



FOURTH DRAFT OF STATUS REPORT

dickzaragoza@gmail.com, Feb 16, 2017

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Alabama: The first draft of an “Emergency Broadcast Responder” bill was passed in the House and approved by the Senate Committee. However, the bill died in the last days of the session two years ago because the Legislature was tied up over a big education issue. This year’s bill, which included requirements that broadcasters have training in hazmat and take FEMA online courses also died for failure to make it onto the Senate calendar for a final vote on the floor. There is no plan to introduce a bill in the 2015 session because of concerns over the “hoops” that broadcasters would have to jump through and the fact that broadcasters have really not had any problems.

Alaska: We may not be able to make our 2017 legislature, but we’re beginning to have the discussions again. We have been looking at the language from other states that have already passed legislation. Hopefully, this will be a topic of discussion at our Convention in November. Alaska’s 2017 Legislature will convene the 3rd week of January.

Arizona: Our First Informers Broadcasters bill was passed in the 2014 legislature without and was signed into law in by the Governor. The statute calls for training of those station personnel who are responsible for emergency notification and EAS. Our State Division of Emergency Management has made the FEMA training site available to our broadcasters for NIMS training which is presently taking place.

Arkansas: We are very early in the process, having just started discussions with a legislator who may be willing to introduce such legislation.

California: We have never really had an issue with access that couldn't be solved with a phone call. We also have existing access under California Penal Code 409.5 and 409.6. It was clarified in a court case from 1896. *Leiserson v. City of San Diego* in 1986. One of the issues in the case was whether a member of the media could have their access restricted because the area was “unsafe” to enter. The court reasoned that “press representatives must be given unrestricted access to disaster scenes unless police personnel at the scene reasonably determine that such unrestricted access will interfere with emergency operations.” Law enforcement is always very receptive when we can quote code section to them. It gives them an out from making the call.

Colorado: We are seeking MOUs with the individual Sheriff's offices. State legislation would not be effective as each Sheriff controls emergencies in their county as they deem necessary.

Connecticut: We have not pursued such legislation because we have not encountered a need for it and because we are concerned it would raise issues of who would have the right to certify which individuals would be designated 'first responders.' Furthermore, we have successfully gotten broadcast facilities statutorily defined as "critical facilities," coequal with hospitals, fire stations, etc.

Delaware: There is no First Responders/Informers law on the books in the State of Delaware and we are not pursuing one at this time.

District of Columbia: There is no First Responders/Informers law on the books in the District of Columbia and we are not pursuing one at this time.

Florida: We do not have a “First Responder” statute or language in Florida law. However, since Hurricane Andrew in 1992 when Florida reworked its emergency statutes and emergency plan, the Florida Broadcasters as an organization and the individual stations have been reflected in the State Plan. The Florida Emergency Management Plan adopted by the State of Florida and approved by FEMA includes the following:

- Fuel priority for broadcast stations with only law enforcement and medical above their priority. The State and the National Guard during 2004 and 2005 actually assisted in fuel deliveries to transmitters for stations immediately after hurricanes.
- FAB has a permanent position at the State Emergency Operation Center and helps oversee any EAS messages. More importantly, the FAB helps coordinate all emergency news conferences through the State’s satellite for distribution to Florida broadcasters and all other news outlets.
- FAB has an ongoing contract to document by video all disasters in Florida before, during, and after for the State Emergency Management Office and FEMA.
- FAB has an annual contract to provide public information/NCSA on hurricane and emergency preparedness to the residents of Florida.
- FAB’s leadership team has State of Florida credentials to be able to assist the State and broadcasters during times of disasters.

Georgia: Georgia’s “First Informers Broadcast Act” became law on July 1, 2014. With the assistance of our state Emergency Management Agency (GEMA), we were able to solve our certification obstacle as GEMA added a consistent statewide process to their Emergency Operation Plan. **Update:** We had our first real test of our first informer bill since the bill was enacted when governor declared 56 counties under the state of emergency for Hermne.. Our partnership with the county EMA seemed to work well. Cooperation with GEMA now GEMSHA (to reflect addition of Homeland Security) was excellent as was GDOT, NOAA and Georgia Power.

FYI we also received a call from the FCC asking for an update on any stations that went down. They allowed stations to remain at full power use auxiliary towers if needed. They were very helpful and we updated them as the storm passed thru GA with minimal damage

Hawaii: We do not have a First Responders law and we have not pursued one as of yet.

Idaho: We have no First Responders/Informers law and there are no current plans to pursue one.

Illinois: We have a “First Informer” law on the books.

Indiana: We have an “Emergency Management Assistance Compact” law on the books.

Iowa: We have not pursued this legislation, but it has been discussed.

Kansas: We do not have “First Responder” or “First Informer” legislation. However, we have an effective “Emergency Broadcaster ID Program” that we have worked out with state and local authorities.

