

SSB 5046 - H AMD 506

By Representative Santos

ADOPTED 04/11/2017

1 Strike everything after the enacting clause and insert the
2 following:

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

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 38.52
11 RCW to read as follows:

12 (1) When a state agency provides life safety information during
13 an emergency or disaster, it shall provide the life safety
14 information in a language or manner that can be understood by
15 significant population segments as defined in RCW 38.52.070, unless
16 technologically infeasible.

17 (2) When an emergency is proclaimed by a political subdivision,
18 the proclaiming political subdivision shall provide life safety
19 information in a language or manner that can be understood by
20 significant population segments as defined in RCW 38.52.070, unless
21 technologically infeasible.

22 (3) If a state agency or political subdivision does not provide
23 life safety information during an emergency or disaster as provided
24 in subsection (1) or (2) of this section due to its determination
25 that it was technologically infeasible, the state agency or political
26 subdivision must report to the relevant committees of the legislature
27 as soon as possible, but in no event later than thirty days following
28 the incident, describing the nature of the technological
29 infeasibility and a plan to remedy the issue.

1 **Sec. 3.** RCW 38.52.010 and 2015 c 61 s 1 are each reenacted and
2 amended to read as follows:

3 As used in this chapter:

4 (1) "Communication plan," as used in RCW 38.52.070, means a
5 section in a local comprehensive emergency management plan that
6 addresses emergency notification of life safety information.

7 (2) "Continuity of operations planning" means the internal effort
8 of an organization to assure that the capability exists to continue
9 essential functions and services in response to a comprehensive array
10 of potential emergencies or disasters.

11 ~~((2))~~ (3) "Department" means the state military department.

12 ~~((3))~~ (4) "Director" means the adjutant general.

13 ~~((4))~~ (5) "Emergency management" or "comprehensive emergency
14 management" means the preparation for and the carrying out of all
15 emergency functions, other than functions for which the military
16 forces are primarily responsible, to mitigate, prepare for, respond
17 to, and recover from emergencies and disasters, and to aid victims
18 suffering from injury or damage, resulting from disasters caused by
19 all hazards, whether natural, technological, or human caused, and to
20 provide support for search and rescue operations for persons and
21 property in distress. However, "emergency management" or
22 "comprehensive emergency management" does not mean preparation for
23 emergency evacuation or relocation of residents in anticipation of
24 nuclear attack.

25 ~~((5))~~ (6)(a) "Emergency or disaster" as used in all sections of
26 this chapter except RCW 38.52.430 shall mean an event or set of
27 circumstances which: (i) Demands immediate action to preserve public
28 health, protect life, protect public property, or to provide relief
29 to any stricken community overtaken by such occurrences, or (ii)
30 reaches such a dimension or degree of destructiveness as to warrant
31 the governor declaring a state of emergency pursuant to RCW
32 43.06.010.

33 (b) "Emergency" as used in RCW 38.52.430 means an incident that
34 requires a normal police, coroner, fire, rescue, emergency medical
35 services, or utility response as a result of a violation of one of
36 the statutes enumerated in RCW 38.52.430.

37 ~~((6))~~ (7) "Emergency response" as used in RCW 38.52.430 means a
38 public agency's use of emergency services during an emergency or
39 disaster as defined in subsection ~~((5))~~ (6)(b) of this section.

1 ~~((7))~~ (8) "Emergency worker" means any person who is registered
2 with a local emergency management organization or the department and
3 holds an identification card issued by the local emergency management
4 director or the department for the purpose of engaging in authorized
5 emergency management activities or is an employee of the state of
6 Washington or any political subdivision thereof who is called upon to
7 perform emergency management activities.

8 ~~((8))~~ (9) "Executive head" and "executive heads" means the
9 county executive in those charter counties with an elective office of
10 county executive, however designated, and, in the case of other
11 counties, the county legislative authority. In the case of cities and
12 towns, it means the mayor in those cities and towns with mayor-
13 council or commission forms of government, where the mayor is
14 directly elected, and it means the city manager in those cities and
15 towns with council manager forms of government. Cities and towns may
16 also designate an executive head for the purposes of this chapter by
17 ordinance.

18 ~~((9))~~ (10) "Expense of an emergency response" as used in RCW
19 38.52.430 means reasonable costs incurred by a public agency in
20 reasonably making an appropriate emergency response to the incident,
21 but shall only include those costs directly arising from the response
22 to the particular incident. Reasonable costs shall include the costs
23 of providing police, coroner, firefighting, rescue, emergency medical
24 services, or utility response at the scene of the incident, as well
25 as the salaries of the personnel responding to the incident.

