

SENATE BILL REPORT

SSB 5046

As Amended by House, April 21, 2017

Title: An act relating to providing public notices of public health, safety, and welfare in a language other than English.

Brief Description: Providing public notices of public health, safety, and welfare in a language other than English.

Sponsors: Senate Committee on Local Government (originally sponsored by Senators Hasegawa, Chase, Darneille and Rolfes).

Brief History:

Committee Activity: Local Government: 1/17/17, 2/14/17 [DPS].

Floor Activity:

Passed Senate: 2/27/17, 49-0.

Passed House: 4/11/17, 52-45; 4/21/17, 51-46.

Brief Summary of First Substitute Bill

- Requires state agencies to provide public notices and state of emergency notices in a manner most effective at communicating with significant segments of the community who speak a language other than English.
- Requires political subdivisions or their emergency management contractors to issue emergency notices in the same manner.
- Requires each political subdivision to maintain or have access to updated demographic and language information for its jurisdiction.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5046 be substituted therefor, and the substitute bill do pass.

Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Staff: Alex Fairfortune (786-7416)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: Limited English Proficient Services. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are referred to as Limited English proficient (LEP) individuals. In 2000, the President signed the LEP Executive Order which requires federal agencies and all recipients of federal financial assistance to provide meaningful access to LEP individuals, in accordance with Title VI of the Civil Rights Act of 1964. LEP services commonly include interpreter services and translation of printed materials.

Many state agencies within Washington provide LEP services, including the Department of Labor and Industries, the Department of Social and Health Services, and the Department of Transportation. Agency rules regarding publication of notices are determined by each individual agency.

Emergency Management. Each county, city, and town (Political Subdivision) in Washington must establish an emergency management organization by ordinance or resolution, either independently or in cooperation with another Political Subdivision. Every Political Subdivision must develop a local comprehensive emergency management plan to address all natural and man-made emergencies to which the Political Subdivision is vulnerable, and to provide a functional description of how warnings and emergency information will be addressed. Each plan must be tested each year and reviewed and updated every two years.

Summary of First Substitute Bill: State agencies that are required to provide public notices informing communities about public health, safety, and welfare risks must provide those notices in a manner which has been determined to be the most effective in communicating with significant segments of their diverse communities who speak a language other than English. State agencies, political subdivisions, and the emergency management contractors for political subdivisions must meet this same requirement when issuing notices during emergencies. A significant segment is five percent or more of residents, or one thousand residents, whichever is fewer, who are of limited English proficiency in the affected city, town, or county.

Each political subdivision must maintain or have access to updated demographic data for its jurisdiction as well as information on the languages represented within the community. Political subdivisions must grant access to that information to those who are authorized to issue emergency notices on their behalf.

Agencies must implement these notice requirements within existing funds.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill was requested by the

Commission on Hispanic Affairs. The 5 percent threshold comes from the Civil Rights Act. This is a civil rights issue and a social justice issue. The population of people who speak a language other than English at home is rapidly growing. When there were fires in Eastern Washington, farm workers were in the path of the fires, directly in harm's way, but they did not know they were in danger and had no instructions for protecting themselves. Updates in Spanish arrived a few days into the evacuation, and were in broken Spanish. Several years ago there was an electrical outage due to a storm in the Puget Sound region, and those who were unable to speak English did not know that they shouldn't use charcoal grills indoors. When Mt. St. Helens erupted, families who were unable to speak English were out in dangerous conditions because they didn't understand the warnings. In these emergency situations, deaths and injuries that resulted could have been averted if the people had understood the notifications.

CON: There are many aspects about the bill that need to be changed because it is unachievable. Allowing each jurisdiction to decide who would collect and maintain demographic data would be a positive change. It is most effective to use community networks that are already available to disseminate information, because some people are not literate in their native language or they don't trust government officials. It is problematic to require TV and radio public service announcements in foreign languages because not all announcements are made into TV and radio broadcasts. Requiring translations in multiple languages would lead to slowdowns in door-to-door notifications during urgent emergencies. Pre-translating is fine for certain circumstances, but complex messaging in over 20 languages would not fit on fliers, posters, or signs. Sometimes illustrations are more easily understood.

Persons Testifying: PRO: Senator Bob Hasegawa, Prime Sponsor; Josephine Tamayo Murray, Catholic Community Services; Ellicott Dandy, OneAmerica; Rosa Peralta, Latino Center for Health.

CON: Doug Levy, Cities of Renton & Everett; Deborah Needham, City of Renton - Emergency Management Director; Josh Weiss, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Removes the requirement that state agencies and local jurisdictions provide public safety and emergency notices in a manner that has been determined to be most effective at communicating with significant segments of the community that speak a language other than English.
- Removes the requirement that each political subdivision maintain or have access to updated demographic data and language information for its jurisdiction.
- Requires any state agency that provides life safety information during an emergency or disaster to provide the Legislature with a copy of its current communication plan for notifying significant population segments of that life safety information. These state agencies must also submit an annual report to the Legislature identifying instances of emergency or disaster in the preceding year in which life safety information was provided, and identify what public messaging strategies and means were used to notify citizens with limited English proficiency.

- Requires 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.
- Requires local organizations for emergency management to implement their communication plans and submit them to the Washington Military Department Emergency Management Division (WMD) at the next local emergency management plan update for that organization, with subsequent plans to be reviewed in accordance with the Director's schedule.
- Requires local organizations for emergency management to evaluate the effectiveness of communication of life safety information, and inform the WMD of technological challenges which limited communications efforts.
- Requires the WMD to submit a report every five years to the Legislature containing the status of communication plans produced by local organizations, and to submit an annual report to the Legislature including instances of emergency or disaster in which communication of life safety information was technologically infeasible.
- Defines "significant population segments" as those limited English proficient groups comprising 5 percent, or 1000 residents, whichever is less, of the population of persons eligible to be served or likely to be affected, as determined using the Office of Financial Management's limited English proficiency population estimates.
- Defines "life safety information" as information provided to people during a response to life-threatening emergency or disaster informing them of actions they can take to preserve their safety, such as information regarding evacuation, sheltering and sheltering in place, facility lockdown, and where to obtain food and water.
- Adds a null and void clause and removes the provision stating that agencies must implement notice requirements within existing funds.