Kentucky: Our state Emergency Operation Center (EOC) and Disaster and Emergency Services (DES) representatives recognize the critical role we play in disseminating information to the Public. They have requested that we NOT ask for specific legislation that grants us any special access, exemptions or authority in the event of an emergency situation. Instead, they assure us that broadcasters will be included in all of their state emergency plans and procedures and we will be afforded most or all of the rights of a first responder, when it comes to accessing transmitter and studio sights.

Louisiana: At this point we are not trying to get anything passed in our State. We are already considered by our State Police & GOHSEP (Governor’s Office on Homeland Security & Preparedness) as tier 2 (We receive a letter that is signed by the state police and GOHSEP that allows our station Engineers and General Managers to return to the effective areas once they are deemed safe. We are trying to persuade the Colonel of the Louisiana State Police to add us into the state emergency response plan. We have about a 80-90% chance of getting that done before next May. If that does not happen, then we will try to persuade our State Legislature to pass a “First Responders” law.

Maine: We are inquiring about FEMA’s plan to roll out a credentialing program. If that program were to go nationwide, that would be a factor in determining whether we would seek state legislation.

Maryland: We are in the process of determining whether there is such a law, or its equivalent, in the State of Maryland.

Massachusetts: We are not currently pursuing “First informer” legislation.

Michigan: Michigan has no “First Responder/First Informer” law. We have no current plans to seek one.

Minnesota: Our Association is playing a significant role in the development of IPAWS policies in Minnesota (the Association’s President is the co-chair of the IPAWS Policy Committee). We intend to ensure that provisions are made for engineers to access facilities in emergency situations. This access will be granted to the personnel of stations that are committed to providing news coverage during an emergency (e.g., have backup generators/facilities, a news department and are willing and able to air the EVI, NUW, SPW, CAE & CDW messages).

Mississippi: We have not pursued this legislation as of yet, but intend to do so in 2015.

Missouri: We are going to pre-file the same “First Informers” bill that passed through committee last session but didn’t go anywhere because we ran out of time. **Update:** Our Missouri Broadcasters as 1st Informers Act was signed into law last month by Governor Nixon.

Montana: We are in the process of identifying some Legislators to carry such a bill.

Nebraska: We have not yet pursued this legislation.

Nevada: We have a “First Responder” law on the books.

New Hampshire: We are not currently pursuing “First informer” legislation, although we have had discussions about doing so.

New Jersey: The “First Responder” bill has been dropped, i.e., has been presented for consideration by the legislature. We received some push back from the NJ State Police because of the certification requirement and the issue of who would pay to administer the program.

New Mexico: We are in contact with the state legislator who will introduce such a bill.

New York: There is no “First Responder” legislation in NY. We have moved to create a fuel access process through the NY DHES.

North Carolina: We have nothing pending at this time.

North Dakota: We are working with two North Dakota legislators to introduce a “First Responders” bill in the 2015 Legislative Session.

Ohio: We are not currently pursuing such legislation.

Oklahoma: Oklahoma passed a “First Informers” Bill this year. It is quite similar to the Illinois bill. We are now working on the accreditation process with input from Tennessee and Illinois.

Oregon: We have two legislators working together to introduce a “First Informers” bill in the 2015 Session. **Update:** Oregon's bill passed and was signed by the Governor in 2015. The Oregon State Office of Emergency Management, SBE/Oregon and Oregon Association of Broadcasters have finalized the credentialing plan (training, etc) and we expect to begin implementation of the program by the end of the month.

Pennsylvania: We are inclined to seek such legislation and the matter continues under discussion.

Puerto Rico: We intend to seek such legislation.

Rhode Island: We are not currently pursuing legislation on a “First Informer /Responder” bill. We have it in discussion with our State Emergency Management Agency and look forward to moving it ahead as our new Lt Governor, who oversees this agency, is seated in 2015. **Update:** Rhode Island Broadcasters Association is on committee alongside the 2015 appointed Director of Emergency Management in the development of an updated State Emergency Plan. "First Responder" language has been in discussion within the meetings with great support from all parties within the committee. Rhode Island has never experienced any issue within any events where access was needed. We will continue to work with the State and its assigned committees to reach an agreement to add into the final plan.

South Carolina: We do not have a legislative effort planned for 2015, but are evaluating for the future.

South Dakota: Our fire departments and ambulances are amidst a tax dispute that will completely immerse them in the 2015 legislature. We have had early discussions with the emergency response community about the measure, and are considering legislation in 2016. We would take the “First Informer” route.

Tennessee: Our Emergency Response Broadcasters (“ERBA”) program, which is coordinated through the TAB in compliance with the “Emergency Response Broadcasters Act” (TCA Title 58, Chapter 2) was signed into law by Governor Hasland on June 3, 2014. The law became effective July 1, 2014.

