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### **TESTIMONY IN SUPPORT OF 2024 H-7936**

**AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT (LC5197/1)**

### **TESTIMONY IN SUPPORT OF 2024 H-7937**

**AN ACT RELATING TO BUSINESSES AND PROFESSIONS - ARCHITECTS (LC5202/1)**

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My name is Kenneth J. Filarski and I am the founder and owner of a business that is proud to be in Rhode Island. I am also a founder and President of the Rhode Island Architects & Engineers Emergency Response Task Force 7, a 501 c 3 non-profit corporation which was honored with a National Service Award by the American Institute of Architects and a Commendation by the Town of Westerly, RI for our disaster response work after Superstorm Sandy. (*refer to the attachments*)

This is a link to a national article about Task Force 7's work for your reference.

[https://www.aia.org/articles/163496-preparing-for-devastation-the-value-of-](https://www.aia.org/articles/163496-preparing-for-devastation-the-value-of)

I am here today representing myself, the Rhode Island Architects & Engineers Emergency Response Task Force 7, and the firm of FILARSKI/ARCHITECTURE+PLANNING+RESEARCH in **SUPPORT OF BOTH 2024 H-7936 and 2024 H-7937**.

FILARSKI/ARCHITECTURE+PLANNING+RESEARCH has been in continuous operation since the very first day of 1976 and has been honored with national, regional, and state awards for our ecology based work in architecture and planning.

My professional credentials are multi-disciplinary and holistic. I am honored and humbled to be a Fellow of the American Institute of Architects, and a LEED Fellow of the U.S. Green Building Council, one of only 39 professionals in the world to be recognized and honored with these two prestigious Fellowships. I am also one of the very first SITES Accredited Professionals in the world, a LEED Accredited Professional in Building Design & Construction, a nationally Certified Planner, a Certified Flood Plain Manager, a nationally certified disaster responder and nationally certified disaster responder trainer, and founder of the Rhode Island Architects and Engineers Emergency Response Task Force 7 being deployed in our coastal communities in the immediate aftermath of Superstorm Sandy. I serve as the Secretary on the Executive Board of the Providence/Cranston Workforce Investment Board, and Vice Chair of the Ratepayers Advisory Board of the RI Division of Public Utilities and Carriers. I am a member of the Advisory Board of the Rhode Island Executive Climate Change Coordinating Council (EC4), implementing Act On Climate. I also am Chair of the Green Buildings Advisory Committee, charged with guiding the implementation of The Green Buildings Act, RIGL 37-24.

As noted above I am certified by the California Office of Emergency Services as a nationally certified disaster responder, as a trainer of disaster responders, and as a trainer of disaster responder trainers. I served two terms as national Chair of the American Institute of Architects Disaster Assistance Committee and co-authoring and editing the AIA Disaster Assistance Handbook <https://www.aia.org/resource-center/disaster-assistance-handbook>, originator of the "Master the Disaster" board game, and originator of the Design Innovation Rapid Response Team which assists disaster stricken communities in that gap between Response and Recovery. I have trained well over 1,000 architects and engineers as disaster responders, including architects in Hawaii immediately after the Maui wildfires.

**DISASTERS ARE NOT GOING AWAY - They are becoming more frequent, more intense, with greater human and financial losses to individuals, businesses, and communities.**

**H-7936 and H-7937 are interrelated.**

- H-7937 clarifies and integrates this bill as it pertains to Architects with the statutory intent and language of H-7936.
- Without this legislation becoming law, short of an Executive Order, RI architects and engineers, and out of state architects will not be able to respond to a disaster in our state. We have been fortunate to date since Sandy.
- First and Second Disaster Responders are critical and essential to the life, safety, and welfare of our citizens, and to the buildings, structures, and properties that are impacted by any and all declared disaster events.
- Disaster responders are not only critical and essential to the point previously stated, but they are also critical and essential to the timeliness and the economic impacts of any disaster assistance funds requested by the State to the Federal Government.
- As an example the Rhode Island Architects & Engineers Emergency Response Task Force 7 (TF-7), which received national and local service award commendations (refer to the attached documents) following their work in Superstorm Sandy, were a significant factor in our disaster recovery by:
  - Mobilizing and responding in less than 24 hours;
  - Deploying over 5 days with 8 teams;
  - Conducting rapid safety assessments of over 1,600 homes and business structures;
  - Contributing critical field information, enabling the State of Rhode Island to receive more than \$39.4 Million in support from four Federal Disaster relief programs; and for
  - Rhode Island receiving Federal aid far in advance of other states along the Eastern seaboard.
- Currently Task Force 7 is "standing down" due to an existing legal opinion by the Rhode Island Attorney General's Office dated January, 2017 (*refer to the attachment*).

