
SUBSTITUTE SENATE BILL 6164

State of Washington

68th Legislature

2024 Regular Session

By Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senator Wagoner)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to county emergency management plans; and
2 amending RCW 38.52.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

6 (1) Each political subdivision of this state is hereby authorized
7 and directed to establish a local organization or to be a member of a
8 joint local organization for emergency management in accordance with
9 the state comprehensive emergency management plan and program:
10 PROVIDED, That a political subdivision proposing such establishment
11 shall submit its plan and program for emergency management to the
12 state director and secure his or her recommendations thereon, and
13 verification of consistency with the state comprehensive emergency
14 management plan, in order that the plan of the local organization for
15 emergency management may be coordinated with the plan and program of
16 the state. Local comprehensive emergency management plans must
17 specify the use of the incident command system for multiagency/
18 multijurisdiction operations. No political subdivision may be
19 required to include in its plan provisions for the emergency
20 evacuation or relocation of residents in anticipation of nuclear
21 attack. If the director's recommendations are adverse to the plan as

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

32 (2) In carrying out the provisions of this chapter each political
33 subdivision, in which any disaster as described in RCW 38.52.020
34 occurs, shall have the power to enter into contracts and incur
35 obligations necessary to combat such disaster, protecting the health
36 and safety of persons and property, and providing emergency
37 assistance to the victims of such disaster. Each political
38 subdivision is authorized to exercise the powers vested under this
39 section in the light of the exigencies of an extreme emergency
40 situation without regard to time-consuming procedures and formalities

1 prescribed by law (excepting mandatory constitutional requirements),
2 including, but not limited to, budget law limitations, requirements
3 of competitive bidding and publication of notices, provisions
4 pertaining to the performance of public work, entering into
5 contracts, the incurring of obligations, the employment of temporary
6 workers, the rental of equipment, the purchase of supplies and
7 materials, the levying of taxes, and the appropriation and
8 expenditures of public funds.

9 (3) (a) (i) Each local organization or joint local organization for
10 emergency management that produces a local comprehensive emergency
11 management plan must include a communication plan for notifying
12 significant population segments of life safety information during an
13 emergency. Local organizations and joint local organizations are
14 encouraged to consult with affected community organizations in the
15 development of the communication plans. Communication plans must
16 include an expeditious notification of citizens who can reasonably be
17 determined to be at risk during a hazardous material spill or
18 release. Notification shall be via the most appropriate technology
19 available to determine citizen risk levels.

20 ~~((i))~~ (ii) (A) If a hazardous material release or spill
21 necessitates the establishment of an incident command system as
22 defined in RCW 38.52.010, a local organization or joint local
23 organization must provide for at least one public meeting to inform
24 the public about the hazardous material spill or release.

25 (B) A public meeting conducted under this subsection must allow
26 for remote participation and may be held jointly with the county
27 legislative authority's regularly scheduled meeting as described in
28 RCW 36.32.080 or a special meeting as provided in RCW 42.30.080.

29 (C) A public meeting conducted under this subsection must include
30 representatives from the department of ecology, department of fish
31 and wildlife, and the party liable for the hazardous material spill
32 or release.

33 (iii) In developing communication plans, local organizations and
34 joint organizations should consider, as part of their determination
35 of the extent of the obligation to provide emergency notification to
36 significant population segments, the following factors: The number or
37 proportion of the limited English proficiency persons eligible to be
38 served or likely to be encountered; the frequency with which limited
39 English proficiency individuals come in contact with the emergency
40 notification; the nature and importance of the emergency

1 notification, service, or program to people's lives; and the
2 resources available to the political subdivision to provide emergency
3 notifications.

4 ~~((iii))~~ (iv) "Significant population segment" means, for the
5 purposes of this subsection (3), each limited English proficiency
6 language group that constitutes five percent or one thousand
7 residents, whichever is less, of the population of persons eligible
8 to be served or likely to be affected within a city, town, or county.
9 The office of financial management forecasting division's limited
10 English proficiency population estimates are the demographic data set
11 for determining eligible limited English proficiency language groups.

12 (b) Local organizations and joint local organizations must submit
13 the plans produced under (a) of this subsection to the Washington
14 military department emergency management division, and must implement
15 those plans. An initial communication plan must be submitted with the
16 local organization or joint local organization's next local emergency
17 management plan update following July 23, 2017, and subsequent plans
18 must be reviewed in accordance with the director's schedule.

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

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