

2SHB 1540 - S COMM AMD

By Committee on Local Government

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 language or manner they can understand, to the  
6 extent technologically feasible. It is the intent of the legislature  
7 that all persons who may be in harm's way in an emergency are  
8 informed of their peril, and informed of appropriate actions they  
9 should take to protect themselves and their families.

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

12 When an emergency is proclaimed by the governor, state agencies  
13 required by law or rule to provide life safety information shall  
14 provide life safety information, to the extent technologically  
15 feasible, in a language or manner that can be understood to  
16 significant population segments as defined in RCW 38.52.070.

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

19 (1) Each political subdivision of this state is hereby authorized  
20 and directed to establish a local organization or to be a member of a  
21 joint local organization for emergency management in accordance with  
22 the state comprehensive emergency management plan and program:  
23 PROVIDED, That a political subdivision proposing such establishment  
24 shall submit its plan and program for emergency management to the  
25 state director and secure his or her recommendations thereon, and  
26 verification of consistency with the state comprehensive emergency  
27 management plan, in order that the plan of the local organization for  
28 emergency management may be coordinated with the plan and program of  
29 the state. Local comprehensive emergency management plans must

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

37 (2)(a) Each local organization or joint local organization for  
38 emergency management which 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 or joint local organizations are  
2 encouraged to consult with affected community organizations in the  
3 development of the communication plans.

4 (i) "Significant population segment," for the purposes of this  
5 section, means each limited English proficiency language group that  
6 constitutes five percent or one thousand people, whichever is fewer,  
7 of the population of persons eligible to be served or likely to be  
8 affected within a city, town, or county. The office of financial  
9 management forecasting division's limited English proficiency  
10 population estimates will be the demographic data set for determining  
11 eligible limited English proficiency language groups.

12 (ii) In developing communication plans, local organizations and  
13 joint organizations should consider the following four factors: The  
14 number or proportion of the limited English proficiency persons  
15 eligible to be served or likely to be encountered; the frequency with  
16 which limited English proficiency individuals come in contact with  
17 the emergency notification; the nature and importance of the  
18 emergency notification, service, and/or program to people's lives;  
19 and the resources available to the state agency or political  
20 subdivision to provide emergency notifications.

21 (b) Plans produced under (a) of this subsection must be submitted  
22 to the Washington military department emergency management division  
23 on behalf of the local organization or joint local organization for  
24 emergency management that activity supports. Each initial  
25 communication plan must be submitted in accordance with the next  
26 local emergency management plan update for the local organization or  
27 joint local organization. Subsequent plans will be reviewed in  
28 accordance with the director's schedule.

29 (c) Beginning on December 1, 2019, the Washington military  
30 department emergency management division must submit a report every  
31 five years updating the relevant committee of the legislature  
32 regarding communication plan development and implementation progress.

33 (3) In carrying out the provisions of this chapter each political  
34 subdivision, in which any disaster as described in RCW 38.52.020  
35 occurs, shall have the power to enter into contracts and incur  
36 obligations necessary to combat such disaster, protecting the health  
37 and safety of persons and property, and providing emergency  
38 assistance to the victims of such disaster. Each political  
39 subdivision is authorized to exercise the powers vested under this  
40 section in the light of the exigencies of an extreme emergency

1 situation without regard to time-consuming procedures and formalities  
2 prescribed by law (excepting mandatory constitutional requirements),  
3 including, but not limited to, budget law limitations, requirements  
4 of competitive bidding and publication of notices, provisions  
5 pertaining to the performance of public work, entering into  
6 contracts, the incurring of obligations, the employment of temporary  
7 workers, the rental of equipment, the purchase of supplies and  
8 materials, the levying of taxes, and the appropriation and  
9 expenditures of public funds.

10 NEW SECTION. **Sec. 4.** If specific funding for the purposes of  
11 this act, referencing this act by bill or chapter number, is not  
12 provided by June 30, 2017, in the omnibus appropriations act, this  
13 act is null and void."

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14 On page 1, line 2 of the title, after "English;" strike the  
15 remainder of the title and insert "amending RCW 38.52.070; adding a  
16 new section to chapter 1.20 RCW; and creating new sections."

EFFECT: (1) Requires state agencies to provide life safety  
information, to the extent technologically feasible, in a language or  
manner that can be understood by significant population segments when  
an emergency has been proclaimed.

(2) Modifies the definition of "significant population segment"  
to mean each limited English proficiency (LEP) group that is 5% or  
1,000 people, whichever is fewer, of those eligible to be served or  
likely to be affected.

(3) Specifies that OFM's LEP population estimates will be used to  
determine eligible language groups.

(4) Provides four criteria that local organizations should  
consider when developing a communication plan, including the number  
of LEP persons, the frequency with which LEP persons come in contact  
with emergency notifications, the nature of the emergency  
notification, and the resources available to provide emergency  
notifications.

(5) Requires local organizations to submit communication plans to  
the Military Department at the next emergency management plan update  
and requires the Military Department to submit a report to the

Legislature every five years regarding communication plan development and implementation progress.

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