To quote from the 2017 email to the RI Emergency Management Agency: *"Although the individuals covered by these statutes receive immunity and/or the same rights of state employees, they are not "employees of the State of Rhode Island" which is central to representation by this office under R. I. Gen. Laws § 9-31-8. These private employees would therefore not be entitled to representation by this office under that statute."*

- The first order ramifications are that given this standing opinion of the Attorney General's Office, if the Attorney General does not consider disaster responders as State employees in this context, that very context could be extrapolated to other State statutes stating that disaster responders are not State employees.
- The second order ramifications is that the second responders of architects and engineers in Rhode Island, and across the country will not be protected, and therefore will not be able to be deployed as second responders in a declared disaster event. Disaster events need large numbers of responders being deployed. Without having the comprehensive protections for those second responders from the ranks of our own professionals, and those around the nation acting as true volunteers, who are serving our State and the citizens of our State, we are not acting responsibly.
- I humbly request passage of H-7936 and H-7937

Sincerely,



**Kenneth J. Filarski FAIA, LEED FELLOW, LEED AP BD+C, SITES AP, AICP, CFM, SAP+AEER, NCARB**  
**FILARSKI ARCHITECTURE+PLANNING+RESEARCH**

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THE AMERICAN INSTITUTE OF ARCHITECTS  
IS PRIVILEGED TO CONFER THIS  
NATIONAL SERVICE AWARD

UPON

AIA RHODE ISLAND

FOR THEIR LEADERSHIP IN PROVIDING ASSISTANCE TO THE  
CITIZENS OF THE OCEAN STATE'S COASTAL COMMUNITIES  
IN THE WAKE OF HURRICANE SANDY, WELL PREPARED TO LEND A  
HELPING HAND TO THOSE AFFECTED BY THE DISASTER,  
THE MEN AND WOMEN OF THE ARCHITECTS AND ENGINEERS  
EMERGENCY RESPONSE TASK FORCE (AEERTF)  
NOT ONLY SHOWED THEIR COMMITMENT TO THE HIGHEST  
STANDARDS OF THEIR PROFESSIONS, THEY DISPLAYED A QUALITY  
OF CARING AND COMPASSION THAT PROVIDED COMFORT TO  
THOSE WHO HAD LOST SO MUCH, AND BY THEIR EXAMPLE WERE A  
SOURCE OF HOPE FOR THE ULTIMATE SUCCESS OF  
THE RECOVERY EFFORT IN THE MONTHS AHEAD.

MARCH 2013

Robert Ivy, FAIA  
EVP/Chief Executive Officer

Mickey Jacob, FAIA  
2013 AIA President

Tina Litteral, Hon. AIA, CAE  
2013 CACE President



*Town of Westerly  
Rhode Island*

THE WESTERLY TOWN COUNCIL

EXTENDS

*Commendations*

TO THE

**RHODE ISLAND ARCHITECTS & ENGINEERS  
EMERGENCY RESPONSE TASK FORCE 7**

IN RECOGNITION OF ITS ASSISTANCE WITH THE RESPONSE AND RECOVERY EFFORTS TO RESTORE, RENEW AND REVITALIZE THE MISQUAMICUT AREA IN THE AFTERMATH OF HURRICANE SANDY, AND FURTHER EXTENDS ITS APPRECIATION TO THE RHODE ISLAND ARCHITECTS & ENGINEERS EMERGENCY RESPONSE TASK FORCE 7 FOR ITS GENEROUS AND TIRELESS SUPPORT THROUGHOUT THIS CHALLENGING ENDEAVOR TO BRING BACK THE BEACH.

