

# SENATE BILL REPORT

## 2SHB 1540

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As of March 14, 2017

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

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

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Santos, Pollet, Appleton, Fitzgibbon, Hudgins, Gregerson, Stanford, Macri, Fey, Pettigrew and Slatter).

**Brief History:** Passed House: 3/01/17, 53-45.

**Committee Activity:** Local Government: 3/09/17.

### Brief Summary of Bill

- Requires state agencies to provide public notices in a language or manner that diverse residents can understand when a significant segment of the community has limited English proficiency.
- Requires state agencies and local jurisdictions to provide notices, information, and services in languages represented by a significant segment of the community when an emergency is declared.
- Requires local emergency management organizations to provide a communication plan for notifying significant segments of the community about health, safety, and welfare risks.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Staff:** Alex Fairfortune (786-7416)

**Background:** Limited English Proficient Services. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are referred to as limited English proficient (LEP) individuals. In 2000, the President signed the LEP Executive Order which requires federal agencies and all recipients of federal financial assistance to provide meaningful access to LEP individuals, in accordance with

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Title VI of the Civil Rights Act of 1964. LEP services commonly include interpreter services and translation of printed materials.

Many state agencies within Washington provide LEP services, including the Department of Labor and Industries, the Department of Social and Health Services, and the Department of Transportation. Agency rules regarding publication of notices are determined by each individual agency.

Emergency Management. The Washington State Emergency Management Program is administered by the Military Department and led by an appointed director, who is responsible for developing and maintaining a state comprehensive emergency management plan.

Each county, city, and town (Political Subdivision) in Washington must establish an emergency management organization by ordinance or resolution, either independently or in cooperation with another Political Subdivision. Every Political Subdivision must develop a local comprehensive emergency management plan to address all natural and man-made emergencies to which the Political Subdivision is vulnerable, and to provide a functional description of how warnings and emergency information will be addressed. Each plan must be tested each year and reviewed and updated at least once every two years.

**Summary of Bill:** State agencies that are required to provide public notices informing communities about public health, safety, and welfare risks must provide those notices in a language or manner that diverse residents can understand when a significant segment of the community speaks a language other than English and has limited English proficiency. When a local jurisdiction, authority, or the governor declares an emergency, local jurisdictions and state agencies must provide notices, information, and services in the languages represented by a significant segment of the affected area's demographic data. Agencies must implement these notice requirements within existing funds.

Significant segment means 5 percent or more of residents residing in the affected Political Subdivision who are of limited English proficiency.

Each local emergency management organization must produce a communication plan for notifying significant segments of LEP individuals of imminent or emergent public health, safety, and welfare risks. This communication plan must be included in the local comprehensive emergency management plan if one is produced, or provided separately if no local comprehensive emergency management plan is produced. Every two years, beginning in December 2018, each local emergency management organization must submit the communication plan to the Washington Military Department Emergency Management Division. Every two years, beginning in December 2019, the Emergency Management Division must submit a report to the Legislature that includes the communication plans it has received within the preceding two years.

A null and void clause is included in the event specific funding is not provided in the budget.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The population of those who speak languages other than English is growing. Nineteen percent of the population in the state speaks a language other than English at home, and in some areas it is as high as fifty percent. During the wildfires in Eastern Washington, many non-English speakers reported that they received instructions to evacuate in the opposite direction they were supposed to, resulting in them moving towards the fires. Web based computer translation has led to several incidents of subpar translation. The goal is to have counties be preventive instead of reactive so that these communication issues can be addressed before a time-sensitive emergency occurs.

CON: A null and void clause may not be the correct tool for this bill because if the state decides to only fund a small portion the null and void clause will be satisfied but local jurisdictions will still have to absorb many costs. There is currently no technologically advanced program that will allow all the notification requirements to be met. Currently, Clark County has a notification program that costs \$100,000 annually. That program takes one hour to make calls to 100,000 people in one language, so it takes four hours per language to notify the whole county. Additional languages would take more time.

OTHER: The term emergency notification is broad and encompasses a variety of emergency notifications that cannot be translated. Notices should be limited to life safety information so that related internal documents do not need to be translated. Communication plans should be reviewed every five years instead of every two so that they are on the same timetable as the current review. One consistent data set should be used to determine population thresholds, such as the population data collected by the Office of Financial Management. A significant segment threshold of 5 percent or 1,000 would include many more people than just a threshold of 5 percent and would be consistent with federal guidelines. The funding requirements should be clarified.

**Persons Testifying:** PRO: Representative Sharon Tomiko Santos, Prime Sponsor; Josephine Tamayo Murray, Catholic Community Services; Doug Levy, Cities of Everett, Kent, and Renton; Ellicott Dandy, OneAmerica; Mynor Lopez, WA State Commission on Hispanic Affairs.

CON: Juliana Roe, Washington State Association of Counties.

OTHER: Jason Marquiss, Emergency Management Division, Washington Military Department; Victoria Lincoln, Assoc. of WA Cities.

**Persons Signed In To Testify But Not Testifying:** No one.