

SSB 5046 - H AMD 575  
By Representative Santos

ADOPTED 04/21/2017

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 should 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 Beginning December 1, 2019, a state agency that provides life  
13 safety information in an emergency or disaster must provide, to the  
14 relevant committees of the legislature, a copy of its current  
15 communication plan for notifying significant population segments of  
16 such information, including the agency's point of contact. The state  
17 agency must also submit an annual report to the relevant committees  
18 of the legislature identifying those instances of emergency or  
19 disaster in the preceding year in which life safety information was  
20 provided and what public messaging strategies and means were used to  
21 notify citizens with limited English proficiency.

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  
31 provided to people during a response to a life-threatening emergency  
32 or disaster informing them of actions they can take to preserve their  
33 safety. Such information may include, but is not limited to,  
34 information regarding evacuation, sheltering, sheltering-in-place,  
35 facility lockdown, and 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, and must implement  
36 those plans. An initial communication plan must be submitted with the  
37 local organization or joint local organization's next local emergency  
38 management plan update following the effective date of this section,  
39 and subsequent plans must be reviewed in accordance with the  
40 director's schedule.

1       (4) When conducting emergency or disaster after-action reviews,  
2 local organizations and joint local organizations must evaluate the  
3 effectiveness of communication of life safety information and must  
4 inform the emergency management division of the Washington military  
5 department of technological challenges which limited communications  
6 efforts, along with identifying recommendations and resources needed  
7 to address those challenges.

8       NEW SECTION. Sec. 5. A new section is added to chapter 38.52  
9 RCW to read as follows:

10       (1) Beginning December 1, 2019, the Washington military  
11 department emergency management division must submit a report every  
12 five years to the relevant committees of the legislature containing  
13 the status of communication plans produced under RCW 38.52.070(3)(a).

14       (2) The emergency management division of the Washington military  
15 department must provide the legislature an annual report on instances  
16 of emergency or disaster in which communication of life safety  
17 information was technologically infeasible, as reported to the  
18 department pursuant to RCW 38.52.070(4). When potential technology  
19 solutions exist, the report must include recommendations and an  
20 estimate of resources required to remedy the infeasibility. The first  
21 annual report is due December 1, 2019.

22       NEW SECTION. Sec. 6. If specific funding for the purposes of  
23 this act, referencing this act by bill or chapter number, is not  
24 provided by June 30, 2017, in the omnibus appropriations act, this  
25 act is null and void."

26       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) Requires, beginning December 1, 2019, that a state agency  
that provides life safety information in an emergency or disaster:  
(i) Must provide to the Legislature a copy of its current

communication plan for notifying significant population segments of life safety information, including the agency's point of contact; and (ii) must also submit an annual report to the Legislature identifying those instances of emergency or disaster in the preceding year in which life safety information was provided and what strategies and means were used to notify citizens with limited English proficiency.

(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, and to implement those communication plans.

(c) Requires local organizations and joint local organizations to submit their communication plans to the Military Department Emergency Management Division at specified intervals, and requires the Military Department to submit a report to the Legislature every five years, beginning December 1, 2019, containing the status of the local communication plans.

(d) Provides that, during emergency or disaster after-action reviews, local organizations and joint local organizations must evaluate the effectiveness of communication of life safety information, and inform the Military Department of technological challenges which limited communication efforts, along with recommendations and resources needed to address those challenges. Requires the Military Department to annually report to the Legislature, beginning December 1, 2019, regarding instances of emergencies or disasters in which communication of life safety information was technologically infeasible, and, when potential technology solutions exist, any recommendations and an estimate of resources required to remedy the infeasibility.

(e) 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.

(f) Defines "life safety information" as information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety.

(g) Adds a null and void clause.

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