



NATIONAL CONFERENCE of STATE LEGISLATURES



2018 Enacted State Disaster Legislation Report

December 2018

Through a collaborative effort, the National Conference of State Legislatures (NCSL) and National Emergency Management Association (NEMA) Legislative Committee proudly present the first iteration of this report on state disaster legislation.

During the first legislative session since the record-setting disaster season of 2017, states have advanced a range of legislative responses. These new laws are far-reaching, extending from infrastructure, insurance, and emergency communications to education and health. At the federal level, as Congress and the administration grapple with how best to confront and prevent damage wreaked by disasters that are only growing in intensity and frequency, it is critical to understand state progress in this field. As state legislatures moved forward with legislation addressing natural disasters in their 2018 legislative sessions, action at the federal level notably shifted toward pre-disaster mitigation efforts and an increased state and local role.

The Federal Emergency Management Agency's National Mitigation Investment Strategy (NMIS) and 2018-2022 Strategic Plan, released in early 2018, prioritize empowering state and local governments with the capabilities to take the lead in emergency management on the ground. The Disaster Recovery Reform Act (DRRA), the most comprehensive disaster reform legislation since Congress passed Hurricane Katrina in 2005 and the Sandy Recovery Improvement Act in 2013, was signed into law by the President Donald Trump on Oct. 5. Currently, Congress continues to grapple in 2018 with supplemental funding for the costliest disasters or wildfire funding structures and shortfalls.

Beyond state-federal coordination, emergency managers and state legislators benefit from a strong line of communication and coordination at the state level. With entities like the NEMA Legislative Committee and resources from the NCSL, these two national associations of policymakers and implementers continue exchanging valuable information with the common goal of assisting their citizens when disasters strike. The bills in this overview and associated chart are a broad, though not airtight, snapshot of the state of natural disaster bills enacted between January and October 2018; measures that concern state emergency managers, legislators, and federal officials alike.

Emergency Management - Broad

In 2018, states enacted at least 25 broad, far-reaching emergency management bills coordinating disaster relief efforts from mitigation to recovery. These bills often touch on several other topics of disaster relief. Some of these bills include:



- **Colorado [HB 1394](#)**, the State Disaster Emergency Act, was enacted on May 24, 2018. The new law amends the State Disaster Emergency Act to address all phases of emergency management, establishes the Governor's Expert Emergency Epidemic Response Committee, provides for the statewide all-hazards resource database, and establishes the State Resiliency Office.
- **California [SB 1035](#)** was enacted on Sept. 23, 2018 and requires revisions to the safety component of California's Planning and Zoning Law to include climate adaptation and resiliency strategies. The bill also directs the planning agency to review and revise such safety component upon each revision of the local hazard mitigation plan.
- **Connecticut [SB 7](#)** was enacted on June 6, 2018, introduced by Governor Dannel Malloy, and implements measures preparing the state for the ongoing effects of climate change and sea level rise. The bill implements an interim target of reducing greenhouse gas emissions 45 percent from a 2001 baseline by 2030; updates current statutory references to sea level rise to nearly two feet by 2050; requires all future state projects located in the Coastal Boundary that are either undertaken by a state agency or funded by a state/federal grant or loan to incorporate such projections; and updates Connecticut coastal boundary maps to reflect projections as well.
- **Louisiana [HB 388](#)** was enacted on May 28, 2018, and provides for a registry of volunteers for disaster or emergency response, including credentialing, background checks, and limitations of liability for such volunteers as part of the Emergency Management Assistance Compact.
- **Massachusetts [HB 4835](#)** was enacted on Aug. 9, 2018, and appropriates funds for programs providing grants and low-interest loans to operators of petroleum dispensing facilities to improve and replace infrastructure. The bill also funds grant programs for land, soil, water and natural resource conservation, and for coastal infrastructure and resiliency measures.
- **Massachusetts [SB 2614](#)** was enacted Aug. 9, 2018, and directs the secretary of public safety and security, and the state fire marshal, in consultation with the Professional Fire Fighters of Massachusetts and the Fire Chiefs Association of Massachusetts to divide the commonwealth into technical rescue regions. Each region will provide for the organization and coordination of technical rescue services and training, the acquisition of technical rescue equipment, and the receipt and distribution of funds.
- **Missouri [HB 1355](#)** was enacted on June 1, 2018, and establishes the joint Committee on Disaster Preparedness and Awareness in the state legislature. The bill directs the Committee to study issues such as natural and man-made disasters, state and local preparedness for floods, state and local preparedness for tornadoes, blizzards, and other severe storms, food and energy resiliency and cybersecurity.
- **New Hampshire [SB 471](#)** was enacted on May 15, 2018, and creates a procedure for issuing exceptional disaster relief loans, allowing temporary loans from the state treasury to assist communities experiencing exceptional costs due to natural disasters.



