

SSB 6164 - H COMM AMD

By Committee on Innovation, Community & Economic Development, & Veterans

ADOPTED 02/29/2024

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

3 **"Sec. 1.** RCW 38.52.070 and 2017 c 312 s 4 are each amended to
4 read as follows:

5 (1) Each political subdivision of this state is hereby authorized
6 and directed to establish a local organization or to be a member of a
7 joint local organization for emergency management in accordance with
8 the state comprehensive emergency management plan and program:
9 PROVIDED, That a political subdivision proposing such establishment
10 shall submit its plan and program for emergency management to the
11 state director and secure his or her recommendations thereon, and
12 verification of consistency with the state comprehensive emergency
13 management plan, in order that the plan of the local organization for
14 emergency management may be coordinated with the plan and program of
15 the state. Local comprehensive emergency management plans must
16 specify the use of the incident command system for multiagency/
17 multijurisdiction operations. No political subdivision may be
18 required to include in its plan provisions for the emergency
19 evacuation or relocation of residents in anticipation of nuclear
20 attack. If the director's recommendations are adverse to the plan as
21 submitted, and, if the local organization does not agree to the
22 director's recommendations for modification to the proposal, the
23 matter shall be referred to the council for final action. The
24 director may authorize two or more political subdivisions to join in
25 the establishment and operation of a joint local organization for
26 emergency management as circumstances may warrant, in which case each
27 political subdivision shall contribute to the cost of emergency
28 management upon such fair and equitable basis as may be determined
29 upon by the executive heads of the constituent subdivisions. If in
30 any case the executive heads cannot agree upon the proper division of
31 cost the matter shall be referred to the council for arbitration and
32 its decision shall be final. When two or more political subdivisions

1 join in the establishment and operation of a joint local organization
2 for emergency management each shall pay its share of the cost into a
3 special pooled fund to be administered by the treasurer of the most
4 populous subdivision, which fund shall be known as the
5 emergency management fund. Each local organization or joint local
6 organization for emergency management shall have a director who shall
7 be appointed by the executive head of the political subdivision, and
8 who shall have direct responsibility for the organization,
9 administration, and operation of such local organization for
10 emergency management, subject to the direction and control of such
11 executive officer or officers. In the case of a joint local
12 organization for emergency management, the director shall be
13 appointed by the joint action of the executive heads of the
14 constituent political subdivisions. Each local organization or joint
15 local organization for emergency management shall perform emergency
16 management functions within the territorial limits of the political
17 subdivision within which it is organized, and, in addition, shall
18 conduct such functions outside of such territorial limits as may be
19 required pursuant to the provisions of this chapter.

20 (2) In carrying out the provisions of this chapter each political
21 subdivision, in which any disaster as described in RCW 38.52.020
22 occurs, shall have the power to enter into contracts and incur
23 obligations necessary to combat such disaster, protecting the health
24 and safety of persons and property, and providing emergency
25 assistance to the victims of such disaster. Each political
26 subdivision is authorized to exercise the powers vested under this
27 section in the light of the exigencies of an extreme emergency
28 situation without regard to time-consuming procedures and formalities
29 prescribed by law (excepting mandatory constitutional requirements),
30 including, but not limited to, budget law limitations, requirements
31 of competitive bidding and publication of notices, provisions
32 pertaining to the performance of public work, entering into
33 contracts, the incurring of obligations, the employment of temporary
34 workers, the rental of equipment, the purchase of supplies and
35 materials, the levying of taxes, and the appropriation and
36 expenditures of public funds.

37 (3) (a) (i) Each local organization or joint local organization for
38 emergency management that produces a local comprehensive emergency
39 management plan must include a communication plan for notifying
40 significant population segments of life safety information during an

1 emergency. Local organizations and joint local organizations are
2 encouraged to consult with affected community organizations in the
3 development of the communication plans. Communication plans must
4 include an expeditious notification of citizens who can reasonably be
5 determined to be at risk during a hazardous material spill or release
6 pursuant to section 2 of this act.

