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**SENATE BILL 5101**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

**State of Washington                      67th Legislature                      2021 Regular Session**

**By** Senators Stanford, Conway, Dhingra, Hasegawa, Hunt, Nguyen, Randall, Saldaña, Wagoner, and Wilson, C.; by request of Military Department

Prefiled 01/07/21. Read first time 01/11/21. Referred to Committee on State Government & Elections.

1            AN ACT Relating to establishing tribal representation on the  
2 emergency management council; and amending RCW 38.52.040.

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

4            **Sec. 1.** RCW 38.52.040 and 2019 c 333 s 9 are each amended to  
5 read as follows:

6            (1) There is hereby created the emergency management council  
7 (hereinafter called the council), to consist of not more than  
8 ((eighteen)) 21 members who shall be appointed by the adjutant  
9 general. The membership of the council shall include, but not be  
10 limited to, representatives of city and county governments, two  
11 representatives of federally recognized tribes, sheriffs and police  
12 chiefs, the Washington state patrol, the military department, the  
13 department of ecology, state and local fire chiefs, seismic safety  
14 experts, state and local emergency management directors, search and  
15 rescue volunteers, medical professions who have expertise in  
16 emergency medical care, building officials, private industry, and the  
17 office of the superintendent of public instruction. The  
18 representatives of private industry shall include persons  
19 knowledgeable in emergency and hazardous materials management. The  
20 councilmembers shall elect a chair from within the council  
21 membership. The members of the council shall serve without

1 compensation, but may be reimbursed for their travel expenses  
2 incurred in the performance of their duties in accordance with RCW  
3 43.03.050 and 43.03.060 as now existing or hereafter amended.

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

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

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

8 (b) In support of the intrastate mutual aid system established in  
9 chapter 38.56 RCW, the intrastate mutual aid committee shall develop  
10 and update guidelines and procedures to facilitate implementation of  
11 the intrastate mutual aid system by member jurisdictions, including  
12 but not limited to the following: Projected or anticipated costs;  
13 checklists and forms for requesting and providing assistance;  
14 recordkeeping; reimbursement procedures; and other implementation  
15 issues. These guidelines and procedures are not subject to the rule-  
16 making requirements of chapter 34.05 RCW.

17 (5) On emergency management issues that involve early learning,  
18 kindergarten through twelfth grade, or higher education, the  
19 emergency management council must consult with representatives from  
20 the following organizations: The department of children, youth, and  
21 families; the office of the superintendent of public instruction; the  
22 state board for community and technical colleges; and an association  
23 of public baccalaureate degree-granting institutions.

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