

# HOUSE BILL REPORT

## HB 1147

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### As Passed Legislature

**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, Klippert and Goodman.

#### **Brief History:**

##### **Committee Activity:**

Housing, Community Development & Veterans: 1/23/19, 1/29/19 [DP].

##### **Floor Activity:**

Passed House: 3/4/19, 97-0.

Passed Senate: 4/13/19, 44-0.

Passed Legislature.

#### **Brief Summary of 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.

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### HOUSE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT & VETERANS

**Majority Report:** Do pass. Signed by 8 members: Representatives Ryu, Chair; Morgan, Vice Chair; Gildon, Assistant Ranking Minority Member; Barkis, Entenman, Frame, Leavitt and Reeves.

**Staff:** Cassie Jones (786-7303).

#### **Background:**

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*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.

The Governor and the executive heads of the political subdivisions of the state, in order to carry out their emergency management duties, are directed to utilize, to the maximum extent practicable, the services, equipment, supplies, and facilities of existing departments, offices, agencies of the state, political subdivisions, and all municipal corporations. The officers and personnel of all departments, offices, and agencies are directed to cooperate with and extend services and facilities to the Governor and to the emergency management organizations of the state upon request.

The Governor, the chief executive of counties, cities, and towns, and the emergency management directors of local political subdivisions, in the event of a disaster and after proclamation by the Governor of the existence of such disaster, have the power to command the service and equipment of as many citizens as are considered necessary in the light of the disaster proclaimed.

**Summary of 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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** 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, working with the Department of Emergency Management, now have the opportunity to receive specialized training to enter into areas that would otherwise be off limits, so they can repair and maintain supplies and equipment. This will enable the broadcasters to continue broadcasting during an emergency. This policy arose from incidents during Hurricane Katrina when radio and television transmitters were running out of fuel, equipment was damaged and could not be accessed, or fuel was confiscated. In some cases, stations were not able to broadcast. During a disaster, the public needs information regarding the emergency that will help to protect life and property. Local radio and television broadcasters disseminate information through the emergency alert system to the citizens of the state regarding safety and recovery. Broadcasters who need to repair and maintain equipment will always be subject to direction by the local incident commander.

(Opposed) None.

**Persons Testifying:** Representative Chapman, prime sponsor; Mark Allen, Washington State Association of Broadcasters; and Keith Shipman, Washington State Association of Broadcasters.

**Persons Signed In To Testify But Not Testifying:** None.