
Public Safety Committee

HB 2415

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

Sponsors: Representatives Chapman, Goodman, Tharinger, Jinkins and Appleton.

Brief Summary of Bill

- Requires the Military Department Emergency Management Division to authorize a private entity to establish a program for certifying first informer broadcasters.
- Requires state and local governments to allow certified first informer broadcasters access to areas affected by emergencies in some circumstances.

Hearing Date: 1/15/18

Staff: Kelly Leonard (786-7147).

Background:

Declaring a State of Emergency. The Governor may proclaim a state of emergency after finding that a public disorder, disaster, energy emergency, or riot exists within the state that affects life, health, property, or public peace. A proclamation of a state of emergency must be in writing and signed by the Governor, and ends upon the Governor's issuance of a proclamation declaring its termination. An emergency proclamation enables the Governor to prohibit specific activities, such as public gatherings, transfer of combustible materials, public possession of firearms, sale or purchase of alcohol, and the use of public streets. The Governor may also prohibit other activities as he or she reasonably believes necessary to help preserve and maintain life, health, property, or the public peace, and may waive or suspend specified statutory obligations and limitations.

A local government may proclaim a state of emergency through the chief elected official after finding that an emergency or disaster has occurred within its jurisdiction. When an emergency or

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disaster conditions exceed the local resources and capabilities, the local jurisdiction may request the support of the state through the Emergency Management Division.

Emergency Management Division and Emergency Operations Center. The Emergency Management Division of the State Military Department manages the State Emergency Operations Center (EOC) located on Camp Murray, near Tacoma, and coordinates emergency response to ensure help is provided to those who need it quickly and effectively. The EOC is designated as the central location for information gathering, disaster analysis, and response coordination. The EOC may issue emergency warnings or disseminate critical information and instructions to government personnel and the public who may need to take emergency protective actions.

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.

Incident Command System. The Incident Command System (ICS) is a standardized management tool for meeting the demands of small or large emergency or nonemergency situations, and it has become the standard for emergency management across the country. The ICS may be used for planned events, natural disasters, and acts of terrorism.

Summary of Bill:

Relevant Definitions. "Emergency" means the declaration of a state or local emergency or disaster as provided under Washington state or federal law.

"Broadcaster" means a person or entity that holds a license issued by the federal communications commission.

"First informer broadcaster" means an individual who:

- has been certified as a first informer broadcaster under the bill and who is employed by, or acting pursuant to a contract under the 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 a broadcaster or to another first informer broadcaster.

Certification of First Informer Broadcasters. The Emergency Management Division must authorize a private entity representing a majority of the broadcasters in the 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 first informer broadcasters with training regarding:

- risks associated with entering a geographic area subject to a declaration of an emergency;
- best practices for working safely in a geographic area subject to a declaration of an emergency; and

- 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.

The private entity must submit an annual report to the Emergency Management Division regarding the operation of the program to issue credentials.

Access to Areas Affected in Emergencies. A state or local governmental agency must allow a certified first informer broadcaster access to an area affected by an emergency. Access must be 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. This includes, but is not limited to, transporting fuel to alternative emergency power generators, travel on public roads within an area subject to a declaration of emergency, and access to the distribution of fuel, food, water, supplies, equipment, and any other materials necessary for producing a broadcast or a broadcasting signal.

The requirement to provide access is limited to when practicable, consistent with public safety and recovery efforts, in the discretion of the incident commander, and not in violation of state or federal law. 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.

Appropriation: None.

Fiscal Note: Requested on January 11, 2018.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.