
Public Safety Committee

HB 1540

Brief Description: Providing public notices of public health, safety, and welfare in a language other than English.

Sponsors: Representatives Santos, Pollet, Appleton, Fitzgibbon, Hudgins, Gregerson, Stanford, Macri, Fey, Pettigrew and Slatter.

Brief Summary of Bill

- Requires state agencies and local emergency management departments to provide certain health and safety-related notices and communications in languages other than English.
- Requires local emergency management organizations to maintain updated demographic data on languages represented in their communities, and to communicate with disaster victims in languages the victims understand.

Hearing Date: 1/30/17

Staff: Omeara Harrington (786-7136).

Background:

Limited English Proficiency.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write in, or understand English may be considered to have limited English proficiency. Services for persons with limited English proficiency may include interpreters, translation, and other services.

By Presidential executive order, each federal agency is required to examine the services it provides and develop and implement a system by which persons with limited English proficiency can meaningfully access those services. The executive order also requires that federal agencies ensure that recipients of federal financial assistance provide meaningful access to their limited English proficiency applicants and beneficiaries, in accordance with Title VI of the Civil Rights

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.

Act of 1964. Many state agencies are among the recipients of federal funds expected to provide limited English proficiency access.

State of Emergency.

The Governor may proclaim a state of emergency after finding that a public disorder, disaster, energy emergency, or riot exists within the state that affects life, health, property, or public peace. The proclamation allows the Governor to impose certain restrictions within the area affected by the proclamation, and is also a prerequisite for accessing certain state and federal relief funding. The Governor must give as much public notice as practical of the issuance of proclamations and associated orders through the news media.

Local Emergency Management Organizations.

Each political subdivision of the state must establish or jointly create a local organization for carrying out emergency management functions in accordance with the State Comprehensive Emergency Management Plan. Each local emergency management organization must develop its own written comprehensive emergency management plan addressing all natural and man-made emergencies and disasters to which the jurisdiction is vulnerable. Each plan must contain a functional description of several elements, including warning and emergency public information systems. Emergency management organizations must submit their plans annually to the state.

Summary of Bill:

State agencies and local emergency management entities are required to provide emergency-related materials and assistance in languages other than English in certain circumstances.

State agencies that are required by law or rule to provide public notices to advise or inform the public about an imminent or emergent public health, safety, or welfare risk must provide notices in languages other than English when a significant segment of the community has limited English proficiency. The requirement also applies to notices regarding proposed locations for criminal facilities or facilities intended to house sex offenders. A "significant segment" of the population is defined as at least 5 percent of the overall population or 500 residents, whichever is fewer.

During a state of emergency, state agencies must provide notices, information, and services in the languages represented by the affected area's demographic data. During emergencies, generally, local emergency management departments must provide accurate written and verbal notices, including evacuation notices and shelter information, and broadcast public service announcements, in the non-English languages represented by residents their communities.

Local emergency management organizations must maintain updated demographic data for their jurisdictions and information regarding the languages represented by their respective communities. During a disaster, local emergency management divisions must provide emergency assistance to and communicate with victims in a manner and language the victims will understand.

Appropriation: None.

Fiscal Note: Requested on January 25, 2017.

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