

SENATE BILL REPORT

SB 5221

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 15, 2011

Title: An act relating to intrastate building safety mutual aid in the event of emergencies and other situations that temporarily render a jurisdiction incapable of providing required building safety services.

Brief Description: Establishing the intrastate building safety mutual aid system.

Sponsors: Senators Swecker, Prentice, Shin, King, Kastama, Nelson and Chase.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/31/11, 2/15/11 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5221 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Chase, Nelson and Roach.

Staff: Diane Smith (786-7410)

Background: The Washington Association of Building Officials is a nonprofit, professional association of state, county, city, and town officials in Washington State engaged in the development, enforcement, and administration of building construction codes and ordinances. Membership includes building officials and inspectors, planners, architects, structural engineers, and others.

The Military Department administers the comprehensive emergency management program of the state. Each political subdivision of the state is directed to establish a local organization for emergency management in accordance with the state comprehensive emergency management plan and program. The director of each local organization may, in collaboration with other public and private agencies within the state, develop mutual aid arrangements for reciprocal aid and assistance.

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.

The Emergency Management Council (Council) advises the Governor and the Director of the Military Department, the Adjutant General, on all matters pertaining to state and local emergency management. The Council is composed of not more than 17 members appointed by the Governor, with membership from city and county government, police, fire, state and local emergency management directors, and building officials, among others.

These local arrangements must be consistent with the state comprehensive emergency management plan and program. It is the duty of each local organization to render assistance, in time of emergency, in accordance with the provisions of the local arrangement.

Summary of Bill (Recommended Substitute): The building safety mutual aid system provides mutual assistance among member jurisdictions in the case of emergency or to participate in training and exercises. Emergency means a situation that temporarily renders a building safety department incapable of providing building safety services.

Counties, cities, towns, as well as tribes, that make a written declaration of their intention to participate, are member jurisdictions. Other governmental entities responsible for building safety are also member jurisdictions.

The request and acceptance of assistance is made from chief executive officer to chief executive officer of member jurisdictions. The request and response are voluntary and the responding jurisdiction may withhold requested resources for any reason and at any time.

The requesting jurisdiction must reimburse the responding jurisdictions for the true and full value of assistance provided. Requests for reimbursement must be made within 30 days, as prescribed by the Intrastate Building Safety Mutual Aid Oversight Committee (Committee). However, a responding jurisdiction may donate its assistance and resources.

The Committee is created as a committee of the Washington Association of Building Officials. The Committee must be representative of building safety agencies and disciplines as well as local political subdivisions. Members are appointed by the President of the Washington Association of Building Officials. The Committee must meet at least annually. It must develop and update comprehensive guidelines and procedures implementing the system and draft guidelines, policies, and procedures to correct any deficiencies in the system.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): References to the state are removed: the state is not included as a member jurisdiction; the state is removed from the reimbursement section; the emergency management compact is removed from the section concerning authority for the deployment of temporary responders; the definition of the term department is removed; the State Emergency Management Department does not sit on the Intrastate Building Safety Mutual Aid Oversight Committee; the act is not codified in the Military Department title, but rather in the nonprofit corporations title.

The other governmental entities included among the member jurisdictions are redefined as those with responsibility to ensure building safety. In the original bill, these other governmental entities include those with the authority to declare a formal state of emergency.

Building aid responders under the mutual aid system are required to work within the infrastructure of any established incident command system, defined as an all-hazards, on-scene functional management system that establishes common standards in organization and a common system of incident objectives.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Original Bill: PRO: The flooding in Lewis County in the winter of 2007 demonstrated how difficult it was for other jurisdictions to help with the immediate needs of the citizens to have their homes and businesses inspected for habitability. In Katrina, building departments themselves were destroyed. Interstate aid was provided with a whatever-it-takes attitude with the result that reconstruction could begin weeks earlier. This bill simplifies the process here so that timely help can be provided without fiscal impact to the state. Currently local jurisdictions must have already put in place interlocal agreements to cover the lending of emergency help during emergencies that are occurring outside their own jurisdictions. This requires each jurisdiction to have thousands of agreements in order to respond to emergencies that might occur anywhere in the state. This bill would solve that.

CON: Another bill, SB 5420, provides for all-hazard, multi-disciplinary intrastate cooperation. This bill, SB 5221, is too narrowly crafted and inconsistent with existing law. There is already statutory authority for intrastate mutual aid agreements, supported by the Military Department, if they are consistent with and complement existing law concerning mutual aid and emergency management.

OTHER: We don't see a clear process for how this bill would work within the incident command system and need more time to look into it.

Persons Testifying: PRO: Senator Swecker, prime sponsor; Gary Allsup, L.G. Nelson, Washington Association of Building Officials; Tom Hill, Washington Association of Building Officials, City of Olympia; Dick Bower, Washington Association of Building Officials, City of Gig Harbor; John P. Neff, citizen.

CON: Jim Mullen, Washington Emergency Management Division.

OTHER: Mike Brown, Washington Fire Chiefs.