

SENATE BILL REPORT

SB 5046

As of January 30, 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: Senators Hasegawa, Chase, Darneille and Rolfes.

Brief History:

Committee Activity: Local Government: 1/17/17.

Brief Summary of Bill

- Requires state agencies and local emergency management departments to provide public notices in languages other than English.

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 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. Each county, city, and town (Political Subdivision) in Washington must establish an emergency management organization by ordinance or resolution, either

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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 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 foreign language if at least five percent of residents, or 500 residents, whichever is fewer, in the city, town, or county speak that foreign language and are of limited English proficiency. Under a state of emergency, state agencies must provide notices, information, and services in languages represented by an affected area's demographic data.

The emergency management organization of each Political Subdivision must maintain updated demographic data for its jurisdiction as well as information on the languages represented within the community. During emergencies, emergency management departments must provide written notices, verbal notices, and radio or television public service announcements in languages, other than English, represented by their communities.

Agencies must implement these notice requirements within existing funds.

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: This bill was requested by the Commission on Hispanic Affairs. The 5 percent threshold comes from the Civil Rights Act. This is a civil rights issue and a social justice issue. The population of people who speak a language other than English at home is rapidly growing. When there were fires in Eastern Washington, farm workers were in the path of the fires, directly in harm's way, but they did not know they were in danger and had no instructions for protecting themselves. Updates in Spanish arrived a few days into the evacuation, and were in broken Spanish. Several years ago there was an electrical outage due to a storm in the Puget Sound region, and those who were unable to speak English did not know that they shouldn't use charcoal grills indoors. When Mt. St. Helens erupted, families who were unable to speak English were out in dangerous conditions because they didn't understand the warnings. In these emergency situations, deaths and injuries that resulted could have been averted if the people had understood the notifications.

CON: There are many aspects about the bill that need to be changed because it is unachievable. Allowing each jurisdiction to decide who would collect and maintain demographic data would be a positive change. It is most effective to use community networks that are already available to disseminate information, because some people are not literate in their native language or they don't trust government officials. It is problematic to require TV and radio public service announcements in foreign languages because not all

announcements are made into TV and radio broadcasts. Requiring translations in multiple languages would lead to slowdowns in door-to-door notifications during urgent emergencies. Pre-translating is fine for certain circumstances, but complex messaging in over 20 languages would not fit on fliers, posters, or signs. Sometimes illustrations are more easily understood.

Persons Testifying: PRO: Senator Bob Hasegawa, Prime Sponsor; Josephine Tamayo Murray, Catholic Community Services; Ellicott Dandy, OneAmerica; Rosa Peralta, Latino Center for Health.

CON: Doug Levy, Cities of Renton & Everett; Deborah Needham, City of Renton - Emergency Management Director; Josh Weiss, Washington State Association of Counties.

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