

HOUSE BILL REPORT

SHB 1675

As Passed House:

February 7, 2008

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

Brief Description: Providing certain public notices in a language other than English.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Santos, Curtis, McDermott, Williams, Upthegrove, Hasegawa, Roberts, Schual-Berke, Simpson and Darneille).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/5/07, 2/26/07 [DP];

Appropriations: 3/3/07, 3/5/07 [DPS].

Floor Activity:

Passed House: 2/7/08, 94-0.

Brief Summary of Substitute Bill

- Requires state agencies to provide public notices regarding public health, safety, or welfare risks in a language other than English if 5 percent or more of the residents residing in the affected community are individuals with limited English proficiency.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Lovick.

Staff: Alison Hellberg (786-7152).

HOUSE COMMITTEE ON APPROPRIATIONS

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 34 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

Staff: Kirk Schmidt (786-7118).

Background:

Many state and local agencies are required to provide services and materials in languages other than English to individuals with limited English proficiency. Other agencies, although not required, make efforts to provide some services and materials in languages other than English.

Individuals with limited English proficiency involved in legal proceedings must be provided with interpreters. The Administrative Office of the Courts must prepare and make available written information regarding the protection order process, sexual assault, and domestic violence.

When an individual with limited English proficiency is a party in an adjudicative proceeding, the agency is required to write all notices concerning the hearing in the primary language of the party. A notice must also include information on how the party may get assistance in understanding and responding to the notice. A qualified interpreter must be provided to a party during a hearing.

Under the Worker and Community Right to Know Act (Know Act), the Department of Labor and Industries must prepare and make available to employers or the public a translation in any of the five most common languages other than English used in the workplace of written materials regarding safety and hazard communication standards. Under the Know Act, employers who employ individuals with limited English proficiency are to make reasonable efforts to post notices in employees' native languages.

Section 203 of the federal Voting Rights Act requires a state or political subdivision to offer "voting materials" in minority languages within four language groups: American Indian, Asian American, Alaskan native, or Spanish heritage. This law applies if more than 10,000 or over 5 percent of the total voting age citizens in a county are members of a single minority language group and are limited in English proficiency. In Washington, four counties are required to provide voting materials in additional languages: Adams, Franklin, and Yakima counties must provide voting materials in Spanish, and King County must provide materials in Chinese.

Summary of Substitute Bill:

State agencies must provide public notices regarding public health, safety, or welfare risks in languages other than English when a significant segment of the affected community speaks a language other than English and has a limited proficiency in English. "Significant segment" is defined as 5 percent or more of the residents residing in the affected city, town, or county who are of limited English proficiency.

This requirement applies to proposed locations for criminal facilities or facilities that would house sex offenders. This requirement does not apply to the adoption of rules under the Administrative Procedures Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: (Public Safety & Emergency Preparedness)

(In support) Other state statutes already require that state agencies provide notice in languages other than English. This bill is modeled after the Voting Rights Act. It is different than bills introduced in the past because it focuses on state agencies and does not require local agencies to do so.

When the Legislature requires that a public notice go out, it does so because there is an actual need for people to know about a risk or danger. This is a serious problem for those with limited English proficiency. People who live here should learn English, but for some people that is extremely difficult because of various circumstances. Many of the people who died in the past few storms were those with limited English proficiency. Newspapers made an effort to post important emergency preparedness information in languages other than English, but the state should not depend on this. A measured effort should be made that when emergency notifications are warranted, they be understood.

(Opposed) None.

Staff Summary of Public Testimony: (Appropriations)

(In support) Emergency communications should be sent in an understandable fashion to people with limited English capabilities. During the December ice storms, several people died because they did not understand communications that were distributed directing them to refrain from using generators. Support is given for an amendment to require agencies to implement the bill within existing resources.

(Opposed) None.

Persons Testifying: (Public Safety & Emergency Preparedness) Representative Santos, prime sponsor.

Persons Testifying: (Appropriations) Seth Dawson, Washington State Association for Community Action.

Persons Signed In To Testify But Not Testifying: (Public Safety & Emergency Preparedness) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.