

SENATE BILL REPORT

SHB 2415

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, February 21, 2018

Title: An act relating to access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency.

Brief Description: Concerning access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Chapman, Goodman, Tharinger, Jinkins and Appleton).

Brief History: Passed House: 2/08/18, 95-2.

Committee Activity: State Government, Tribal Relations & Elections: 2/16/18, 2/21/18 [DP, DNP].

Brief Summary of Bill

- Provides liability protections for a federal, state, or local agency that facilitates access of a first informer broadcaster to an emergency or disaster area.
- Prohibits seizure of a first informer broadcaster's vehicle, fuel, food, water, or other essential materials brought into an emergency area, except as otherwise authorized by law.
- Defines broadcaster and first informer broadcaster.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

Minority Report: Do not pass.

Signed by Senator Miloscia, Ranking Member.

Staff: Melissa Van Gorkom (786-7491)

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.

Background: Emergency Management. The Washington Military Department Emergency Management Division (EMD), under the direction of the adjutant general, administers the state's comprehensive program of emergency management. In addition, 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. In the event of a disaster beyond local control, the Governor, through the adjutant general, may assume operational control over all or any part of emergency management functions in the state.

An emergency or disaster, as described in statute, is an event or set of circumstances which: demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or reaches such a dimension or degree of destructiveness as to warrant the Governor declaring a state of emergency.

State of Emergency. A state of emergency is proclaimed by the chief elected official after finding that an emergency or disaster has occurred within their jurisdiction. When an emergency or disaster conditions exceed the local resources and capabilities, the local jurisdiction may request the support of the state through the EMD.

The Governor may declare a state of emergency through the issuance of a proclamation which is effective upon the Governor's signature and remains in effect until the the Governor issues a proclamation declaring its termination.

Summary of Bill: First Informer Broadcaster. A first informer broadcaster is any certified individual who: is employed by, or acting pursuant to a contract under direction of, a broadcaster; and maintains, including repairing or resupplying, transmitters, generators, or other essential equipment at a broadcast station or facility, or provides technical support services to broadcasters needed during a period of proclaimed emergency.

Broadcaster means a person or entity that holds a radio or television services license issued by the Federal Communications Commission.

A vehicle, fuel, food, water, or other essential materials brought into an emergency or disaster area by a first informer broadcaster may not be seized or confiscated, except as otherwise authorized by law.

Emergency Management. Liability protections are provided for a federal, state, or local agency that facilitates access of a first informer broadcaster to an emergency or disaster area.

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 purpose of the bill is simply to keep radio and television stations on the air during an emergency so that they can broadcast information out to the public about safety during the emergency. This bill has been worked by the stakeholders and agreed to by all. One of the underlying beliefs of all stakeholders is that the incident commander always has the last word regarding the safety and entry into the area and broadcasters will work with EMD on the credentialing for access into these areas.

Persons Testifying: PRO: Representative Mike Chapman, Prime Sponsor; Mark Allen, Washington State Association of Broadcasters; Keith Shipman, Washington State Association of Broadcasters.

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