

1 HB410
2 157852-1
3 By Representatives Merrill and Ball
4 RFD: Public Safety and Homeland Security
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

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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.