
HOUSE BILL 2786

State of Washington

61st Legislature

2010 Regular Session

By Representatives Hurst, Roach, Simpson, Orwall, Miloscia, Sullivan, Hasegawa, Hudgins, Upthegrove, White, Wallace, Haigh, and Nelson

Read first time 01/14/10. Referred to Committee on Judiciary.

1 AN ACT Relating to Green river emergency flooding preparedness and
2 response; amending RCW 86.12.037 and 86.15.080; adding a new section to
3 chapter 38.52 RCW; making an appropriation; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 38.52 RCW
6 to read as follows:

7 (1) The legislature finds that recent flooding events over the last
8 several years have put citizens and businesses in devastating
9 situations that have resulted in extreme economic loss. This is
10 particularly acute in the Green river watershed where the army corps of
11 engineers has found the Howard Hanson dam to be structurally deficient.
12 While it is important for the state to provide public safety and
13 emergency response during an emergency resulting from a natural
14 disaster, it is equally important to provide emergency preparedness and
15 disaster mitigation information prior to an emergency, and recovery and
16 disaster mitigation help after an emergency; all of which will
17 contribute to making the public more prepared during an emergency
18 response.

1 (2) Washington state's topography, geography, location, and history
2 show that certain areas of the state are at particular risk to both
3 natural disasters and human-caused disasters. The economic impact from
4 the 2007 flood disasters alone in Washington were estimated at over
5 five hundred million dollars. Current conditions at the Howard Hanson
6 dam may cause overflows into the Green river valley area that greatly
7 exceed channel capacity. Critical flood control levees may overtop and
8 may weaken from saturation. Sudden changes in flood conditions are
9 possible, especially in levee-protected areas. These changes may
10 include rapidly rising water, Green river flooding, widespread
11 inundation, road closures, utility disruptions, loss of homes, and the
12 loss and closure of many businesses in the Renton, Tukwila, Auburn, and
13 Kent areas located in the Green river valley. The Green river valley
14 is one of the largest warehouse areas on the west coast. Severe
15 flooding has the potential to damage businesses throughout the state
16 and the western United States. In response, Washington state and local
17 governments have implemented all hazards emergency management and
18 disaster response plans. However, recent studies have revealed the
19 lack of a secure funding source that impedes the Green river valley's
20 ability to fully integrate and coordinate comprehensive disaster
21 preparedness planning.

22 (3) Recognizing that all disasters are local disasters, the
23 legislature intends to strengthen emergency response, mitigation,
24 preparation, and coordination by establishing a source of funding for
25 flood control and relocation of those private citizens and businesses
26 that may be displaced during a flood disaster.

27 NEW SECTION. **Sec. 2.** (1) The sum of twenty-five million dollars,
28 or as much thereof as may be necessary, is appropriated for the
29 biennium ending June 30, 2011, from the state building construction
30 account to the Washington military department, working in cooperation
31 with the flood division of the department of ecology, the King county
32 flood control district, and other respective local governments, as
33 appropriate, to participate in flood hazard mitigation and response
34 projects for the Green river valley area.

35 (2) The Washington military department shall administer the Green
36 river flood assistance funds and establish rules for its administration

1 in consultation with the emergency management council and the
2 Washington state emergency management association. The Washington
3 military department shall:

4 (a) Use no more than five million dollars of the funds appropriated
5 for relocation costs (including, but not limited to, land acquisition)
6 of public facilities, infrastructure, and citizens and businesses that
7 are displaced by Green river flooding conditions; and

8 (b) Use no more than twenty million dollars of the funds
9 appropriated for costs that are directed at prevention, including levy
10 repair and strengthening, emergency response, including full access of
11 federal funds, mitigation, preparation, coordination, and recovery.

12 (3) Projects funded under this section shall include, but need not
13 be limited to, projects that will promote neighborhood level public
14 education on disaster preparedness.

15 **Sec. 3.** RCW 86.12.037 and 1921 c 185 s 1 are each amended to read
16 as follows:

17 No action shall be brought or maintained against any county, city,
18 or flood control zone district when acting alone or when acting jointly
19 with any other county, city, or flood control zone district under any
20 law, or any of its or their agents, officers, or employees, for any
21 noncontractual acts or omissions of such county or counties, city or
22 cities, flood control zone district or districts, or any of its or
23 their agents, officers, or employees, relating to the improvement,
24 protection, regulation, and control for flood prevention and navigation
25 purposes of any river or its tributaries and the beds, banks, and
26 waters thereof: PROVIDED, That nothing contained in this section shall
27 apply to or affect any action now pending or begun prior to the passage
28 of this section.

29 **Sec. 4.** RCW 86.15.080 and 1983 c 315 s 13 are each amended to read
30 as follows:

31 A zone or participating zone may:
32 (1) Exercise all the powers and immunities vested in a county for
33 flood water or storm water control purposes under the provisions of
34 chapters 86.12, 86.13, 36.89, and 36.94 RCW: PROVIDED, That in
35 exercising such powers, all actions shall be taken in the name of the

1 zone and title to all property or property rights shall vest in the
2 zone;

3 (2) Plan, construct, acquire, repair, maintain, and operate all
4 necessary equipment, facilities, improvements, and works to control,
5 conserve, and remove flood waters and storm waters and to otherwise
6 carry out the purposes of this chapter including, but not limited to,
7 protection of the quality of water sources;

8 (3) Take action necessary to protect life and property within the
9 district from flood water damage, including in the context of an
10 emergency, as defined in RCW 38.52.010, using covered volunteer
11 emergency workers, as defined in RCW 38.52.010 and 38.52.180(5)(a),
12 subject to and in accordance with the terms of RCW 38.52.180;

13 (4) Control, conserve, retain, reclaim, and remove flood waters and
14 storm waters, including waters of lakes and ponds within the district,
15 and dispose of the same for beneficial or useful purposes under such
16 terms and conditions as the board may deem appropriate, subject to the
17 acquisition by the board of appropriate water rights in accordance with
18 the statutes;

19 (5) Acquire necessary property, property rights, facilities, and
20 equipment necessary to the purposes of the zone by purchase, gift, or
21 condemnation: PROVIDED, That property of municipal corporations may
22 not be acquired without the consent of such municipal corporation;

23 (6) Sue and be sued in the name of the zone;

24 (7) Acquire or reclaim lands when incidental to the purposes of the
25 zone and dispose of such lands as are surplus to the needs of the zone
26 in the manner provided for the disposal of county property in chapter
27 36.34 RCW;

28 (8) Cooperate with or join with the state of Washington, United
29 States, another state, any agency, corporation or political subdivision
30 of the United States or any state, Canada, or any private corporation
31 or individual for the purposes of this chapter;

32 (9) Accept funds or property by loan, grant, gift or otherwise from
33 the United States, the state of Washington, or any other public or
34 private source;

35 (10) Remove debris, logs, or other material which may impede the
36 orderly flow of waters in streams or water courses: PROVIDED, That
37 such material shall become property of the zone and may be sold for the

1 purpose of recovering the cost of removal: PROVIDED FURTHER, That
2 valuable material or minerals removed from public lands shall remain
3 the property of the state;

4 (11) Provide grant funds to political subdivisions of the state
5 that are located within the boundaries of the zone, so long as the
6 grant funds are within the authorized purposes of this chapter.

7 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

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