- **North Carolina [SB 559](#)** was enacted June 22, 2018, and directs the Legislative Research Commission to study the legal status of state recognized Indian tribes and determine the necessity of statutory changes granting tribes eligibility to apply for and receive economic development and disaster recovery grant funds from non-profits and charitable foundations.
- **Oregon [HB 4152](#)** was enacted on May 10, 2018, and requires the state Office of Emergency Management to issue grants to sheriffs' offices of Multnomah County and Hood River County for expenses related to wildfire recovery, mitigation and preparedness. The bill appropriates funding for such purpose.
- **Virginia [SB 219](#)** was enacted on March 30, 2018, and proposes a constitutional amendment allowing a partial property tax exemption for flooding remediation, abatement, and resiliency, to be taken up via referendum at the next election. (Update: voters passed this amendment in the most recent election).
- **South Dakota [SB 20](#)** was enacted on March 8, 2018, and allows member states and provinces to share response resources for any type of emergency or disaster whether natural, technological, or manmade. Because the agreement does not require a governor's declaration of emergency, the bill would also allow member states and provinces to share resources for planning, trainings, and exercises.
- **Arizona [SB 1296](#)** was enacted on May 16, 2018, and requires the state, cities, towns and counties to take reasonable steps to ensure that communications with persons with disabilities, including online and emergency communications, are equally as effective as those to persons without disabilities.

Finance

States enacted at least 63 finance-related bills. The majority of these bills relate to appropriations or grants for disaster relief, though more than a dozen cover tax reforms – such as incentives or breaks – for disaster-affected persons or property. Some of these bills include:

- **California [S 901](#)** was enacted on Sept. 21, 2018, and revises the Budget Act to provide a specified amount to support activities directly related to regional emergency response and readiness. It provides that these activities include pre-deployment of the Office of Emergency Services fire and rescue and local government resources that are part of the Fire and Rescue Mutual Aid System. Appropriations come from the Greenhouse Gas Reduction Fund to CalFire through a specified fiscal year, and addresses other related issues.
- **Colorado [HB 1413](#)** was enacted on May 21, 2018, and establishes the Enhance School Safety Incident Response Grant Program; provides funding for research, program development, and training to improve school safety incident response; provides guidelines and eligibility criteria for the Program; and establishes the School Safety Resource Center Cash Fund, including an appropriation.
- **Delaware [HB 335](#)** contains similar provisions as Colorado HB 1413.



- **Michigan** [HB 4609](#) and [4610](#), the Emergency Management Act, was enacted on June 28, 2018, and provides for planning, mitigation, response, and recovery from natural and human-made disasters within and outside the state, revises cap and distribution of disaster and contingency fund.
- **Mississippi** [SB 2956](#) was enacted on July 1, 2017, and makes an appropriation to defray the expenses of the State Emergency Management Agency, and for the purpose of establishing a Disaster Relief Reserve Fund and defraying the costs related to certain disaster assistance programs for fiscal year 2019.
- **Indiana** [SB 386](#), the Financing of Flood Control Improvements Act, was enacted on March 13, 2018, and establishes criteria for flood control improvement districts related to the financing of flood control improvements; authorizes certain redevelopment commissions to adopt an ordinance designating an area as a flood control improvement district; and authorizes the district to capture incremental property tax revenue to be used for the construction, replacement, repair, maintenance, or improvement of flood control works.
- **North Carolina** [HB 4](#), the Hurricane Florence Emergency Response Act, was enacted on Oct. 3, 2018, and enacts the Hurricane Florence Emergency Response Act; creates the Hurricane Florence Disaster Recover Fund to provide necessary and appropriate relief and assistance from the effects of Hurricane Florence; and encourages each state agency to acquire goods and services from historically underutilized business vendors, whether directly as principal contractors or indirectly as subcontractors, or otherwise, during the time of rebuilding and relief efforts.

Infrastructure

With at least 77 enacted bills, protecting infrastructure also emerged as an important trend in new state laws. Of these, 16 relate predominantly to building codes or structural concerns while 28 relate to utilities. Some of these include:

- **California** [SB 30](#) was enacted on Sept. 21, 2018, and requires the insurance commissioner to convene a working group to identify, assess, and recommend risk transfer market mechanisms that, among other things, promote investment in natural infrastructure to reduce the risks of climate change related to catastrophic events, that create certain incentives. It also provides for mitigation incentives for private investment in natural lands to lessen exposure and reduce climate risks.
- **Rhode Island** [HB 7741](#) was enacted July 2, 2018, and amends the building height definition for property in special flood hazard areas. Further, it provides that the building height be measured from the base flood elevation.
- **Puerto Rico** [SB 666](#) was enacted on Jan. 17, 2018, and prohibits the Electric Power Authority from billing and charging its customers for the consumption of electric energy reflected in energy product meters that is not generated by said public corporation, especially as of the billing cycle that includes Sept. 20, 2017, as long as the adverse



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conditions prevailing in the electricity system persist as a result of the passage of Hurricane Maria.

- **West Virginia [HB 2983](#)** was enacted on March 3, 2018, and requires the commissioner of the Division of Highways to implement reasonable design techniques intended to minimize damage that may result from recurring floods within the purpose and need of the state road system related to updating certain statutory references.

This report is made available from partnership between the NEMA Legislative Committee and resources of NCSL. For any questions or additional information, please contact: Lucia Bragg, NCSL Policy Associate at: lucia.bragg@ncsl.org and Kyle Arbuckle, NEMA Legislative Policy Analyst at: karbuckle@csg.org.