
SUBSTITUTE SENATE BILL 5046

State of Washington 65th Legislature 2017 Regular Session

By Senate Local Government (originally sponsored by Senators Hasegawa, Chase, Darneille, and Rolfes)

READ FIRST TIME 02/15/17.

1 AN ACT Relating to providing public notices of public health,
2 safety, and welfare in a language other than English; amending RCW
3 38.52.070; adding a new section to chapter 1.20 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that, as a matter of
7 human dignity, all persons are to be informed of emergency
8 notifications in a manner in which they can understand. It is the
9 intent of the legislature that all persons who may be in harm's way
10 in an emergency are informed of their peril, and informed of
11 appropriate actions they should take to protect themselves and their
12 families.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 1.20 RCW
14 to read as follows:

15 (1) State agencies required by law or rule to provide public
16 notices to a community or area to advise or inform the public about
17 an imminent or emergent public health, safety, or welfare risk shall
18 provide notices in a manner which has been determined to be most
19 effective in communicating with significant segments of their diverse
20 communities who speak a language other than English. This requirement

1 applies to notices that include, but are not limited to, proposed
2 locations for criminal facilities or facilities that would house sex
3 offenders. This requirement does not apply to the adoption of rules
4 under chapter 34.05 RCW. Under a state of emergency, state agencies
5 shall provide such notices, information, and services in a manner
6 determined to be most effective at communicating with significant
7 segments of the community in the affected area who speak a language
8 other than English.

9 (2) When issuing notices during emergencies including, but not
10 limited to, evacuation notices and shelter information, political
11 subdivisions or their emergency management contractors must share
12 that information in a manner determined to be most effective for
13 communicating with significant segments of the community who speak a
14 language other than English.

15 (3) "Significant segment," for purposes of this section, means
16 five percent or more of residents, or one thousand residents,
17 whichever is fewer, residing in the affected city, town, or county
18 who are of limited English proficiency.

19 (4) Agencies shall implement the provisions of this section
20 within existing funds.

21 **Sec. 3.** RCW 38.52.070 and 1997 c 49 s 4 are each amended to read
22 as follows:

23 (1) Each political subdivision of this state is hereby authorized
24 and directed to establish a local organization or to be a member of a
25 joint local organization for emergency management in accordance with
26 the state comprehensive emergency management plan and program:
27 PROVIDED, That a political subdivision proposing such establishment
28 shall submit its plan and program for emergency management to the
29 state director and secure his or her recommendations thereon, and
30 verification of consistency with the state comprehensive emergency
31 management plan, in order that the plan of the local organization for
32 emergency management may be coordinated with the plan and program of
33 the state. Local comprehensive emergency management plans must
34 specify the use of the incident command system for multiagency/
35 multijurisdiction operations. No political subdivision may be
36 required to include in its plan provisions for the emergency
37 evacuation or relocation of residents in anticipation of nuclear
38 attack. If the director's recommendations are adverse to the plan as
39 submitted, and, if the local organization does not agree to the

1 director's recommendations for modification to the proposal, the
2 matter shall be referred to the council for final action. The
3 director may authorize two or more political subdivisions to join in
4 the establishment and operation of a joint local organization for
5 emergency management as circumstances may warrant, in which case each
6 political subdivision shall contribute to the cost of emergency
7 management upon such fair and equitable basis as may be determined
8 upon by the executive heads of the constituent subdivisions. If in
9 any case the executive heads cannot agree upon the proper division of
10 cost the matter shall be referred to the council for arbitration and
11 its decision shall be final. When two or more political subdivisions
12 join in the establishment and operation of a joint local organization
13 for emergency management each shall pay its share of the cost into a
14 special pooled fund to be administered by the treasurer of the most
15 populous subdivision, which fund shall be known as the
16 emergency management fund. Each local organization or joint local
17 organization for emergency management shall have a director who shall
18 be appointed by the executive head of the political subdivision, and
19 who shall have direct responsibility for the organization,
20 administration, and operation of such local organization for
21 emergency management, subject to the direction and control of such
22 executive officer or officers. In the case of a joint local
23 organization for emergency management, the director shall be
24 appointed by the joint action of the executive heads of the
25 constituent political subdivisions. Each local organization or joint
26 local organization for emergency management shall perform emergency
27 management functions within the territorial limits of the political
28 subdivision within which it is organized, and, in addition, shall
29 conduct such functions outside of such territorial limits as may be
30 required pursuant to the provisions of this chapter.

31 (2) Each political subdivision shall maintain or have access to
32 updated demographic data for their jurisdictions and information on
33 the languages represented by their respective communities, and shall
34 grant access to such information to those authorized to issue
35 emergency notices on their behalf.

36 (3) In carrying out the provisions of this chapter each political
37 subdivision, in which any disaster as described in RCW 38.52.020
38 occurs, shall have the power to enter into contracts and incur
39 obligations necessary to combat such disaster, protecting the health
40 and safety of persons and property, and providing emergency

1 assistance and communication to the victims of such disaster using
2 methods most likely to reach significant segments of the population,
3 and in a manner determined to be most effective at conveying
4 emergency information. Each political subdivision is authorized to
5 exercise the powers vested under this section in the light of the
6 exigencies of an extreme emergency situation without regard to time-
7 consuming procedures and formalities prescribed by law (excepting
8 mandatory constitutional requirements), including, but not limited
9 to, budget law limitations, requirements of competitive bidding and
10 publication of notices, provisions pertaining to the performance of
11 public work, entering into contracts, the incurring of obligations,
12 the employment of temporary workers, the rental of equipment, the
13 purchase of supplies and materials, the levying of taxes, and the
14 appropriation and expenditures of public funds.

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