

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 353**

4 (By Senator Unger)

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6 [Originating in the Committee on Government Organization;
7 reported March 13, 2013.]

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11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new article, designated §15-5C-1, §15-5C-2,
13 §15-5C-3 and §15-5C-4, all relating to establishing the First
14 Informer Broadcasters Act; defining terms; permitting
15 broadcasters to develop plans for preparing and responding to
16 emergencies and disasters; permitting broadcasters to train
17 and certify certain personnel to be first informer
18 broadcasters; setting forth what training and certification
19 plans must contain; and requiring, to the extent practicable,
20 government agencies to allow first emergency broadcasters
21 access to emergency areas to repair equipment critical to
22 their emergency broadcasting responsibilities.

23 *Be it enacted by the Legislature of West Virginia:*

24 That the Code of West Virginia, 1931, as amended, be amended
25 by adding thereto a new article, designated §15-5C-1, §15-5C-2,
26 §15-5C-3 and §15-5C-4, all to read as follows:

1 **ARTICLE 5C. FIRST INFORMER BROADCASTERS ACT.**

2 **§15-5C-1. Short title.**

3 This article may be cited as the "First Informer Broadcasters
4 Act."

5 **§15-5C-2. Definitions.**

6 "Broadcaster" means an FCC-licensed radio or television
7 broadcasting station or cable television system primarily engaged
8 in, and deriving income from, the business of facilitating speech
9 via over-the-air communications, both as to pure speech and
10 commercial speech.

11 "First informer broadcaster" means a person who has been
12 certified as a first informer broadcaster pursuant to section four
13 of this article.

14 **§15-5C-3. Broadcasters; comprehensive plans.**

15 Broadcasters in this state may, in cooperation with the
16 Division of Homeland Security and Emergency Management and the West
17 Virginia Broadcasters Association, or its successor organization,
18 develop comprehensive, coordinated plans for preparing for and
19 responding appropriately to an emergency or disaster.

20 **§15-5C-4. First informer broadcasters; training; certification.**

21 (a) Any statewide organization, or any member of a statewide
22 organization, that represents broadcasters, cable television
23 communications or any other provider that uses emerging
24 technologies may establish a program for training and certifying
25 broadcast engineers and technical personnel as first informer

1 broadcasters. Each program established pursuant to this subsection
2 must:

3 (1) Be consistent with federal law and guidelines;

4 (2) Provide training and education concerning restoring,
5 repairing and resupplying any facilities and equipment of a
6 broadcaster in an area affected by an emergency or disaster; and

7 (3) Provide training and education concerning the personal
8 safety of a first informer broadcaster in an area affected by an
9 emergency or disaster.

10 (b) To the extent practicable and consistent with not
11 endangering public safety or inhibiting recovery efforts, state and
12 local governmental agencies shall allow a first informer
13 broadcaster access to an area affected by an emergency or disaster
14 for the purpose of restoring, repairing or resupplying any facility
15 or equipment critical to the ability of a broadcaster to acquire,
16 produce and transmit essential emergency- or disaster-related
17 public information programming, including, without limitation,
18 repairing and maintaining transmitters and generators and
19 transporting fuel for generators.