

SSB 5046 - H AMD TO H AMD (H-2673.1/17) 514
By Representative Hayes

WITHDRAWN 04/11/2017

1 On page 1, beginning on line 3 of the amendment, strike all of
2 section 1 and insert the following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that, as a matter
4 of human dignity, all persons are to be informed of emergency
5 notifications in a language or manner they can understand, to the
6 extent technologically feasible. It is the intent of the legislature
7 that all persons who may be in harm's way in an emergency are
8 informed of their peril, and informed of appropriate actions they
9 should take to protect themselves and their families."

10 On page 1, beginning on line 10 of the amendment, strike all of
11 section 2 and insert the following:

12 "NEW SECTION. **Sec. 2.** A new section is added to chapter 1.20
13 RCW to read as follows:

14 When an emergency is proclaimed by the governor, state agencies
15 required by law or rule to provide life safety information shall
16 provide life safety information, to the extent technologically
17 feasible, in a language or manner that can be understood to
18 significant population segments as defined in RCW 38.52.070."

19 Beginning on page 2, line 1 of the amendment, strike all of
20 sections 3 and 4 and insert the following:

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

23 (1) Each political subdivision of this state is hereby authorized
24 and directed to establish a local organization or to be a member of a
25 joint local organization for emergency management in accordance with
26 the state comprehensive emergency management plan and program:
27 PROVIDED, That a political subdivision proposing such establishment
28 shall submit its plan and program for emergency management to the
29 state director and secure his or her recommendations thereon, and

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

1 (2)(a) Each local organization or joint local organization for
2 emergency management which produces a local comprehensive emergency
3 management plan must include a communication plan for notifying
4 significant population segments of life safety information during an
5 emergency. Local organizations or joint local organizations are
6 encouraged to consult with affected community organizations in the
7 development of the communication plans.

8 (i) "Significant population segment," for the purposes of this
9 section, means each limited English proficiency language group that
10 constitutes five percent or one thousand people, whichever is fewer,
11 of the population of persons eligible to be served or likely to be
12 affected within a city, town, or county. The office of financial
13 management forecasting division's limited English proficiency
14 population estimates will be the demographic data set for determining
15 eligible limited English proficiency language groups.

16 (ii) In developing communication plans, local organizations and
17 joint organizations should consider the following four factors: The
18 number or proportion of the limited English proficiency persons
19 eligible to be served or likely to be encountered; the frequency with
20 which limited English proficiency individuals come in contact with
21 the emergency notification; the nature and importance of the
22 emergency notification, service, and/or program to people's lives;
23 and the resources available to the state agency or political
24 subdivision to provide emergency notifications.

25 (b) Plans produced under (a) of this subsection must be submitted
26 to the Washington military department emergency management division
27 on behalf of the local organization or joint local organization for
28 emergency management that activity supports. Each initial
29 communication plan must be submitted in accordance with the next
30 local emergency management plan update for the local organization or
31 joint local organization. Subsequent plans will be reviewed in
32 accordance with the director's schedule.

33 (c) Beginning on December 1, 2019, the Washington military
34 department emergency management division must submit a report every
35 five years updating the relevant committee of the legislature
36 regarding communication plan development and implementation progress.

37 (3) In carrying out the provisions of this chapter each political
38 subdivision, in which any disaster as described in RCW 38.52.020
39 occurs, shall have the power to enter into contracts and incur
40 obligations necessary to combat such disaster, protecting the health

1 and safety of persons and property, and providing emergency
2 assistance to the victims of such disaster. Each political
3 subdivision is authorized to exercise the powers vested under this
4 section in the light of the exigencies of an extreme emergency
5 situation without regard to time-consuming procedures and formalities
6 prescribed by law (excepting mandatory constitutional requirements),
7 including, but not limited to, budget law limitations, requirements
8 of competitive bidding and publication of notices, provisions
9 pertaining to the performance of public work, entering into
10 contracts, the incurring of obligations, the employment of temporary
11 workers, the rental of equipment, the purchase of supplies and
12 materials, the levying of taxes, and the appropriation and
13 expenditures of public funds."

14 Renumber the remaining section consecutively and correct any
15 internal references accordingly.

EFFECT: The amendment makes the following changes to the striking amendment:

(1) Requires state agencies to provide life safety information during emergencies proclaimed by the Governor (rather than during emergencies or disasters generally) and limits the requirement to circumstances in which the state agency is required by law or rule to provide life safety information. Codifies the requirement in chapter 1.20 RCW (general provisions) rather than chapter 38.52 RCW (emergency management).

(2) Removes the requirement that, during proclaimed emergencies, political subdivisions must provide life safety information in a language or manner that can be understood by significant population segments.

(3) Provides that state agencies are obligated to provide life safety information during emergencies "to the extent technologically feasible" (rather than "unless technologically infeasible"), and removes the requirement to report to the Legislature when life safety information is not provided due to technological infeasibility.

(4) Removes the definitions of "communication plan" and "life safety information."

(5) Amends the definition of "significant population segment" to refer to five percent or one thousand "people" (rather than "residents") of the affected population.

(6) Requires the Military Department to report to the Legislature regarding "communication plan development and implementation progress," rather than submit a report containing the communication plans.

(7) Makes other minor wording changes, and reorganizes provisions.

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