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**SUBSTITUTE SENATE BILL 5557**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Local Government (originally sponsored by Senators Lias, Hunt, Van De Wege, Das, Kuderer, and Takko)

READ FIRST TIME 02/15/19.

1 AN ACT Relating to seismic hazard risk reduction; adding new  
2 sections to chapter 70.86 RCW; adding a new section to chapter 19.27  
3 RCW; adding a new section to chapter 38.52 RCW; creating a new  
4 section; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington  
7 state has the second highest earthquake risk in the United States.  
8 The seven hundred mile cascadia subduction zone represents an extreme  
9 threat to the Pacific Northwest, capable of generating a nine point  
10 zero or higher earthquake and tsunami. The most recent studies  
11 estimate ten thousand fatalities and direct economic losses of more  
12 than eighty billion dollars combined for Washington and Oregon. In  
13 addition to the cascadia subduction zone offshore, Washington's  
14 mainland is littered with active crustal faults which pose seismic  
15 hazards. The histories and hazards of many of these faults are still  
16 being uncovered. The legislature finds that developing a state that  
17 is prepared for these impending natural disasters will significantly  
18 mitigate the damage they can cause to its people, property, economy,  
19 and long-term survival.

20 (2) To that end, the legislature finds that important to this  
21 preparation effort is the concept of functional recovery: A

1 building's ability to support its intended use and occupancy,  
2 following a seismic event. Therefore, it is the intent of the  
3 legislature to convene a task force to develop criteria and  
4 implementation measures necessary for the adoption of a functional  
5 recovery standard to apply to all emergency services and state-owned  
6 buildings. The criteria developed by this task force will ensure that  
7 in the event of seismic disaster, emergency crews will be able to  
8 respond immediately to crisis and people will have a place to seek  
9 shelter and refuge. Furthermore, the legislature intends to create a  
10 position dedicated to seismic hazard works within the state military  
11 department, provide a tax preference to encourage functional recovery  
12 construction, establish a grant program for unreinforced masonry  
13 buildings, and authorize local governments to incentivize functional  
14 recovery in order to mitigate earthquake disaster. These measures are  
15 essential to protect the health, safety, and welfare of the people of  
16 the state of Washington.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.86  
18 RCW to read as follows:

19 The definitions in this section apply throughout this chapter  
20 unless the context clearly requires otherwise.

21 (1) "Emergency services building" means any building, including  
22 buildings designed and constructed, for public agencies used, or  
23 designed to be used, or any building a portion of which is used, or  
24 designed to be used, as a fire station, police station, emergency  
25 operations center, Washington state patrol office, sheriff's office,  
26 emergency communication dispatch center, or emergency shelter.

27 (2) "Functional recovery standard" means a set of enforceable  
28 building code provisions and regulations that provide specific design  
29 and construction requirements intended to result in a building for  
30 which postearthquake structural and nonstructural capacity are  
31 maintained or can be restored to support the basic intended functions  
32 of the building's preearthquake use and occupancy within a maximum  
33 acceptable time, where the maximum acceptable time might differ for  
34 various uses or occupancies.

35 (3) "Unreinforced masonry building" means a building with one or  
36 more bearing walls made of plain clay brick or clay tile masonry that  
37 provide the primary support for vertical loads from floors or roofs.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 70.86

2    RCW to read as follows:

3        (1)    The functional recovery task force is established to  
4    determine criteria and implementation measures necessary for the  
5    adoption of a functional recovery standard for all emergency services  
6    buildings and state-owned buildings.

7        (2)    Implementation measures must include:

8        (a)    Integration of infrastructure necessary to support functional  
9    recovery, including but not limited to water availability, electrical  
10   power, transportation, communications, fuel, and other services;

11       (b)    Practical means for implementing a functional recovery  
12   standard, including:

13       (i)    Amendments to the state building code;

14       (ii)   Estimated costs for compliance;

15       (iii)   Practical financial incentives and programs, including  
16   public-private partnerships to cover costs; and

17       (iv)   Education and outreach.

18       (3)    The work of the task force must be prioritized as follows:

19       (a)    Determination of criteria and implementation measures for the  
20   adoption of a functional recovery standard for all new emergency  
21   services buildings and state-owned buildings;

22       (b)    Identification of practical means for the seismic  
23   retrofitting of all existing emergency services buildings and state-  
24   owned buildings; and

25       (c)    Defining and establishing criteria and implementation  
26   measures for an immediate occupancy standard as considered in the  
27   National Institute of Standards and Technology (NIST) Special  
28   Publication 1224: Research Needs to Support Immediate Occupancy  
29   Building Performance Objective Following Natural Hazard Events.

30       (4)    In order to determine criteria for a functional recovery  
31   standard, the task force may examine:

32       (a)    The NIST report referenced in subsection (3)(c) of this  
33   section;

34       (b)    California Administrative Code, Part 1, Chapter 4,  
35   Administrative Regulations for the Division of the State Architect,  
36   Structural Safety; and

37       (c)    Any other relevant reports, industry and government  
38   standards, best practices, or academic research.

