

SSB 5046 - H COMM AMD
By Committee on Public Safety

NOT ADOPTED 04/11/2017

1 Strike everything after the enacting clause and insert the
2 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 manner in which they can understand. It is the
6 intent of the legislature that all persons who may be in harm's way
7 in an emergency are informed of their peril, and informed of
8 appropriate actions they should take to protect themselves and their
9 families.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 38.52
11 RCW to read as follows:

12 (1) When an emergency is proclaimed by the governor, state
13 agencies required by law or rule to provide life safety information
14 shall provide life safety information in a language or manner that
15 can be understood to significant population segments as defined in
16 RCW 38.52.070, unless technologically infeasible.

17 (2) When an emergency is proclaimed by a political subdivision,
18 the proclaiming political subdivision shall provide life safety
19 information in a language or manner that can be understood to
20 significant population segments as defined in RCW 38.52.070, unless
21 technologically infeasible.

22 **Sec. 3.** RCW 38.52.010 and 2015 c 61 s 1 are each reenacted and
23 amended to read as follows:

24 As used in this chapter:

25 (1) "Communication plan," as used in RCW 38.52.070, means a
26 section in a local comprehensive emergency management plan that
27 addresses emergency notification of life safety information.

28 (2) "Continuity of operations planning" means the internal effort
29 of an organization to assure that the capability exists to continue

1 essential functions and services in response to a comprehensive array
2 of potential emergencies or disasters.

3 ~~((+2))~~ (3) "Department" means the state military department.

4 ~~((+3))~~ (4) "Director" means the adjutant general.

5 ~~((+4))~~ (5) "Emergency management" or "comprehensive emergency
6 management" means the preparation for and the carrying out of all
7 emergency functions, other than functions for which the military
8 forces are primarily responsible, to mitigate, prepare for, respond
9 to, and recover from emergencies and disasters, and to aid victims
10 suffering from injury or damage, resulting from disasters caused by
11 all hazards, whether natural, technological, or human caused, and to
12 provide support for search and rescue operations for persons and
13 property in distress. However, "emergency management" or
14 "comprehensive emergency management" does not mean preparation for
15 emergency evacuation or relocation of residents in anticipation of
16 nuclear attack.

17 ~~((+5))~~ (6)(a) "Emergency or disaster" as used in all sections of
18 this chapter except RCW 38.52.430 shall mean an event or set of
19 circumstances which: (i) Demands immediate action to preserve public
20 health, protect life, protect public property, or to provide relief
21 to any stricken community overtaken by such occurrences, or (ii)
22 reaches such a dimension or degree of destructiveness as to warrant
23 the governor declaring a state of emergency pursuant to RCW
24 43.06.010.

25 (b) "Emergency" as used in RCW 38.52.430 means an incident that
26 requires a normal police, coroner, fire, rescue, emergency medical
27 services, or utility response as a result of a violation of one of
28 the statutes enumerated in RCW 38.52.430.

29 ~~((+6))~~ (7) "Emergency response" as used in RCW 38.52.430 means a
30 public agency's use of emergency services during an emergency or
31 disaster as defined in subsection ~~((+5))~~ (6)(b) of this section.

32 ~~((+7))~~ (8) "Emergency worker" means any person who is registered
33 with a local emergency management organization or the department and
34 holds an identification card issued by the local emergency management
35 director or the department for the purpose of engaging in authorized
36 emergency management activities or is an employee of the state of
37 Washington or any political subdivision thereof who is called upon to
38 perform emergency management activities.

39 ~~((+8))~~ (9) "Executive head" and "executive heads" means the
40 county executive in those charter counties with an elective office of

1 county executive, however designated, and, in the case of other
2 counties, the county legislative authority. In the case of cities and
3 towns, it means the mayor in those cities and towns with mayor-
4 council or commission forms of government, where the mayor is
5 directly elected, and it means the city manager in those cities and
6 towns with council manager forms of government. Cities and towns may
7 also designate an executive head for the purposes of this chapter by
8 ordinance.

9 ~~((+9))~~ (10) "Expense of an emergency response" as used in RCW
10 38.52.430 means reasonable costs incurred by a public agency in
11 reasonably making an appropriate emergency response to the incident,
12 but shall only include those costs directly arising from the response
13 to the particular incident. Reasonable costs shall include the costs
14 of providing police, coroner, firefighting, rescue, emergency medical
15 services, or utility response at the scene of the incident, as well
16 as the salaries of the personnel responding to the incident.

17 ~~((+10))~~ (11) "Incident command system" means: (a) An all-
18 hazards, on-scene functional management system that establishes
19 common standards in organization, terminology, and procedures;
20 provides a means (unified command) for the establishment of a common
21 set of incident objectives and strategies during multiagency/
22 multijurisdiction operations while maintaining individual agency/
23 jurisdiction authority, responsibility, and accountability; and is a
24 component of the national interagency incident management system; or
25 (b) an equivalent and compatible all-hazards, on-scene functional
26 management system.

27 ~~((+11))~~ (12) "Injury" as used in this chapter shall mean and
28 include accidental injuries and/or occupational diseases arising out
29 of emergency management activities.

30 ~~((+12))~~ (13) "Life safety information" means information or
31 instructions provided to people to reduce their risk of harm and to
32 keep them safe in response to life-threatening events. Such
33 information may include, but is not limited to, information regarding
34 evacuation, sheltering, sheltering-in-place, facility lockdown, and
35 where to obtain food and water.

36 (14) "Local director" means the director of a local organization
37 of emergency management or emergency services.

38 ~~((+13))~~ (15) "Local organization for emergency services or
39 management" means an organization created in accordance with the

1 provisions of this chapter by state or local authority to perform
2 local emergency management functions.

