

SENATE BILL REPORT

SB 5247

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, February 6, 2019
Ways & Means, February 27, 2019

Title: An act relating to addressing catastrophic incidents that are natural or human-caused emergencies by providing guidance that may be used by state public schools to plan for seismic catastrophic incidents.

Brief Description: Addressing catastrophic incidents that are natural or human-caused emergencies by providing guidance that may be used by state public schools to plan for seismic catastrophic incidents. [**Revised for 1st Substitute:** Addressing catastrophic incidents that are natural or human-caused emergencies.]

Sponsors: Senators Frockt, Zeiger, Hobbs, Bailey, Rolfes, Hunt, Conway, Das, Honeyford, Keiser and Mullet; by request of Military Department.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 2/01/19, 2/06/19 [DP-WM, w/oRec].

Ways & Means: 2/20/19, 2/27/19 [DPS].

Brief Summary of First Substitute Bill

- Adds a catastrophic incident emergency response plan to the required plans the adjutant general will develop for the state.
- Requires the adjutant general develop guidance that may be used by local school districts in developing, maintaining, training and exercising catastrophic incident plans, subject to appropriations.
- Creates a functional recovery task force to determine criteria and implementation measures necessary for the adoption of a functional recovery standard to apply to all emergency services buildings and state-owned buildings.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Bailey, Hawkins and Takko.

Minority Report: That it be referred without recommendation.

Signed by Senator Hasegawa.

Staff: Melissa Van Gorkom (786-7491)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5247 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

Staff: Jed Herman (786-7346)

Background: Military Department. The Washington Military Department, under the direction of the adjutant general, administers the state's comprehensive program of emergency management. The Adjutant General is responsible for developing a comprehensive, all-hazard emergency plan for the state, known as the Comprehensive Emergency Management Plan, that includes an analysis of natural, technological, or human-caused hazards and procedures to coordinate state and local resources in responding to such hazards.

State Building Code. The State Building Code establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The code comprises a number of model codes and standards such as the International Building Code, which are adopted by reference in the State Building Code.

Summary of Bill (First Substitute): Military Department. The adjutant general must develop:

- a catastrophic incident emergency response plan in addition to a comprehensive all-hazard emergency plan; and
- guidance, in consultation with the Office of the Superintendent of Public Instruction, that may be used by local school districts in developing, maintaining, training, and exercising catastrophic incident plans, subject to appropriation.

"Catastrophic incident" is defined as any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, or government functions. Catastrophic incident does not include an event resulting from

individuals exercising their rights, under the first amendment, of freedom of speech, and of the people to peaceably assemble.

Functional Recovery Task Force. A functional recovery task force is established to determine criteria and implementation measures necessary for the adoption of a functional recovery standard to apply to all emergency services buildings and state-owned buildings.

The task force is comprised of legislative members, state agency and local government representatives, and other public and private sector entities. The task force must provide periodic progress reports and a final report of findings and recommendations to the Governor and the appropriate committees of the Legislature by December 1, 2021.

"Functional recovery standard" is defined as a set of enforceable building code provisions and regulations that provide specific design and construction requirements intended to result in a building for which post-earthquake structural and nonstructural capacity are maintained or can be restored to support the basic intended functions of the building's pre-earthquake use and occupancy within a maximum acceptable time, where the maximum acceptable time might differ for various uses or occupancies.

Emergency services buildings include any building, including buildings designed and constructed, for public agencies use, or designed to be used, as a fire station, police station, emergency operations center, Washington State Patrol office, sheriff's office, emergency communication dispatch center, or emergency shelter.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute):

- Makes changes to definition of catastrophic incident and excludes an event resulting from individuals exercising their rights, under the first amendment, of freedom of speech, and of the people to peaceably assemble from the definition of catastrophic incident.
- Requires the adjutant general develop guidance that may be used by local school districts in developing, maintaining, training and exercising catastrophic incident plans, subject to appropriations.
- Provides definitions for emergency services buildings and functional recovery standard.
- Creates a functional recovery task force to determine criteria and implementation measures necessary for the adoption of a functional recovery standard to apply to all emergency services buildings and state-owned buildings.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (State Government, Tribal Relations & Elections): PRO: This bill gives our Military Department additional authority to develop emergency catastrophic response plans. Washington is one of the most hazard prone areas of the county, ranking fourth in the nation. One of the key priorities is to increase safety of our school children. Schools are required to have plans in place under federal law which take under considerations normal hazards schools may encounter and so the intent is to work with the school districts as they review these plans each year to ensure that they also address planning for catastrophic incidents in the state as well.

Persons Testifying (State Government, Tribal Relations & Elections): PRO: Senator David Frockt, Prime Sponsor; Robert Ezelle, Washington Military Department Emergency Management Division.

Persons Signed In To Testify But Not Testifying (State Government, Tribal Relations & Elections): No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: This bill is extremely important for the safety of our school children. Planning is essential and it takes staff time to do it right. We live in one of the most hazard prone states in the country and we need to put plans into place to help provide safety for the nearly 1 million children who daily attend schools.

Persons Testifying (Ways & Means): PRO: Senator David Frockt, Prime Sponsor; Jason Marquiss, Deputy Director, Emergency Management Division, Washington Military Department.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.