26 ~~((10))~~ (11) "Incident command system" means: (a) An all-
27 hazards, on-scene functional management system that establishes
28 common standards in organization, terminology, and procedures;
29 provides a means (unified command) for the establishment of a common
30 set of incident objectives and strategies during multiagency/
31 multijurisdiction operations while maintaining individual agency/
32 jurisdiction authority, responsibility, and accountability; and is a
33 component of the national interagency incident management system; or
34 (b) an equivalent and compatible all-hazards, on-scene functional
35 management system.

36 ~~((11))~~ (12) "Injury" as used in this chapter shall mean and
37 include accidental injuries and/or occupational diseases arising out
38 of emergency management activities.

39 ~~((12))~~ (13) "Life safety information" means information or
40 instructions provided to people to reduce their risk of harm and to

1 keep them safe in response to life-threatening events. Such
2 information may include, but is not limited to, information regarding
3 evacuation, sheltering, sheltering-in-place, facility lockdown, and
4 where to obtain food and water.

5 (14) "Local director" means the director of a local organization
6 of emergency management or emergency services.

7 ((+13+)) (15) "Local organization for emergency services or
8 management" means an organization created in accordance with the
9 provisions of this chapter by state or local authority to perform
10 local emergency management functions.

11 ((+14+)) (16) "Political subdivision" means any county, city or
12 town.

13 ((+15+)) (17) "Public agency" means the state, and a city,
14 county, municipal corporation, district, town, or public authority
15 located, in whole or in part, within this state which provides or may
16 provide firefighting, police, ambulance, medical, or other emergency
17 services.

18 ((+16+)) (18) "Radio communications service company" has the
19 meaning ascribed to it in RCW 82.14B.020.

20 ((+17+)) (19) "Search and rescue" means the acts of searching
21 for, rescuing, or recovering by means of ground, marine, or air
22 activity any person who becomes lost, injured, or is killed while
23 outdoors or as a result of a natural, technological, or human caused
24 disaster, including instances involving searches for downed aircraft
25 when ground personnel are used. Nothing in this section shall affect
26 appropriate activity by the department of transportation under
27 chapter 47.68 RCW.

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

30 (1) Each political subdivision of this state is hereby authorized
31 and directed to establish a local organization or to be a member of a
32 joint local organization for emergency management in accordance with
33 the state comprehensive emergency management plan and program:
34 PROVIDED, That a political subdivision proposing such establishment
35 shall submit its plan and program for emergency management to the
36 state director and secure his or her recommendations thereon, and
37 verification of consistency with the state comprehensive emergency
38 management plan, in order that the plan of the local organization for
39 emergency management may be coordinated with the plan and program of

1 the state. Local comprehensive emergency management plans must
2 specify the use of the incident command system for multiagency/
3 multijurisdiction operations. No political subdivision may be
4 required to include in its plan provisions for the emergency
5 evacuation or relocation of residents in anticipation of nuclear
6 attack. If the director's recommendations are adverse to the plan as
7 submitted, and, if the local organization does not agree to the
8 director's recommendations for modification to the proposal, the
9 matter shall be referred to the council for final action. The
10 director may authorize two or more political subdivisions to join in
11 the establishment and operation of a joint local organization for
12 emergency management as circumstances may warrant, in which case each
13 political subdivision shall contribute to the cost of emergency
14 management upon such fair and equitable basis as may be determined
15 upon by the executive heads of the constituent subdivisions. If in
16 any case the executive heads cannot agree upon the proper division of
17 cost the matter shall be referred to the council for arbitration and
18 its decision shall be final. When two or more political subdivisions
19 join in the establishment and operation of a joint local organization
20 for emergency management each shall pay its share of the cost into a
21 special pooled fund to be administered by the treasurer of the most
22 populous subdivision, which fund shall be known as the
23 emergency management fund. Each local organization or joint local
24 organization for emergency management shall have a director who shall
25 be appointed by the executive head of the political subdivision, and
26 who shall have direct responsibility for the organization,
27 administration, and operation of such local organization for
28 emergency management, subject to the direction and control of such
29 executive officer or officers. In the case of a joint local
30 organization for emergency management, the director shall be
31 appointed by the joint action of the executive heads of the
32 constituent political subdivisions. Each local organization or joint
33 local organization for emergency management shall perform emergency
34 management functions within the territorial limits of the political
35 subdivision within which it is organized, and, in addition, shall
36 conduct such functions outside of such territorial limits as may be
37 required pursuant to the provisions of this chapter.

