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**SECOND SUBSTITUTE HOUSE BILL 1540**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Santos, Pollet, Appleton, Fitzgibbon, Hudgins, Gregerson, Stanford, Macri, Fey, Pettigrew, and Slatter)

AN ACT Relating to providing public notices of public health, safety, and welfare in a language other than English; amending RCW 38.52.070; adding a new section to chapter 1.20 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature finds that, as a matter of human rights, all persons are equally human and entitled to be equally informed of emergency notifications in a language they understand. All residents of Washington state are taxpayers and have paid for emergency notification in cases of emergency. It is the intent of the legislature to equally value all lives and ensure that all persons who may be in harm's way in an emergency are informed of their peril and appropriate actions they should take to protect themselves and their families.

NEW SECTION. **Sec.**  A new section is added to chapter 1.20 RCW to read as follows:

(1) State agencies required by law or rule to provide public notices to a community or area to advise or inform the public about an imminent or emergent public health, safety, or welfare risk shall provide notices in the language or in a manner that diverse residents can understand when a significant segment of the community speaks a language other than English and has limited proficiency in English. This requirement applies to notices that include, but are not limited to, proposed locations for criminal facilities or facilities that would house sex offenders. This requirement does not apply to the adoption of rules under chapter 34.05 RCW. When an emergency is declared by a local jurisdiction, authority, or the governor, the appropriate jurisdiction and state agencies shall provide related notices, information, and services in the languages represented by a significant segment of the specific affected area's demographic data.

(2) "Significant segment," for purposes of this section, means five percent or more of residents residing in the affected city, town, or county who are of limited English proficiency.

(3) Agencies shall implement the provisions of this section within existing funds.

**Sec.**  RCW 38.52.070 and 1997 c 49 s 4 are each amended to read as follows:

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization or to be a member of a joint local organization for emergency management in accordance with the state comprehensive emergency management plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for emergency management to the state director and secure his or her recommendations thereon, and verification of consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency management may be coordinated with the plan and program of the state. Local comprehensive emergency management plans must specify the use of the incident command system for multiagency/multijurisdiction operations. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director may authorize two or more political subdivisions to join in the establishment and operation of a joint local organization for emergency management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a joint local organization for emergency management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the . . . . . . emergency management fund. Each local organization or joint local organization for emergency management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or officers. In the case of a joint local organization for emergency management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. Each local organization or joint local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2)(a) Each local organization or joint local organization for emergency management that produces a comprehensive emergency management plan must include in its plan a communication plan for notifying significant segments of limited English speaking persons, as defined in section 2 of this act, of an imminent or emergent public health, safety, or welfare risk. Compliance with this subsection shall be determined through the normally scheduled review of comprehensive emergency management plans by the Washington military department emergency management division, and shall be conducted according to federal and state guidelines.

(b) Each local or joint local organization for emergency management that does not produce a comprehensive emergency management plan must produce a separate communication plan for notifying significant segments of limited English speaking persons, as defined in section 2 of this act, of an imminent or emergent public health, safety, or welfare risk.

(c) Plans produced under (a) and (b) of this subsection must be submitted by the local organization or joint local organization to the Washington military department emergency management division. An initial plan must be submitted by December 1, 2018, and subsequent plans must be submitted by December 31st every two years thereafter.

(d) Beginning on December 1, 2019, the Washington military department emergency management division must submit a report every two years to the relevant committees of the legislature including the communication plans it has received within the preceding two years pursuant to this subsection.

(3) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance and communication to the victims of such disaster in a manner or language the victims will understand. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void.

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