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**SUBSTITUTE SENATE BILL 5046**

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

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

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 a new section.

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

NEW SECTION. **Sec.**  The legislature finds that, as a matter of human dignity, all persons are to be informed of emergency notifications in a manner in which they can understand. It is the intent of the legislature that all persons who may be in harm's way in an emergency are informed of their peril, and informed of 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 a manner which has been determined to be most effective in communicating with significant segments of their diverse communities who speak a language other than 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. Under a state of emergency, state agencies shall provide such notices, information, and services in a manner determined to be most effective at communicating with significant segments of the community in the affected area who speak a language other than English.

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

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

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

(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 using methods most likely to reach significant segments of the population, and in a manner determined to be most effective at conveying emergency information. 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.

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