

HOUSE BILL REPORT

HB 2415

As Reported by House Committee On: Public Safety

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

Brief History:

Committee Activity:

Public Safety: 1/15/18, 1/25/18 [DPS].

Brief Summary of Substitute Bill

- Prohibits the seizure or confiscation of a first informer broadcaster's vehicles, fuel, food, water, or other essential materials brought into an area affected by an emergency or disaster, except as otherwise authorized by law.
- Specifies that federal, state, and local agencies are not liable for any action, or failure to act, when facilitating access of a first informer broadcaster to an area affected by an emergency or disaster.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

Staff: Kelly Leonard (786-7147).

Background:

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.

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. 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.

Summary of Substitute Bill:

"Broadcaster" means a person or entity that holds a license issued by the federal communications commission. "First informer broadcaster" means an individual 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 broadcasters needed during a period of a proclaimed emergency.

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.

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

Substitute Bill Compared to Original Bill:

The following provisions are removed from the bill:

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

The prohibition against seizing certain materials is modified by specifying that those items may not be seized when brought into an area affected by an emergency or disaster.

Liability protection is added for a federal, state, or local agency facilitating the access of a first informer broadcaster into an area affected by an emergency or disaster.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) Broadcasters work to address single points of failure, which refer to system failures or breakages resulting in a station going silent. When a station experiences an outage, it does not usually affect the lives of the viewers. This is not the case in an emergency or natural disaster when the dissemination of information is critical to human life. Broadcast media is the primary and essential link between emergency responders and the public. If the system is compromised, broadcasters need to be able to get into an affected area to fix the equipment. If broadcasters cannot get in, the message cannot get out, and people will make decisions in the dark.

The bill requires first informer broadcasters to have certain credentials, including training through the Federal Emergency Management Agency to be able to access equipment so they can facilitate information to the public. The training promotes safety while also facilitating access to critical system infrastructure.

Some amendments to the bill may be necessary to facilitate agreement between broadcasters and the agencies responsible for implementing the bill. Regardless of those changes, there should also be liability protection for agencies. Broadcasters should enter emergency areas at their own risk.

(Opposed) None.

(Other) Whether someone has credentials should not and does not mean anyone receives access to an emergency or disaster area. The incident commander determines who should have access, and he or she considers the need for access and safety risks, and balances those against other operational issues. State law does not currently prescribe or proscribe when the incident commander should let anyone into an affected area. The state should be careful to not set a precedent for giving certain groups priority access into an affected area.

The Emergency Management Division is already in the process of creating a program to allow persons and entities to preregister for access to an area. A person can register and request identification. Incident commanders can utilize the registry to facilitate access of necessary personnel to affected areas. This expedites, but does not guarantee, access. This currently funded program serves the same end goal of the bill.

Persons Testifying: (In support) Representative Chapman, prime sponsor; Mark Allen and Keith Shipman, Washington Association of Broadcasters; Keith Nealey, KIRO-TV; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

(Other) Jason Marquiss, Washington Military Department – Emergency Management Division.

Persons Signed In To Testify But Not Testifying: None.