

SENATE BILL REPORT

SB 5186

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, January 30, 2019

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: Senators Hunt, Zeiger and Kuderer.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 1/25/19, 1/30/19 [DP].

Brief Summary of Bill

- Prohibits seizure of a first informer broadcaster's vehicle, fuel, food, water or other essential materials brought into an emergency area, except as otherwise authorized by law.
- Provides liability protections for federal, state, and local agencies that facilitate access of a first informer broadcaster to an emergency or disaster area.
- Defines broadcaster and first informer broadcaster for the purposes of emergency management.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Bailey, Hasegawa, Hawkins and Takko.

Staff: Melissa Van Gorkom (786-7491)

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.

Background: Emergency Management. The Washington Military Department Emergency Management Division (EMD) under the direction of the adjutant general administers the state's comprehensive program of emergency management. 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. In the event of a disaster beyond local control, the Governor, through the adjutant general, may assume operational control over all or any part of emergency management functions in the state.

An emergency or disaster, as described in statute, is an event or set of circumstances which: demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or reaches such a dimension or degree of destructiveness as to warrant the Governor declaring a state of emergency.

State of Emergency. A state of emergency is proclaimed as such by the chief elected official after finding that an emergency or disaster has occurred. When an emergency or disaster conditions exceed the local resources and capabilities the local jurisdiction may request the support of the state through the EMD.

The Governor may declare a state of emergency through the issuance of a proclamation which is effective upon the Governor's signature and remains in effect until the Governor issues a proclamation declaring its termination.

Summary of Bill: First Informer Broadcaster. A first informer broadcaster is any certified individual who is employed by, or acting pursuant to a contract under 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 proclaimed emergency.

Broadcaster means a person or entity that holds a radio or television services license issued by the Federal Communications Commission.

Emergency Management. 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.

Liability protections are provided for a federal, state, or local agency that facilitates access of a first informer broadcaster to an emergency or disaster area.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Local radio and television broadcasters are licensed to serve the public and part of our mission is to disseminate information to the people. This legislation allows broadcasters to continue to do that by allowing broadcast technical people and others who need to repair or maintain equipment into a disaster. The incident commander at the site always has the final say regarding access to the incident.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Mark Allen, Washington State Association of Broadcasters; Keith Shipman, Washington State Association of Broadcasters.

Persons Signed In To Testify But Not Testifying: No one.