
SUBSTITUTE SENATE BILL 5046

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.

--- END ---