

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7025**

**BILL NUMBER: SB 412**

**NOTE PREPARED:** Jan 17, 2004

**BILL AMENDED:**

**SUBJECT:** Emergency Management.

**FIRST AUTHOR:** Sen. Wyss

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires the State Emergency Management Agency to establish a program to certify emergency management organizations and professional emergency managers. The bill requires a county emergency management organization or interjurisdictional disaster agency in which a county participates to be certified as an emergency management organization. This bill also requires a county emergency management and disaster director to be certified as a professional emergency manager.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** *Summary:* In order to implement the provisions of the bill, SEMA does not anticipate that it will need additional staff or resources, either now or in the future. SEMA will be able to handle any additional costs and responsibilities given its current budget and staff. SEMA currently has certification training in place.

*Background:* The State Emergency Management Agency (SEMA) must establish and implement a professional emergency management certification program. SEMA must establish standards for disaster emergency plans and education and training standards for emergency managers and instructors. Additionally, SEMA must approve written competency examinations and issue two-year certificates, provisional certificates, and renewal certificates.

If SEMA determines that a certificate holder engaged in fraud or other deceptive practices pertaining to professional emergency management services, requirements, or activities, the certificate holder may be subject to sanctions. SEMA may revoke, suspend, temporarily suspend, or reinstate a certificate; issue a letter of reprimand; or deny a certificate to an applicant. SEMA may also prohibit the applicant from reapplying for a certificate for a length of time established by the SEMA. A certificate holder may not surrender the certificate without the written approval of SEMA. SEMA may also impose disciplinary or corrective measures. SEMA must be consistent in the application of sanctions. Significant departures from prior decisions involving similar conduct must be explained in SEMA's findings and orders.

A complaint and information pertaining to the complaint are confidential until SEMA issues an order concerning the complaint. Until such an order is issued, a person employed by SEMA may not disclose information concerning the complaint unless the disclosure is required by the order of an administrative law judge or a court or for advancement of an investigation.

SEMA may require periodic reports from a certified emergency management organization. A certified emergency management organization must report to SEMA the actions of a person or entity that may justify the revocation or suspension of a certificate.

SEMA must adopt rules to implement these provisions. The rules may establish more than one level of certification for managers with different education and training standards, competency examinations, and continuing education requirements for each level established.

**Explanation of State Revenues:** *Penalty Provision:* An individual, county organization, or disaster agency that violates these provisions commits a Class C infraction. Each day of violation constitutes a separate infraction. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:** Under current law, counties must maintain a county emergency management advisory council and a county emergency management organization or participate in an interjurisdictional disaster agency. The proposal requires that the county emergency management organization or the interjurisdictional disaster agency must be certified. A disaster agency director must be certified as a manager, and a county organization or a disaster agency must be supervised by a certified disaster director. A certified emergency management organization must have a current disaster emergency plan that is certified. A vacancy in a position of disaster director may be filled for not more than two years by an individual with a provisional certification. However, a county emergency management organization that exists on July 1, 2004, or an interjurisdictional disaster agency in which a county participates, that exists on July 1, 2004, are not required to be certified as emergency management organizations until July 1, 2009.

The proposal provides that the county emergency management advisory council must have a disaster director who is a full-time employee of the county or two counties acting jointly and must be certified as a professional emergency manager. An individual who is employed by a county as the county emergency management and disaster director on July 1, 2004, may continue to act as the county emergency management and disaster director until July 1, 2008, without being certified by SEMA.

A manager must keep SEMA informed of the county organization or disaster agency that employs or supervises the manager's activities. A manager must report to SEMA any action by a person, an organization, or other entity that may justify the revocation or suspension of a certificate.

To establish a county emergency management organization or emergency management program, the county must adopt an ordinance, resolution, or other measure. The emergency management program is not effective until it is approved by the state agency.

SEMA may require the submission of periodic reports from a certified emergency management organization. A certified emergency management organization must report to SEMA the actions of a person, an

organization, or an entity that may justify the revocation or suspension of a certificate issued by SEMA to the person, organization, or entity.

The above provisions may add administrative expenses to the counties. The impact is indeterminable, could vary from county to county, and will depend on whether current directors are certified.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** State Emergency Management Agency.

**Local Agencies Affected:** Counties, county emergency management advisory councils and county emergency management organizations, and interjurisdictional disaster agencies; trial courts and local law enforcement agencies.

**Information Sources:** Brad Gavin, Emergency Management 233-4928.

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