

1 HB383  
2 149523-1  
3 By Representatives Merrill and Ball  
4 RFD: Public Safety and Homeland Security  
5 First Read: 05-MAR-13

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8 SYNOPSIS: This bill would authorize radio stations,  
9 cable operators, and television stations, in  
10 cooperation with the Department of Homeland  
11 Security, to develop plans to prepare and respond  
12 to emergencies or disasters. The bill would  
13 authorize broadcasters to be certified by the  
14 Department of Homeland Security as emergency  
15 response broadcasters and would authorize emergency  
16 response broadcasters to have access to areas  
17 affected by emergencies or disasters in order to  
18 restore broadcasting capability and provide  
19 information related to an emergency or disaster to  
20 the public.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 Relating to radio and television stations and cable  
27 operators; to authorize planning for responding to emergencies

1 or disasters by broadcasters and the certifying of trained  
2 emergency response broadcasters by the Department of Homeland  
3 Security; and to authorize access to emergency or disaster  
4 areas by emergency response broadcasters to restore  
5 broadcasting capability and to transmit emergency public  
6 information.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. This act may be cited as the Emergency  
9 Response Broadcasters Act.

10 Section 2. For the purposes of this act, the  
11 following words have the following meanings:

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

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

19 (3) EMERGENCY RESPONSE BROADCASTER. A person who has  
20 been certified as an emergency response broadcaster pursuant  
21 to this act.

22 Section 3. Broadcasters in this state, in  
23 cooperation with the Department of Homeland Security and the  
24 Alabama Broadcasters Association, or its successor  
25 organization, may develop comprehensive, coordinated plans for  
26 preparing for and responding appropriately to an emergency or  
27 disaster.

1           Section 4. (a) Any statewide organization, or any  
2 member of a statewide organization, that represents  
3 broadcasters, cable television communications, or any other  
4 provider that uses emerging technologies may establish a  
5 program for training and certifying broadcast engineers and  
6 technical personnel as emergency response broadcasters. Each  
7 program established pursuant to this subsection shall meet all  
8 of the following criteria:

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

10           (2) Provide training and education concerning  
11 restoring, repairing, and resupplying any facilities and  
12 equipment of a broadcaster in an area affected by an  
13 emergency.

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

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

1                   Section 5. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.