7 ~~((i))~~ (ii) In developing communication plans, local
8 organizations and joint organizations should consider, as part of
9 their determination of the extent of the obligation to provide
10 emergency notification to significant population segments, the
11 following factors: The number or proportion of the limited English
12 proficiency persons eligible to be served or likely to be
13 encountered; the frequency with which limited English proficiency
14 individuals come in contact with the emergency notification; the
15 nature and importance of the emergency notification, service, or
16 program to people's lives; and the resources available to the
17 political subdivision to provide emergency notifications.

18 ~~((ii))~~ (iii) "Significant population segment" means, for the
19 purposes of this subsection (3), each limited English proficiency
20 language group that constitutes five percent or one thousand
21 residents, whichever is less, of the population of persons eligible
22 to be served or likely to be affected within a city, town, or county.
23 The office of financial management forecasting division's limited
24 English proficiency population estimates are the demographic data set
25 for determining eligible limited English proficiency language groups.

26 (b) Local organizations and joint local organizations must submit
27 the plans produced under (a) of this subsection to the Washington
28 military department emergency management division, and must implement
29 those plans. An initial communication plan must be submitted with the
30 local organization or joint local organization's next local emergency
31 management plan update following July 23, 2017, and subsequent plans
32 must be reviewed in accordance with the director's schedule.

33 (4) When conducting emergency or disaster after-action reviews,
34 local organizations and joint local organizations must evaluate the
35 effectiveness of communication of life safety information and must
36 inform the emergency management division of the Washington military
37 department of technological challenges which limited communications
38 efforts, along with identifying recommendations and resources needed
39 to address those challenges.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.136

2 RCW to read as follows:

3 (1) If a type 1 or 2 hazardous material spill or release occurs,
4 the department of ecology must provide for at least one public
5 meeting to inform the public about the hazardous material spill or
6 release.

7 (2) A public meeting conducted under this section must allow for
8 remote participation if technologically feasible and may be held
9 jointly with the county legislative authority's regularly scheduled
10 meeting as described in RCW 36.32.080 or a special meeting as
11 provided in RCW 42.30.080.

12 (3) A public meeting conducted under this section must include:

13 (a) A representative from the department of ecology;

14 (b) A representative from the local organization for emergency
15 services or management, as defined in RCW 38.52.010, in the
16 jurisdiction where the spill or release occurred; and

17 (c) A representative for the party responsible for the hazardous
18 material spill or release.

19 (4) For purposes of this section:

20 (a) A "type 1 hazardous material spill or release" is a spill or
21 release of national significance, requiring the activation of the
22 department of ecology's crisis management team, incident management
23 team, command, and general staff; involvement of the governor's
24 office and federal agency officials; establishment of area command;
25 and active involvement of the department of ecology spills program
26 manager. It may require the establishment of a national incident
27 commander.

28 (b) A "type 2 hazardous material spill or release" is a large or
29 major incident of long duration, requiring the activation of the
30 department of ecology's crisis management team, incident management
31 team, unified command at an appropriate command post, and most or all
32 of the command and general staff positions. It may require other
33 incident management teams, such as industry, federal, or local;
34 cascading of resources from other states; and establishment of area
35 command. The incident will go into multiple operational periods, and
36 requires significant product spilled and numerous sensitive sites
37 threatened. A written incident action plan will be required for each
38 operational period."

39 Correct the title.

EFFECT: Makes the following changes:

(1) Requires local organizations for emergency services or management's communication plans to expeditiously notify at-risk citizens of a Type 1 or 2 hazardous material spill or release, and eliminates the requirement that notification is by the most appropriate technology available.

(2) Defines a Type 1 and 2 hazardous material spill or release based on a Department of Ecology policy, including activation of certain agency teams and staff, involvement of the Governor's office and federal agencies, establishment of area command, involvement of the Spills Program Manager, and preparation of an Incident Action Plan.

(3) Requires the Department of Ecology, rather than local organizations for emergency services or management, to provide for at least one public meeting to inform the public about a Type 1 or 2 hazardous material spill or release, rather than any spill or release resulting in the establishment of an incident command system.

(4) Requires a representative from the local organization for emergency services or management in the jurisdiction where the spill or release occurred to attend the public meeting.

(5) Authorizes the public meeting to allow remote participation if technologically feasible, rather than requiring remote participation.

(6) Removes the requirement that a representative from the Washington Department of Fish and Wildlife attend the public meeting.

(7) Requires the party responsible for, rather than liable for, the spill or release to attend the public meeting.

--- END ---