finds that Washington state has the second highest earthquake risk in the nation, estimated by the federal emergency management agency to exceed four hundred thirty-eight million dollars per year. The 2001 Nisqually earthquake caused more than two billion dollars in damage. A Seattle fault earthquake will cause an estimated thirty-three billion dollars in damage, and a Cascadia subduction zone earthquake will cause an estimated amount of over forty-nine billion dollars in damage. The legislature finds that it is critical to better prepare this state for disasters and to put in place strategies to mitigate the impacts of disasters. To address this critical need, the legislature is creating a work group to review disaster mitigation and preparation projects in this state and other states, make recommendations regarding how to coordinate and expand state and tribal government efforts to mitigate the impacts of natural disasters, and evaluate whether an ongoing disaster resiliency program should be created.

NEW SECTION. **Sec. 2.** A new section is added to chapter 48.02 RCW to read as follows:

(1) A work group to study and make recommendations on natural disaster and resiliency activities is hereby created. The work group membership shall be composed of:

(a) The insurance commissioner or his or her designee, who shall serve as the chair of the work group;

(b) One member from each of the four major caucuses of the legislature;

(c) A representative from the governor's resilient Washington work group;

(d) A representative from the Washington state association of counties;

(e) A representative from the association of Washington cities;

(f) A representative from the state building code council;

(g) The commissioner of the department of natural resources or his or her designee;

(h) The director of the Washington state military department or his or her designee;

(i) The superintendent of public instruction or his or her designee;

(j) The director of the department of ecology or his or her designee;

(k) The director of the department of commerce or his or her designee;

(l) A representative from the Washington association of building officials;

(m) Two representatives from the property and casualty insurance industry, to be selected by the insurance commissioner or his or her designee, through an application process;

(n) A representative from public utility districts to be selected by a state association of public utility districts;

(o) A representative selected by the Washington state commission on African-American affairs, the Washington state commission on Hispanic affairs, the governor's office of Indian affairs, and the Washington state commission on Asian Pacific American affairs to represent the three commissions on the work group;

(p) Both members from the emergency management council who are appointed by the tribal advisory committee under RCW 38.52.040; and

(q) Other state agency representatives or stakeholder group representatives, at the discretion of the work group, for the purpose of participating in specific topic discussions or subcommittees.

(2) The work group shall engage in the following activities:

(a) Review disaster mitigation and resiliency activities being done in this state by public and private entities;

(b) Review disaster mitigation and resiliency activities being done in other states and at the federal level;

(c) Review information on uptake in this state for disaster related insurance, such as flood and earthquake insurance;

(d) Review information on how other states are coordinating disaster mitigation and resiliency work including, but not limited to, the work of entities such as the California earthquake authority;

(e) Review how other states and the federal government fund their disaster mitigation and resiliency activities and programs; and

(f) Make recommendations to the legislature and office of the insurance commissioner regarding:

(i) Whether this state should create an ongoing disaster resiliency program;

(ii) What activities the program should engage in;

(iii) How the program should coordinate with state agencies, tribal governments and other entities engaged in disaster mitigation and resiliency work;

(iv) Where the program should be housed; and

(v) How the program should be funded.

(3) The work group shall submit, in compliance with RCW 43.01.036, a preliminary report of recommendations to the legislature, the office of the insurance commissioner, the governor, the office of the superintendent of public instruction, and the commissioner of public lands by November 1, 2019, and a final report by December 1, 2020.

**Sec. 3.** RCW 38.52.040 and 2015 c 274 s 17 are each amended to read as follows:

(1) There is hereby created the emergency management council (hereinafter called the council), to consist of not more than seventeen members who shall be appointed by the adjutant general and two members appointed by the tribal advisory committee in RCW 38.52.040(5). The membership of the council shall include, but not be limited to, representatives of city (~~and~~), county, and tribal governments, sheriffs and police chiefs, the Washington state patrol, the military department, the department of ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, building officials, and private industry. The representatives of private industry shall include persons knowledgeable in emergency and hazardous materials management. The councilmembers shall elect a chair from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The emergency management council shall advise the governor and the director on all matters pertaining to state and local emergency management. The council may appoint such ad hoc committees, subcommittees, and working groups as are required to develop specific recommendations for the improvement of emergency management practices, standards, policies, or procedures. The council shall ensure that the governor receives an annual assessment of statewide emergency preparedness including, but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards, and coordination of hazardous materials planning and response activities. The council shall review administrative rules governing state and local emergency management practices and recommend necessary revisions to the director.

(3) The council or a council subcommittee shall serve and periodically convene in special session as the state emergency response commission required by the emergency planning and community right-to-know act (42 U.S.C. Sec. 11001 et seq.). The state emergency response commission shall conduct those activities specified in federal statutes and regulations and state administrative rules governing the coordination of hazardous materials policy including, but not limited to, review of local emergency planning committee emergency response plans for compliance with the planning requirements in the emergency planning and community right-to-know act (42 U.S.C. Sec. 11001 et seq.). Committees shall annually review their plans to address changed conditions, and submit their plans to the state emergency response commission for review when updated, but not less than at least once every five years. The department may employ staff to assist local emergency planning committees in the development and annual review of these emergency response plans, with an initial focus on the highest risk communities through which trains that transport oil in bulk travel. By March 1, 2018, the department shall report to the governor and legislature on progress towards compliance with planning requirements. The report must also provide budget and policy recommendations for continued support of local emergency planning.

(4) (a) The intrastate mutual aid committee is created and is a subcommittee of the emergency management council. The intrastate mutual aid committee consists of not more than five members who must be appointed by the council chair from council membership. The chair of the intrastate mutual aid committee is the military department representative appointed as a member of the council. Meetings of the intrastate mutual aid committee must be held at least annually.

(b) In support of the intrastate mutual aid system established in chapter 38.56 RCW, the intrastate mutual aid committee shall develop and update guidelines and procedures to facilitate implementation of the intrastate mutual aid system by member jurisdictions, including but not limited to the following: Projected or anticipated costs; checklists and forms for requesting and providing assistance; recordkeeping; reimbursement

procedures; and other implementation issues. These guidelines and procedures are not subject to the rule making requirements of chapter 34.05 RCW.

(5) The tribal advisory committee is created and is a subcommittee of the emergency management council. The tribal advisory committee consists of up to twenty-nine members from each of the tribes in the state who chose to appoint a representative to the committee. Meetings of the tribal advisory committee must be held at least annually. The tribal advisory committee will serve to (i) select and appoint two members to serve on the emergency management council; (ii) provide tribal technical expertise to the emergency management council; and (iii) provide important information to the twenty-nine tribes on policies or actions by the emergency management council that may impact any one or more of the twenty-nine tribes.

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