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HOUSE BILL 1540

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Santos, Pollet, Appleton, Fitzgibbon, Hudgins, Gregerson, Stanford, Macri, Fey, Pettigrew, and Slatter

Read first time 01/23/17. Referred to Committee on Public Safety.

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 rights, all persons are equally human and entitled to be  
8 equally informed of emergency notifications in a language they  
9 understand. All residents of Washington state are taxpayers and have  
10 paid for emergency notification in cases of emergency. It is the  
11 intent of the legislature to equally value all lives and ensure that  
12 all persons who may be in harm's way in an emergency are informed of  
13 their peril and appropriate actions they should take to protect  
14 themselves and their families.

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

17 (1) State agencies required by law or rule to provide public  
18 notices to a community or area to advise or inform the public about  
19 an imminent or emergent public health, safety, or welfare risk shall  
20 provide notices in the language that diverse residents can understand

1 when a significant segment of the community speaks a language other  
2 than English and has limited proficiency in English. This requirement  
3 applies to notices that include, but are not limited to, proposed  
4 locations for criminal facilities or facilities that would house sex  
5 offenders. This requirement does not apply to the adoption of rules  
6 under chapter 34.05 RCW. Under a state of emergency, state agencies  
7 shall provide such notices, information, and services in the  
8 languages represented by the specific affected area's demographic  
9 data.

10 (2) During emergencies, political subdivisions' emergency  
11 management departments must provide accurate written and verbal  
12 notices including, but not limited to, evacuation notices and shelter  
13 information, in the languages represented by their communities who  
14 speak a language other than English.

15 (3) During emergencies, emergency management departments of  
16 political subdivisions must air public service announcements by radio  
17 or television broadcast in the languages represented by their  
18 communities who speak a language other than English.

19 (4) "Significant segment," for purposes of this section, means  
20 five percent or more of residents, or five hundred residents,  
21 whichever is fewer, residing in the affected city, town, or county  
22 who are of limited English proficiency.

23 (5) Agencies shall implement the provisions of this section  
24 within existing funds.

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

27 (1) Each political subdivision of this state is hereby authorized  
28 and directed to establish a local organization or to be a member of a  
29 joint local organization for emergency management in accordance with  
30 the state comprehensive emergency management plan and program:  
31 PROVIDED, That a political subdivision proposing such establishment  
32 shall submit its plan and program for emergency management to the  
33 state director and secure his or her recommendations thereon, and  
34 verification of consistency with the state comprehensive emergency  
35 management plan, in order that the plan of the local organization for  
36 emergency management may be coordinated with the plan and program of  
37 the state. Local comprehensive emergency management plans must  
38 specify the use of the incident command system for multiagency/  
39 multijurisdiction operations. No political subdivision may be

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

35 (2) Each local organization or joint local organization for  
36 emergency management shall maintain updated demographic data for  
37 their jurisdictions and information on the languages represented by  
38 their respective communities.

39 (3) In carrying out the provisions of this chapter each political  
40 subdivision, in which any disaster as described in RCW 38.52.020

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

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