38 (2) In carrying out the provisions of this chapter each political
39 subdivision, in which any disaster as described in RCW 38.52.020
40 occurs, shall have the power to enter into contracts and incur

1 obligations necessary to combat such disaster, protecting the health
2 and safety of persons and property, and providing emergency
3 assistance to the victims of such disaster. Each political
4 subdivision is authorized to exercise the powers vested under this
5 section in the light of the exigencies of an extreme emergency
6 situation without regard to time-consuming procedures and formalities
7 prescribed by law (excepting mandatory constitutional requirements),
8 including, but not limited to, budget law limitations, requirements
9 of competitive bidding and publication of notices, provisions
10 pertaining to the performance of public work, entering into
11 contracts, the incurring of obligations, the employment of temporary
12 workers, the rental of equipment, the purchase of supplies and
13 materials, the levying of taxes, and the appropriation and
14 expenditures of public funds.

15 (3)(a) Each local organization or joint local organization for
16 emergency management that produces a local comprehensive emergency
17 management plan must include a communication plan for notifying
18 significant population segments of life safety information during an
19 emergency. Local organizations and joint local organizations are
20 encouraged to consult with affected community organizations in the
21 development of the communication plans.

22 (i) In developing communication plans, local organizations and
23 joint organizations should consider, as part of their determination
24 of the extent of the obligation to provide emergency notification to
25 significant population segments, the following factors: The number or
26 proportion of the limited English proficiency persons eligible to be
27 served or likely to be encountered; the frequency with which limited
28 English proficiency individuals come in contact with the emergency
29 notification; the nature and importance of the emergency
30 notification, service, or program to people's lives; and the
31 resources available to the political subdivision to provide emergency
32 notifications.

33 (ii) "Significant population segment" means, for the purposes of
34 this subsection (3), each limited English proficiency language group
35 that constitutes five percent or one thousand residents, whichever is
36 less, of the population of persons eligible to be served or likely to
37 be affected within a city, town, or county. The office of financial
38 management forecasting division's limited English proficiency
39 population estimates are the demographic data set for determining
40 eligible limited English proficiency language groups.

1 (b) Local organizations and joint local organizations must submit
2 the plans produced under (a) of this subsection to the Washington
3 military department emergency management division. An initial
4 communication plan must be submitted with the local organization or
5 joint local organization's next local emergency management plan
6 update following the effective date of this section, and subsequent
7 plans must be reviewed in accordance with the director's schedule.

8 (c) Beginning on December 1, 2019, the Washington military
9 department emergency management division must submit a report every
10 five years to the relevant committees of the legislature containing
11 the communication plans produced under (a) of this subsection.

12 NEW SECTION. Sec. 5. If specific funding for the purposes of
13 this act, referencing this act by bill or chapter number, is not
14 provided by June 30, 2017, in the omnibus appropriations act, this
15 act is null and void."

16 Correct the title.

EFFECT: (1) Retains the intent section, but removes all other provisions of the underlying bill, which:

(a) Required state agencies and local jurisdictions to provide specified emergency and safety-related notices and services in a manner that has been determined to be most effective in communicating with significant segments of a community that speak a language other than English; and

(b) Required each political subdivision to maintain or have access to updated demographic and language information for its jurisdiction.

(2) Replaces the removed provisions with provisions that do the following:

(a) Provides that, state agencies providing life safety information during an emergency or disaster, and political subdivisions during proclaimed emergencies, must provide life safety information in a language or manner that can be understood by significant population segments unless technologically infeasible. Requires, in instances in which provision of life safety information was determined to be technologically infeasible, that the state agency or political subdivision report to the Legislature describing the nature of the technological infeasibility and a plan to remedy the issue.

(b) Requires local organizations and joint local organizations for emergency management to include communication plans addressing emergency notification of life safety information to significant population segments as part of local comprehensive emergency management plans.

(c) Requires local organizations and joint local organizations to submit their communication plans to the Military Department Emergency Management Division at specified intervals, and requires the Military

Department to submit a report to the Legislature every five years, beginning December 1, 2019, containing the local communication plans.

(d) Defines "significant population segments" as those limited English proficient groups comprising five percent, or 1,000 residents, whichever is less, of the affected population, as determined using the Office of Financial Management's limited English proficiency population estimates.

(e) Defines "life safety information" as information or instructions provided to people to reduce their risk of harm and to keep them safe in response to life-threatening events, such as information regarding evacuation, sheltering and sheltering in place, facility lockdown, and where to obtain food and water.

(f) Adds a null and void clause.

--- END ---