
SECOND SUBSTITUTE HOUSE BILL 1540

State of Washington

65th Legislature

2017 Regular Session

By House Appropriations (originally sponsored by Representatives Santos, Pollet, Appleton, Fitzgibbon, Hudgins, Gregerson, Stanford, Macri, Fey, Pettigrew, and Slatter)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to providing public notices of public health,
2 safety, and welfare in a language other than English; amending RCW
3 38.52.070; adding a new section to chapter 1.20 RCW; and creating new
4 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 rights, all persons are equally human and entitled to be
8 equally informed of emergency notifications in a language they
9 understand. All residents of Washington state are taxpayers and have
10 paid for emergency notification in cases of emergency. It is the
11 intent of the legislature to equally value all lives and ensure that
12 all persons who may be in harm's way in an emergency are informed of
13 their peril and appropriate actions they should take to protect
14 themselves and their families.

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

17 (1) State agencies required by law or rule to provide public
18 notices to a community or area to advise or inform the public about
19 an imminent or emergent public health, safety, or welfare risk shall
20 provide notices in the language or in a manner that diverse residents

1 can understand when a significant segment of the community speaks a
2 language other than English and has limited proficiency in English.
3 This requirement applies to notices that include, but are not limited
4 to, proposed locations for criminal facilities or facilities that
5 would house sex offenders. This requirement does not apply to the
6 adoption of rules under chapter 34.05 RCW. When an emergency is
7 declared by a local jurisdiction, authority, or the governor, the
8 appropriate jurisdiction and state agencies shall provide related
9 notices, information, and services in the languages represented by a
10 significant segment of the specific affected area's demographic data.

11 (2) "Significant segment," for purposes of this section, means
12 five percent or more of residents residing in the affected city,
13 town, or county who are of limited English proficiency.

14 (3) Agencies shall implement the provisions of this section
15 within existing funds.

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

18 (1) Each political subdivision of this state is hereby authorized
19 and directed to establish a local organization or to be a member of a
20 joint local organization for emergency management in accordance with
21 the state comprehensive emergency management plan and program:
22 PROVIDED, That a political subdivision proposing such establishment
23 shall submit its plan and program for emergency management to the
24 state director and secure his or her recommendations thereon, and
25 verification of consistency with the state comprehensive emergency
26 management plan, in order that the plan of the local organization for
27 emergency management may be coordinated with the plan and program of
28 the state. Local comprehensive emergency management plans must
29 specify the use of the incident command system for multiagency/
30 multijurisdiction operations. No political subdivision may be
31 required to include in its plan provisions for the emergency
32 evacuation or relocation of residents in anticipation of nuclear
33 attack. If the director's recommendations are adverse to the plan as
34 submitted, and, if the local organization does not agree to the
35 director's recommendations for modification to the proposal, the
36 matter shall be referred to the council for final action. The
37 director may authorize two or more political subdivisions to join in
38 the establishment and operation of a joint local organization for
39 emergency management as circumstances may warrant, in which case each

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

26 (2)(a) Each local organization or joint local organization for
27 emergency management that produces a comprehensive emergency
28 management plan must include in its plan a communication plan for
29 notifying significant segments of limited English speaking persons,
30 as defined in section 2 of this act, of an imminent or emergent
31 public health, safety, or welfare risk. Compliance with this
32 subsection shall be determined through the normally scheduled review
33 of comprehensive emergency management plans by the Washington
34 military department emergency management division, and shall be
35 conducted according to federal and state guidelines.

36 (b) Each local or joint local organization for emergency
37 management that does not produce a comprehensive emergency management
38 plan must produce a separate communication plan for notifying
39 significant segments of limited English speaking persons, as defined

1 in section 2 of this act, of an imminent or emergent public health,
2 safety, or welfare risk.

3 (c) Plans produced under (a) and (b) of this subsection must be
4 submitted by the local organization or joint local organization to
5 the Washington military department emergency management division. An
6 initial plan must be submitted by December 1, 2018, and subsequent
7 plans must be submitted by December 31st every two years thereafter.

8 (d) Beginning on December 1, 2019, the Washington military
9 department emergency management division must submit a report every
10 two years to the relevant committees of the legislature including the
11 communication plans it has received within the preceding two years
12 pursuant to this subsection.

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

31 NEW SECTION. Sec. 4. If specific funding for the purposes of
32 this act, referencing this act by bill or chapter number, is not
33 provided by June 30, 2017, in the omnibus appropriations act, this
34 act is null and void.

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