Texas: We do not have such legislation and do not plan on pursuing such legislation in 2015. We have higher priorities and will address this administratively in 2015-16 and will try legislation in 2017 if necessary. Our legislature only meets in odd numbered years.

Utah: We have discussed the matter, but taken no specific action. It is too late for our 2015 legislative session. We will probably do so in 2016.

Vermont: We do not have such legislation on the books here, and may take a look at it this year---but no plans at present.

Virginia: We have a “First Informers” law on the books of the Commonwealth of Virginia.

Washington State: The Washington State Association of Broadcasters plans to work with state legislators to introduce a First Informer Bill in 2017, with hopes of joining the ever growing lists of states that have passed such legislation.

West Virginia: We do not have such legislation in our State. Because of the pilot program we are working on with FEMA, our Homeland Security Chief believes that such legislation would be unnecessary as they will be using the PIV Card system that, once in place, will identify “first responder” broadcasters.

Wisconsin: While we do not have “First Responder” or “First Informer” legislation, per se, but we have an effective “WBA Emergency Broadcaster ID Program” that we have worked out with state and local authorities.

Wyoming: We have not as yet pursued any “First Responder/First Informer” legislation.

THIRD DRAFT OF STATUS REPORT ON FIRST RESPONDERS LEGISLATION BY STATE

Alabama: The first draft of an “Emergency Broadcast Responder” bill was passed in the House and approved by the Senate Committee. However, the bill died in the last days of the session two years ago because the Legislature was tied up over a big education issue. This year’s bill, which included requirements that broadcasters have training in hazmat and take FEMA online courses also died for failure to make it onto the Senate calendar for a final vote on the floor. There is no plan to introduce a bill in the 2015 session because of concerns over the “hoops” that broadcasters would have to jump through and the fact that broadcasters have really not had any problems.

Alaska: We are awaiting a response to our inquiry about the matter from our State Emergency Communications Committee co-Chair. The back-log of issues, that everyone will be fighting over is expected to consume the legislature’s agenda.

Arizona: Our “First Informers Broadcasters” bill was passed in the 2014 legislature in last Spring without a signal “no” vote and was signed into law in May by the Governor. The statute call for training of those station personnel who are responsible for emergency notification and EAS. Our State Division of Emergency Management has made the FEMA training site available to our broadcasters for NIMS training which is presently taking place.

Arkansas: We are very early in the process, having just started discussions with a legislator who may be willing to introduce such legislation.

California: We have never really had an issue with access that couldn't be solved with a phone call. We also have existing access under California Penal Code 409.5 and 409.6. It was clarified in a court case from 1896. *Leiserson v. City of San Diego* in 1986. One of the issues in the case was whether a member of the media could have their access restricted because the area was “unsafe” to enter. The court reasoned that “press representatives must be given unrestricted access to disaster scenes unless police personnel at the scene reasonably determine that such unrestricted access will interfere with emergency operations.” Law enforcement is always very receptive when we can quote code section to them. It gives them an out from making the call.

Colorado: We are seeking MOUs with the individual Sheriff's offices. State legislation would not be effective as each Sheriff controls emergencies in their county as they deem necessary.

Connecticut: We have not pursued such legislation because we have not encountered a need for it and because we are concerned it would raise issues of who would have the right to certify which individuals would be designated 'first responders.' Furthermore, we have successfully gotten broadcast facilities statutorily defined as "critical facilities," coequal with hospitals, fire stations, etc.

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- FAB’s leadership team has State of Florida credentials to be able to assist the State and broadcasters during times of disasters.

Georgia: Georgia passed the “First Informers Broadcast Act” last spring. It was signed by Governor Deal in April and became law on July 1, 2014. The challenge now is getting station personnel “accredited.” The engineers are responding quickly to take the NIMS test and become certified. To date, it is believed that no talent or content manager, i.e., News Director or other newsroom management such as assignment editors, has taken the necessary steps to begin the accreditation process.

Hawaii: We do not have a First Responders law and we have not pursued one as of yet.

Idaho: We have no First Responders/Informers law and there are no current plans to pursue one.

Illinois: We have a “First Informer” law on the books.

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Utah: We have discussed the matter, but taken no specific action. It is too late for our 2015 legislative session. We will probably do so in 2016.

Vermont: We do not have such legislation on the books here, and may take a look at it this year---but no plans at present.

Virginia: We have a “First Informers” law on the books of the Commonwealth of Virginia.

Washington State: We have not run this legislation yet and won't be in 2015 due to the fact that we have a major tax issue to resolve this year and we are putting all of our effort into it. We may pursue such legislation in the future.

West Virginia: We do not have such legislation in our State. Because of the pilot program we are working on with FEMA, our Homeland Security Chief believes that such legislation would be unnecessary as they will be using the PIV Card system that, once in place, will identify "first responder" broadcasters.

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