SSB 6164 - H COMM AMD
By Committee on Innovation, Community & Economic Development, & Veterans

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.52.070 and 2017 c 312 s 4 are each amended to read as follows:

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization or to be a member of a joint local organization for emergency management in accordance with the state comprehensive emergency management plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for emergency management to the state director and secure his or her recommendations thereon, and verification of consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency management may be coordinated with the plan and program of the state. Local comprehensive emergency management plans must specify the use of the incident command system for multiagency/multijurisdiction operations. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director may authorize two or more political subdivisions to join in the establishment and operation of a joint local organization for emergency management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions

join in the establishment and operation of a joint local organization for emergency management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the . . . . . emergency management fund. Each local organization or joint local organization for emergency management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or officers. In the case of a joint local organization for emergency management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. Each local organization or joint local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

(3)(a)(i) Each local organization or joint local organization for emergency management that produces a local comprehensive emergency management plan must include a communication plan for notifying significant population segments of life safety information during an

emergency. Local organizations and joint local organizations are encouraged to consult with affected community organizations in the development of the communication plans. Communication plans must include an expeditious notification of citizens who can reasonably be determined to be at risk during a hazardous material spill or release pursuant to section 2 of this act.

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

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

(b) Local organizations and joint local organizations must submit the plans produced under (a) of this subsection to the Washington military department emergency management division, and must implement those plans. An initial communication plan must be submitted with the local organization or joint local organization's next local emergency management plan update following July 23, 2017, and subsequent plans must be reviewed in accordance with the director's schedule.

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

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.136 RCW to read as follows:

(1) If a type 1 hazardous material spill or release occurs, the department of ecology must provide for at least one public meeting to inform the public about the hazardous material spill or release.

(2) A public meeting conducted under this section must allow for remote participation if technologically feasible and may be held jointly with the county legislative authority's regularly scheduled meeting as described in RCW 36.32.080 or a special meeting as provided in RCW 42.30.080.

(3) A public meeting conducted under this section must include representatives from the department of ecology and the party responsible for the hazardous material spill or release.

(4) For purposes of this section, a "type 1 hazardous material spill or release" is a spill or release of national significance, requiring the activation of the crisis management team, incident management team, command, and general department of ecology staff; involvement of the governor's office and federal agency officials; establishment of area command; and active involvement of the department of ecology spills program manager. It may require the establishment of a national incident commander."

Correct the title.

EFFECT: Makes the following changes:

(1) Requires local organizations for emergency services or management's communication plans to expeditiously notify at-risk citizens of a Type 1 hazardous material spill or release, and eliminates requirement that notification is by most appropriate technology available.

(2) Defines a Type 1 hazardous material spill or release based on Department of Ecology policy, including activation of certain teams and staff, involvement of the Governor's office and federal agencies, establishment of area command, and involvement of the Spills Program Manager.

(3) Requires the Department of Ecology, rather than local organizations for emergency services or management, to provide for at least one public meeting to inform the public about a Type 1 hazardous material spill or release, rather than any spill or release resulting in the establishment of an incident command system.

(4) Authorizes the public meeting to allow remote participation if technologically feasible, rather than requiring remote participation.

(5) Removes the requirement that a representative from the Washington Department of Fish and Wildlife attend the public meeting.

(6) Requires the party responsible for, rather than liable for, the spill or release to attend the public meeting.

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