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SUBSTITUTE HOUSE BILL 2415

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State of Washington                      65th Legislature                      2018 Regular Session

By House Public Safety (originally sponsored by Representatives Chapman, Goodman, Tharinger, Jinkins, and Appleton)

READ FIRST TIME 01/29/18.

1            AN ACT Relating to access of broadcasters to a geographic area  
2 subject to the declaration of a national, state, or local emergency;  
3 amending RCW 38.52.010 and 38.52.110; and adding a new section to  
4 chapter 38.52 RCW.

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

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

8            As used in this chapter:

9            (1) "Broadcaster" means a person or entity that holds a license  
10 issued by the federal communications commission under 47 C.F.R. Part  
11 73, 74, 76, or 78.

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

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

19            ((+3)) (4) "Department" means the state military department.

20            ((+4)) (5) "Director" means the adjutant general.

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

13       (~~(6)~~) (7)(a) "Emergency or disaster" as used in all sections of  
14 this chapter except RCW 38.52.430 shall mean an event or set of  
15 circumstances which: (i) Demands immediate action to preserve public  
16 health, protect life, protect public property, or to provide relief  
17 to any stricken community overtaken by such occurrences, or (ii)  
18 reaches such a dimension or degree of destructiveness as to warrant  
19 the governor declaring a state of emergency pursuant to RCW  
20 43.06.010.

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

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

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

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

1 directly elected, and it means the city manager in those cities and  
2 towns with council manager forms of government. Cities and towns may  
3 also designate an executive head for the purposes of this chapter by  
4 ordinance.

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

13 ~~((11))~~ (12) "First informer broadcaster" means an individual  
14 who:

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

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

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

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

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

1        ~~((14))~~ (16) "Local director" means the director of a local  
2 organization of emergency management or emergency services.

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

7        ~~((16))~~ (18) "Political subdivision" means any county, city or  
8 town.

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

14        ~~((18))~~ (20) "Radio communications service company" has the  
15 meaning ascribed to it in RCW 82.14B.020.

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

24        **Sec. 2.** RCW 38.52.110 and 1984 c 38 s 11 are each amended to  
25 read as follows:

26        (1) In carrying out the provisions of this chapter, the governor  
27 and the executive heads of the political subdivisions of the state  
28 are directed to utilize the services, equipment, supplies, and  
29 facilities of existing departments, offices, and agencies of the  
30 state, political subdivisions, and all other municipal corporations  
31 thereof including but not limited to districts and quasi municipal  
32 corporations organized under the laws of the state of Washington to  
33 the maximum extent practicable, and the officers and personnel of all  
34 such departments, offices, and agencies are directed to cooperate  
35 with and extend such services and facilities to the governor and to  
36 the emergency management organizations of the state upon request  
37 notwithstanding any other provision of law.

38        (2) The governor, the chief executive of counties, cities and  
39 towns and the emergency management directors of local political

1 subdivisions appointed in accordance with this chapter, in the event  
2 of a disaster, after proclamation by the governor of the existence of  
3 such disaster, shall have the power to command the service and  
4 equipment of as many citizens as considered necessary in the light of  
5 the disaster proclaimed: PROVIDED, That citizens so commandeered  
6 shall be entitled during the period of such service to all  
7 privileges, benefits and immunities as are provided by this chapter  
8 and federal and state emergency management regulations for registered  
9 emergency workers.

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

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 38.52  
15 RCW to read as follows:

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

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