

1 SB324  
2 157852-1  
3 By Senator Reed  
4 RFD: Commerce, Transportation, and Utilities  
5 First Read: 06-FEB-14

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8 SYNOPSIS: This bill would authorize radio stations,  
9 television stations, and cable operators to be  
10 certified by the Alabama Broadcasters Association  
11 as emergency response engineers and would authorize  
12 emergency response engineers to have access to  
13 areas affected by emergencies or disasters in order  
14 to restore broadcasting or cable signal capability  
15 and provide information related to an emergency or  
16 disaster to the public when a radio or television  
17 station or cable operator is in an affected area.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

22  
23 Relating to radio and television stations and cable  
24 operators; to authorize planning for responding to emergencies  
25 or disasters by broadcasters and cable operators and to  
26 authorize access to emergency or disaster areas by emergency  
27 response engineers to restore broadcasting capability and to

1 transmit emergency public information when the radio  
2 broadcasting station, television broadcasting station, or  
3 cable operator is located in the affected area.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. This act may be cited as the Broadcasters  
6 Emergency Response Authorization Act.

7 Section 2. For purposes of this act, the following  
8 words have the following meanings:

9 (1) BROADCASTER. A radio broadcasting station, cable  
10 operator, or television broadcasting station primarily engaged  
11 in, and deriving income from, the business of facilitating  
12 speech via over-the-air and cable communications, both as to  
13 pure speech and commercial speech.

14 (2) EMERGENCY. A state of emergency declared by the  
15 Governor pursuant to Section 31-9-8, Code of Alabama 1975.

16 (3) EMERGENCY RESPONSE ENGINEER. A broadcast  
17 engineer or other technical person certified as an emergency  
18 response engineer pursuant to this act who is used exclusively  
19 for the purpose of restoring, repairing, or resupplying a  
20 facility or equipment critical to the ability of a broadcaster  
21 to acquire, produce, and transmit essential emergency public  
22 information programming, including, without limitation,  
23 repairing and maintaining transmitters and generators and  
24 transporting fuel for generators.

25 Section 3. Broadcasters in this state, in  
26 cooperation with the Alabama Emergency Management Agency, the  
27 Alabama Association of Emergency Managers, and the Alabama

1 Broadcasters Association, or their successor organizations,  
2 may develop comprehensive, coordinated plans for granting  
3 credentials to emergency response engineers as authorized  
4 herein.

5 Section 4. The plans developed as provided in  
6 Section 3 may include a program for training and certifying  
7 broadcast engineers and technical personnel as emergency  
8 response engineers. Each program established pursuant to this  
9 subsection shall meet all of the following criteria:

10 (1) Be consistent with federal law and guidelines.

11 (2) Provide training and education, as determined by  
12 the Alabama Emergency Management Agency, concerning restoring,  
13 repairing, and resupplying any facilities and equipment of a  
14 broadcaster in an area affected by an emergency.

15 (3) Provide training and education concerning the  
16 personal safety of an emergency response engineer in an area  
17 affected by an emergency.

18 (b) To the extent practicable and consistent with  
19 not endangering public safety or inhibiting recovery efforts,  
20 state and local governmental agencies shall allow properly  
21 credentialed emergency response engineers temporary access to  
22 an area affected by an emergency for the exclusive purpose of  
23 restoring, repairing, or resupplying any facility or equipment  
24 critical to the ability of a broadcaster to acquire, produce,  
25 and transmit essential emergency public information  
26 programming, including, without limitation, repairing and  
27 maintaining transmitters and generators and transporting fuel

1 for generators. In addition, when a radio broadcasting  
2 station, television broadcasting station, or cable operator is  
3 located in an area affected by an emergency, state and local  
4 governmental agencies shall allow other essential personnel  
5 access to production facilities for the purpose of producing  
6 and presenting emergency public information programming.  
7 Neither the State of Alabama nor any local government or any  
8 employee thereof shall be liable for any action or inaction of  
9 the credentialed emergency response broadcaster or any other  
10 essential personnel granted access pursuant to this section.

11 Section 5. This act shall become effective  
12 immediately following its passage and approval by the  
13 Governor, or its otherwise becoming law.