IN WITNESS WHEREOF, WE HAVE HEREBY SET OUR HANDS AND CAUSED THE SEAL OF THE TOWN OF WESTERLY TO BE HEREUNTO AFFIXED THIS 3<sup>RD</sup> DAY OF JUNE 2013.



*Diana L. Serra*  
DIANA L. SERRA, PRESIDENT

*Kenneth Parrilla*  
KENNETH PARRILLA, VICE PRES.

*Caswell Cooke*  
CASWELL COOKE, JR.

*Andrew M. Gencarelli*  
ANDREW M. GENCARELLI

*John P. Carson Sr.*  
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*Patricia A. Douglas*  
PATRICIA A. DOUGLAS

*Christopher A. Duhamel*  
CHRISTOPHER A. DUHAMEL

ATTEST:

*Donna L. Giordano, MMC*  
DONNA L. GIORDANO, MMC, TOWN CLERK

**From:** "Flax, Anita (EMA)" <[anita.flax@ema.ri.gov](mailto:anita.flax@ema.ri.gov)>  
**To:** "[dsansoucy@sca.necoxmail.com](mailto:dsansoucy@sca.necoxmail.com)" <[dsansoucy@sca.necoxmail.com](mailto:dsansoucy@sca.necoxmail.com)>; "Hanrahan, David" <[dave.hanrahan@aipso.com](mailto:dave.hanrahan@aipso.com)>; 'Dave Grandpre' <[dave@capretzer.com](mailto:dave@capretzer.com)>; 'Kenneth J. Filarski' <[kjfilarski@yahoo.com](mailto:kjfilarski@yahoo.com)>; "[spiessarch@msn.com](mailto:spiessarch@msn.com)" <[spiessarch@msn.com](mailto:spiessarch@msn.com)>; "[rleacharchitects@gmail.com](mailto:rleacharchitects@gmail.com)" <[rleacharchitects@gmail.com](mailto:rleacharchitects@gmail.com)>  
**Cc:** "Pappas, Marc (EMA)" <[Marc.Pappas@ema.ri.gov](mailto:Marc.Pappas@ema.ri.gov)>  
**Sent:** Friday, January 6, 2017 11:23 AM  
**Subject:** AEER - Attorney General Representation

Below is the response from the Office of the Attorney General regarding representation of disaster response workers. The bottom line is that the Office of the Attorney General will not represent you. As we discussed, AEER can purchase insurance coverage that will provide legal representation should the need arise, or AEER can choose to continue on without insurance. Please let us know if AEER plans to continue to provide disaster response services to the State and if so, please sign and return the attached MOU.

Thank-you,

Anita

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Dear Anita

This is a follow-up to your email below about whether a disaster response worker who is provided statutory immunity pursuant to R. I. Gen. Laws § 30-15-15 or a mobile support unit member pursuant to R. I. Gen. Laws § 30-15-8 are state employees for purposes of representation by this office pursuant to R. I. Gen. Laws § 9-31-8.

We understand that the RIEMA designates private employees for purposes of assisting during a disaster response or in other emergency situations requiring a mobile response unit. As such, the General Assembly has provided that all activities relating to a disaster response are a governmental function and has provided immunity under § 30-15-15 for injuries sustained and property damage caused by disaster response workers. In addition, mobile support unit workers are entitled to same rights and immunities as state employees that you recognized. These private employees assisting during a disaster response or acting as mobile response workers can raise those statutory rights and immunities in the defense to an action against them. Although the individuals covered by these statutes receive immunity and/or the same rights of state employees, they are not "employees of the State of Rhode Island" which is central to representation by this office under R. I. Gen. Laws § 9-31-8. These private employees would therefore not be entitled to representation by this office under that statute. It is also important to note, that even when employees of the State seek representation in a legal matter by the Attorney General that the acceptance or rejection of any representation is made on a case by case basis.

If you should have any questions or would like to discuss further, please let me know.