39       (5)    The task force must consist of:

1 (a) Two members from the house of representatives, with one  
2 member appointed from each of the two major caucuses of the house of  
3 representatives by the speaker of the house of representatives and  
4 the minority leader of the house of representatives;

5 (b) Two members from the senate, with one member appointed from  
6 each of the two major caucuses of the senate by the majority leader  
7 and minority leader of the senate; and

8 (c) Appropriate representatives from public and private sector  
9 entities, including but not limited to the:

- 10 (i) State building code council;
- 11 (ii) State military department;
- 12 (iii) Office of the insurance commissioner;
- 13 (iv) Department of enterprise services;
- 14 (v) Department of natural resources;
- 15 (vi) Department of ecology;
- 16 (vii) Local governments;
- 17 (viii) Department of commerce;
- 18 (ix) State board for architects;
- 19 (x) Building officials;
- 20 (xi) State fire marshal;
- 21 (xii) Structural and civil engineers;
- 22 (xiii) Insurance industry;
- 23 (xiv) Construction industry;
- 24 (xv) Washington geological survey;
- 25 (xvi) International code council; and
- 26 (xvii) First responders.

27 (6) Staff support for the task force must be provided by the  
28 senate committee services and the house of representatives office of  
29 program research.

30 (7) Legislative members of the task force are reimbursed for  
31 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
32 members are entitled to be reimbursed for travel expenses if they are  
33 elected officials or are participating on behalf of an employer,  
34 governmental entity, or other organization. Any reimbursement for  
35 other nonlegislative members is subject to chapter 43.03 RCW.

36 (8) The expenses of the task force must be paid jointly by the  
37 senate and the house of representatives. Task force expenditures are  
38 subject to approval by the senate facilities and operations committee  
39 and the house of representatives executive rules committee, or their  
40 successor committees.

1 (9) The task force must provide periodic progress reports after  
2 the completion of each priority listed in this section to the  
3 governor and the appropriate committees of the legislature. The  
4 progress reports must include findings, successes, challenges, and  
5 any recommendations to the legislature to assist the task force in  
6 its work.

7 (10) By December 1, 2021, and in compliance with RCW 43.01.036,  
8 the task force must report its final set of findings and  
9 recommendations to the governor and the appropriate committees of the  
10 legislature.

11 (11) This section expires December 31, 2021.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.86  
13 RCW to read as follows:

14 Cities, towns, and counties are authorized to enact programs and  
15 incentives to encourage new construction or seismic retrofitting that  
16 meet a functional recovery standard, including but not limited to:

- 17 (1) Grant or loan programs;  
18 (2) Tax exemptions, credits, or rebates;  
19 (3) Architectural fee reimbursement; and  
20 (4) Fee waivers, zoning modifications, transfer of development  
21 rights, and on-site parking exemptions.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.86  
23 RCW to read as follows:

24 (1) To protect residents from the dangers posed by unreinforced  
25 masonry buildings in the event of an earthquake, a state grant  
26 program is established for improving the earthquake safety of  
27 unreinforced masonry buildings.

28 (2) The department of commerce must develop and administer the  
29 program. The department may develop rules to administer the program.

30 (3) The department may consult with task force members as  
31 referenced in section 3(5)(c) of this act and other interested  
32 stakeholders in developing the program.

33 (4) Property owners may apply to the department for a grant to be  
34 used for the seismic retrofit costs of unreinforced masonry  
35 buildings.

36 (5) Grant awards must be determined through a competitive  
37 process. The department must develop award criteria, including but

1 not limited to the development of the relative weight to be assigned  
2 to the following criteria:

- 3 (a) The seismic retrofit's contribution towards public safety;
- 4 (b) The historic and cultural character of the building; and
- 5 (c) Avoidance of building demolition or vacancy.

6 (6) All grant awards must be matched by a one-to-one private-to-  
7 state match.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.27  
9 RCW to read as follows:

10 By December 31, 2025, in addition to the provisions of RCW  
11 19.27.031, the state building code must consist of Appendix A of the  
12 2018 International Existing Building Code, published by the  
13 International Code Council, Inc., which provides guidelines for the  
14 seismic retrofit of existing buildings.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 38.52  
16 RCW to read as follows:

17 (1) The military department emergency management division must  
18 synchronize catastrophic planning and preparedness activities for  
19 seismic hazards across all levels of government. The division will  
20 develop strategies to address the resilience for key lifeline  
21 critical infrastructure such as critical transportation, emergency  
22 communications, power, water, wastewater, and fuel.

23 (2) In addition, the military department emergency management  
24 division must partner with local government jurisdictions,  
25 nongovernmental associations, state agencies, and other relevant  
26 organizations to improve seismic risk reduction in Washington.  
27 Activities may include, but are not limited to: Synchronizing  
28 catastrophic planning and preparedness activities; catastrophic  
29 incident response planning; alert and warning; a recovery framework  
30 that establishes standards for recovery; and other initiatives as  
31 determined by the functional recovery task force established in  
32 section 3 of this act.

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