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**HOUSE BILL 2415**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Chapman, Goodman, Tharinger, Jinkins, and Appleton

AN ACT Relating to access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency; and adding a new section to chapter 38.52 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

(1) As used in this section:

(a) "Broadcaster" means a person or entity that holds a license issued by the federal communications commission under 47 C.F.R. Part 73, 74, 76, or 78.

(b) "Emergency" means the declaration of a state or local emergency or disaster as provided under Washington state or federal law.

(c) "First informer broadcaster" means an individual who:

(i) Has been certified as a first informer broadcaster under this section and who is employed by, or acting pursuant to a contract under the direction of, a broadcaster; and

(ii)(A) Maintains, including repairing or resupplying, transmitters, generators, or other essential equipment at a broadcast station or facility; or

(B) Provides technical support services to a broadcaster or to another first informer broadcaster.

(2) To the extent practicable, consistent with public safety and recovery efforts, unless prohibited by state or federal law, and in the discretion of the incident commander, a state or local governmental agency shall allow a first informer broadcaster who is certified pursuant to this section access to an area affected by an emergency for the purposes of restoring, repairing, resupplying, or maintaining any facility or equipment necessary to acquire, produce, and transmit to the public essential emergency information, related alerts, and programming including, but not limited to, transporting fuel to alternative emergency power generators; travel on public roads within an area subject to a declaration of emergency; or access to the distribution of fuel, food, water, supplies, equipment, and any other materials necessary for producing a broadcast or a broadcasting signal.

(3) An emergency service agency may not seize a vehicle, fuel, food, water, or other essential materials in the possession of a first informer broadcaster, unless as part of an official criminal investigation.

(4) The state division of emergency management shall authorize a private entity organized under the laws of this state that represents a majority of the broadcasters in this state to establish a program for the issuance of credentials for first informer broadcasters pursuant to a plan developed by the private entity. The plan to provide credentials to first informer broadcasters must provide for training first informer broadcasters regarding:

(a) Risks associated with entering a geographic area subject to a declaration of an emergency;

(b) Best practices for working safely in a geographic area subject to a declaration of an emergency; and

(c) Best practices for working in a geographic area subject to a declaration of an emergency without hindering or interfering with the conduct of emergency services by an emergency service agency.

(5) The private entity selected by the division of emergency management to develop a plan for and issue credentials to first informer broadcasters shall annually submit to the division of emergency management a report regarding the operation of the program to issue credentials, including any changes to the plan or program.

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