

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5046**

65th Legislature  
2017 Regular Session

Passed by the Senate April 21, 2017  
Yeas 48 Nays 0

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**President of the Senate**

Passed by the House April 21, 2017  
Yeas 51 Nays 46

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5046** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5046**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

**State of Washington                      65th Legislature                      2017 Regular Session**

**By Senate Local Government (originally sponsored by Senators Hasegawa, Chase, Darneille, and Rolfes)**

READ FIRST TIME 02/15/17.

1            AN ACT Relating to providing public notices of public health,  
2 safety, and welfare in a language other than English; amending RCW  
3 38.52.010 and 38.52.070; adding new sections to chapter 38.52 RCW;  
4 and creating new sections.

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 dignity, all persons should be informed of emergency  
8 notifications in a manner in which they can understand. It is the  
9 intent of the legislature that all persons who may be in harm's way  
10 in an emergency are informed of their peril, and informed of  
11 appropriate actions they should take to protect themselves and their  
12 families.

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

15            Beginning December 1, 2019, a state agency that provides life  
16 safety information in an emergency or disaster must provide, to the  
17 relevant committees of the legislature, a copy of its current  
18 communication plan for notifying significant population segments of  
19 such information, including the agency's point of contact. The state  
20 agency must also submit an annual report to the relevant committees

1 of the legislature identifying those instances of emergency or  
2 disaster in the preceding year in which life safety information was  
3 provided and what public messaging strategies and means were used to  
4 notify citizens with limited English proficiency.

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

7 As used in this chapter:

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

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

15 ((+2)) (3) "Department" means the state military department.

16 ((+3)) (4) "Director" means the adjutant general.

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

29 ((+5)) (6)(a) "Emergency or disaster" as used in all sections of  
30 this chapter except RCW 38.52.430 shall mean an event or set of  
31 circumstances which: (i) Demands immediate action to preserve public  
32 health, protect life, protect public property, or to provide relief  
33 to any stricken community overtaken by such occurrences, or (ii)  
34 reaches such a dimension or degree of destructiveness as to warrant  
35 the governor declaring a state of emergency pursuant to RCW  
36 43.06.010.

37 (b) "Emergency" as used in RCW 38.52.430 means an incident that  
38 requires a normal police, coroner, fire, rescue, emergency medical

1 services, or utility response as a result of a violation of one of  
2 the statutes enumerated in RCW 38.52.430.

3 ~~((+6))~~ (7) "Emergency response" as used in RCW 38.52.430 means a  
4 public agency's use of emergency services during an emergency or  
5 disaster as defined in subsection ~~((+5))~~ (6)(b) of this section.

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

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

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

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

1        ~~((11))~~ (12) "Injury" as used in this chapter shall mean and  
2 include accidental injuries and/or occupational diseases arising out  
3 of emergency management activities.

4        ~~((12))~~ (13) "Life safety information" means information  
5 provided to people during a response to a life-threatening emergency  
6 or disaster informing them of actions they can take to preserve their  
7 safety. Such information may include, but is not limited to,  
8 information regarding evacuation, sheltering, sheltering-in-place,  
9 facility lockdown, and where to obtain food and water.

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

12        ~~((13))~~ (15) "Local organization for emergency services or  
13 management" means an organization created in accordance with the  
14 provisions of this chapter by state or local authority to perform  
15 local emergency management functions.

16        ~~((14))~~ (16) "Political subdivision" means any county, city or  
17 town.

18        ~~((15))~~ (17) "Public agency" means the state, and a city,  
19 county, municipal corporation, district, town, or public authority  
20 located, in whole or in part, within this state which provides or may  
21 provide firefighting, police, ambulance, medical, or other emergency  
22 services.

23        ~~((16))~~ (18) "Radio communications service company" has the  
24 meaning ascribed to it in RCW 82.14B.020.

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

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

35        (1) Each political subdivision of this state is hereby authorized  
36 and directed to establish a local organization or to be a member of a  
37 joint local organization for emergency management in accordance with  
38 the state comprehensive emergency management plan and program:  
39 PROVIDED, That a political subdivision proposing such establishment

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

1 conduct such functions outside of such territorial limits as may be  
2 required pursuant to the provisions of this chapter.

3 (2) In carrying out the provisions of this chapter each political  
4 subdivision, in which any disaster as described in RCW 38.52.020  
5 occurs, shall have the power to enter into contracts and incur  
6 obligations necessary to combat such disaster, protecting the health  
7 and safety of persons and property, and providing emergency  
8 assistance to the victims of such disaster. Each political  
9 subdivision is authorized to exercise the powers vested under this  
10 section in the light of the exigencies of an extreme emergency  
11 situation without regard to time-consuming procedures and formalities  
12 prescribed by law (excepting mandatory constitutional requirements),  
13 including, but not limited to, budget law limitations, requirements  
14 of competitive bidding and publication of notices, provisions  
15 pertaining to the performance of public work, entering into  
16 contracts, the incurring of obligations, the employment of temporary  
17 workers, the rental of equipment, the purchase of supplies and  
18 materials, the levying of taxes, and the appropriation and  
19 expenditures of public funds.

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

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

38 (ii) "Significant population segment" means, for the purposes of  
39 this subsection (3), each limited English proficiency language group  
40 that constitutes five percent or one thousand residents, whichever is

1 less, of the population of persons eligible to be served or likely to  
2 be affected within a city, town, or county. The office of financial  
3 management forecasting division's limited English proficiency  
4 population estimates are the demographic data set for determining  
5 eligible limited English proficiency language groups.

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

14 (4) When conducting emergency or disaster after-action reviews,  
15 local organizations and joint local organizations must evaluate the  
16 effectiveness of communication of life safety information and must  
17 inform the emergency management division of the Washington military  
18 department of technological challenges which limited communications  
19 efforts, along with identifying recommendations and resources needed  
20 to address those challenges.

21 NEW SECTION. Sec. 5. A new section is added to chapter 38.52  
22 RCW to read as follows:

23 (1) Beginning December 1, 2019, the Washington military  
24 department emergency management division must submit a report every  
25 five years to the relevant committees of the legislature containing  
26 the status of communication plans produced under RCW 38.52.070(3)(a).

27 (2) The emergency management division of the Washington military  
28 department must provide the legislature an annual report on instances  
29 of emergency or disaster in which communication of life safety  
30 information was technologically infeasible, as reported to the  
31 department pursuant to RCW 38.52.070(4). When potential technology  
32 solutions exist, the report must include recommendations and an  
33 estimate of resources required to remedy the infeasibility. The first  
34 annual report is due December 1, 2019.

35 NEW SECTION. Sec. 6. If specific funding for the purposes of  
36 this act, referencing this act by bill or chapter number, is not



1 provided by June 30, 2017, in the omnibus appropriations act, this  
2 act is null and void.

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