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**SUBSTITUTE SENATE BILL 6056**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Hunt and Kuderer)

READ FIRST TIME 01/22/18.

1 AN ACT Relating to broadcasters during a proclamation of  
2 emergency; amending RCW 38.52.010; and adding a new section to  
3 chapter 38.52 RCW.

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

5 **Sec. 1.** RCW 38.52.010 and 2017 c 312 s 3 are each amended to  
6 read as follows:

7 As used in this chapter:

8 (1) "Broadcaster" means a person or entity that holds a license  
9 issued by the federal communications commission under 47 C.F.R. Part  
10 73, 74, 76, or 78.

11 (2) "Communication plan," as used in RCW 38.52.070, means a  
12 section in a local comprehensive emergency management plan that  
13 addresses emergency notification of life safety information.

14 ((+2)) (3) "Continuity of operations planning" means the  
15 internal effort of an organization to assure that the capability  
16 exists to continue essential functions and services in response to a  
17 comprehensive array of potential emergencies or disasters.

18 ((+3)) (4) "Department" means the state military department.

19 ((+4)) (5) "Director" means the adjutant general.

20 ((+5)) (6) "Emergency management" or "comprehensive emergency  
21 management" means the preparation for and the carrying out of all

1 emergency functions, other than functions for which the military  
2 forces are primarily responsible, to mitigate, prepare for, respond  
3 to, and recover from emergencies and disasters, and to aid victims  
4 suffering from injury or damage, resulting from disasters caused by  
5 all hazards, whether natural, technological, or human caused, and to  
6 provide support for search and rescue operations for persons and  
7 property in distress. However, "emergency management" or  
8 "comprehensive emergency management" does not mean preparation for  
9 emergency evacuation or relocation of residents in anticipation of  
10 nuclear attack.

11 ~~((+6+))~~ (7)(a) "Emergency or disaster" as used in all sections of  
12 this chapter except RCW 38.52.430 shall mean an event or set of  
13 circumstances which: (i) Demands immediate action to preserve public  
14 health, protect life, protect public property, or to provide relief  
15 to any stricken community overtaken by such occurrences, or (ii)  
16 reaches such a dimension or degree of destructiveness as to warrant  
17 the governor declaring a state of emergency pursuant to RCW  
18 43.06.010.

19 (b) "Emergency" as used in RCW 38.52.430 means an incident that  
20 requires a normal police, coroner, fire, rescue, emergency medical  
21 services, or utility response as a result of a violation of one of  
22 the statutes enumerated in RCW 38.52.430.

23 ~~((+7+))~~ (8) "Emergency response" as used in RCW 38.52.430 means a  
24 public agency's use of emergency services during an emergency or  
25 disaster as defined in subsection ~~((+6+))~~ (7)(b) of this section.

26 ~~((+8+))~~ (9) "Emergency worker" means any person who is registered  
27 with a local emergency management organization or the department and  
28 holds an identification card issued by the local emergency management  
29 director or the department for the purpose of engaging in authorized  
30 emergency management activities or is an employee of the state of  
31 Washington or any political subdivision thereof who is called upon to  
32 perform emergency management activities.

33 ~~((+9+))~~ (10) "Executive head" and "executive heads" means the  
34 county executive in those charter counties with an elective office of  
35 county executive, however designated, and, in the case of other  
36 counties, the county legislative authority. In the case of cities and  
37 towns, it means the mayor in those cities and towns with mayor-  
38 council or commission forms of government, where the mayor is  
39 directly elected, and it means the city manager in those cities and  
40 towns with council manager forms of government. Cities and towns may

1 also designate an executive head for the purposes of this chapter by  
2 ordinance.

3 ~~((10))~~ (11) "Expense of an emergency response" as used in RCW  
4 38.52.430 means reasonable costs incurred by a public agency in  
5 reasonably making an appropriate emergency response to the incident,  
6 but shall only include those costs directly arising from the response  
7 to the particular incident. Reasonable costs shall include the costs  
8 of providing police, coroner, firefighting, rescue, emergency medical  
9 services, or utility response at the scene of the incident, as well  
10 as the salaries of the personnel responding to the incident.

11 ~~((11))~~ (12) "First informer broadcaster" means an individual  
12 who:

13 (a) Is employed by, or acting pursuant to a contract under the  
14 direction of, a broadcaster; and

15 (b)(i) Maintains, including repairing or resupplying,  
16 transmitters, generators, or other essential equipment at a broadcast  
17 station or facility; or (ii) provides technical support services to  
18 broadcasters needed during a period of proclaimed emergency.

19 (13) "Incident command system" means: (a) An all-hazards, on-  
20 scene functional management system that establishes common standards  
21 in organization, terminology, and procedures; provides a means  
22 (unified command) for the establishment of a common set of incident  
23 objectives and strategies during multiagency/multijurisdiction  
24 operations while maintaining individual agency/jurisdiction  
25 authority, responsibility, and accountability; and is a component of  
26 the national interagency incident management system; or (b) an  
27 equivalent and compatible all-hazards, on-scene functional management  
28 system.

29 ~~((12))~~ (14) "Injury" as used in this chapter shall mean and  
30 include accidental injuries and/or occupational diseases arising out  
31 of emergency management activities.

32 ~~((13))~~ (15) "Life safety information" means information  
33 provided to people during a response to a life-threatening emergency  
34 or disaster informing them of actions they can take to preserve their  
35 safety. Such information may include, but is not limited to,  
36 information regarding evacuation, sheltering, sheltering-in-place,  
37 facility lockdown, and where to obtain food and water.

38 ~~((14))~~ (16) "Local director" means the director of a local  
39 organization of emergency management or emergency services.

1       (~~(15)~~) (17) "Local organization for emergency services or  
2 management" means an organization created in accordance with the  
3 provisions of this chapter by state or local authority to perform  
4 local emergency management functions.

5       (~~(16)~~) (18) "Political subdivision" means any county, city or  
6 town.

7       (~~(17)~~) (19) "Public agency" means the state, and a city,  
8 county, municipal corporation, district, town, or public authority  
9 located, in whole or in part, within this state which provides or may  
10 provide firefighting, police, ambulance, medical, or other emergency  
11 services.

12       (~~(18)~~) (20) "Radio communications service company" has the  
13 meaning ascribed to it in RCW 82.14B.020.

14       (~~(19)~~) (21) "Search and rescue" means the acts of searching  
15 for, rescuing, or recovering by means of ground, marine, or air  
16 activity any person who becomes lost, injured, or is killed while  
17 outdoors or as a result of a natural, technological, or human caused  
18 disaster, including instances involving searches for downed aircraft  
19 when ground personnel are used. Nothing in this section shall affect  
20 appropriate activity by the department of transportation under  
21 chapter 47.68 RCW.

22       NEW SECTION.   **Sec. 2.**   A new section is added to chapter 38.52  
23 RCW to read as follows:

24       Federal, state, and local agencies, and their employees, are not  
25 liable for any action, or failure to act, when facilitating access of  
26 a first informer broadcaster to an area affected by an emergency or  
27 disaster.

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