3 ~~((14))~~ (16) "Political subdivision" means any county, city or
4 town.

5 ~~((15))~~ (17) "Public agency" means the state, and a city,
6 county, municipal corporation, district, town, or public authority
7 located, in whole or in part, within this state which provides or may
8 provide firefighting, police, ambulance, medical, or other emergency
9 services.

10 ~~((16))~~ (18) "Radio communications service company" has the
11 meaning ascribed to it in RCW 82.14B.020.

12 ~~((17))~~ (19) "Search and rescue" means the acts of searching
13 for, rescuing, or recovering by means of ground, marine, or air
14 activity any person who becomes lost, injured, or is killed while
15 outdoors or as a result of a natural, technological, or human caused
16 disaster, including instances involving searches for downed aircraft
17 when ground personnel are used. Nothing in this section shall affect
18 appropriate activity by the department of transportation under
19 chapter 47.68 RCW.

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

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

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

30 (2) In carrying out the provisions of this chapter each political
31 subdivision, in which any disaster as described in RCW 38.52.020
32 occurs, shall have the power to enter into contracts and incur
33 obligations necessary to combat such disaster, protecting the health
34 and safety of persons and property, and providing emergency
35 assistance to the victims of such disaster. Each political
36 subdivision is authorized to exercise the powers vested under this
37 section in the light of the exigencies of an extreme emergency
38 situation without regard to time-consuming procedures and formalities
39 prescribed by law (excepting mandatory constitutional requirements),
40 including, but not limited to, budget law limitations, requirements

1 of competitive bidding and publication of notices, provisions
2 pertaining to the performance of public work, entering into
3 contracts, the incurring of obligations, the employment of temporary
4 workers, the rental of equipment, the purchase of supplies and
5 materials, the levying of taxes, and the appropriation and
6 expenditures of public funds.

7 (3)(a) Each local organization or joint local organization for
8 emergency management that produces a local comprehensive emergency
9 management plan must include a communication plan for notifying
10 significant population segments of life safety information during an
11 emergency. Local organizations and joint local organizations are
12 encouraged to consult with affected community organizations in the
13 development of the communication plans.

14 (i) In developing communication plans, local organizations and
15 joint organizations should consider, as part of their determination
16 of the extent of the obligation to provide emergency notification to
17 significant population segments, the following factors: The number or
18 proportion of the limited English proficiency persons eligible to be
19 served or likely to be encountered; the frequency with which limited
20 English proficiency individuals come in contact with the emergency
21 notification; the nature and importance of the emergency
22 notification, service, or program to people's lives; and the
23 resources available to the political subdivision to provide emergency
24 notifications.

25 (ii) "Significant population segment" means, for the purposes of
26 this subsection (3), each limited English proficiency language group
27 that constitutes five percent or one thousand residents, whichever is
28 less, of the population of persons eligible to be served or likely to
29 be affected within a city, town, or county. The office of financial
30 management forecasting division's limited English proficiency
31 population estimates are the demographic data set for determining
32 eligible limited English proficiency language groups.

33 (b) Local organizations and joint local organizations must submit
34 the plans produced under (a) of this subsection to the Washington
35 military department emergency management division. An initial
36 communication plan must be submitted with the local organization or
37 joint local organization's next local emergency management plan
38 update following the effective date of this section, and subsequent
39 plans must be reviewed in accordance with the director's schedule.
40 For any instance in which a local organization or joint local

1 organization has deployed its communication plan since its last
2 reporting, the information as described in (c)(ii) of this subsection
3 must also be provided.

4 (c) Beginning on December 1, 2019, the Washington military
5 department emergency management division must submit a report every
6 five years to the relevant committees of the legislature with the
7 following information with respect to each local organization or
8 joint local organization:

9 (i) Compliance with the communication plan requirement in (a) of
10 this subsection; and

11 (ii) Information describing any instance in which a communication
12 plan was deployed, including the nature of the emergency and the
13 efficacy of the communications.

14 NEW SECTION. Sec. 5. If specific funding for the purposes of
15 this act, referencing this act by bill or chapter number, is not
16 provided by June 30, 2017, in the omnibus appropriations act, this
17 act is null and void."

18 Correct the title.

EFFECT: (1) Retains the intent section, but removes all other provisions of the underlying bill, which:

(a) Required state agencies and local jurisdictions to provide specified emergency and safety-related notices and services in a manner that has been determined to be most effective in communicating with significant segments of a community that speak a language other than English; and

(b) Required each political subdivision to maintain or have access to updated demographic and language information for its jurisdiction.

(2) Replaces the removed provisions with provisions that do the following:

(a) Provides that, during proclaimed emergencies, state agencies when required by law or rule, and political subdivisions, must provide life safety information in a language or manner that can be understood by significant population segments unless technologically infeasible.

(b) Requires local organizations and joint local organizations for emergency management to include communication plans addressing emergency notification of life safety information to significant population segments as part of local comprehensive emergency management plans.

(c) Requires local organizations and joint local organizations to submit their communication plans, and information regarding any plan deployment, to the Military Department Emergency Management Division at specified intervals, and requires the Military Department to report to the Legislature every five years, beginning December 1,

2019, regarding compliance with planning requirements and any plan deployment by local jurisdictions.

(d) Defines "significant population segments" as those limited English proficient groups comprising five percent, or 1,000 residents, whichever is less, of the affected population, as determined using the Office of Financial Management's limited English proficiency population estimates.

(e) Defines "life safety information" as information or instructions provided to people to reduce their risk of harm and to keep them safe in response to life-threatening events, such as information regarding evacuation, sheltering and sheltering in place, facility lockdown, and where to obtain food and water.

(f) Adds a null and void clause.

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