

1 **Senate Bill No. 353**

2 (By Senator Unger)

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4 [Introduced February 22, 2013; referred to the Committee on
5 Government Organization.]

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

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

22 That the Code of West Virginia, 1931, as amended, be amended
23 by adding thereto a new article, designated §15-5C-1, §15-5C-2,
24 §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 a radio broadcasting station, cable
7 operator or television broadcasting station primarily engaged in,
8 and deriving income from, the business of facilitating speech via
9 over-the-air communications, both as to pure speech and commercial
10 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

1 technologies may establish a program for training and certifying
2 broadcast engineers and technical personnel as first informer
3 broadcasters. Each program established pursuant to this subsection
4 must:

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

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

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

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

NOTE: The purpose of this bill is to establishing the First
Informer Broadcasters Act. The bill defines terms. The bill permits
broadcasters to develop emergency response plans. The bill permits

broadcasters to train and certify certain personnel to be first informer broadcasters. The bill sets forth what training and certification plans must contain. The bill requires, to the extent practicable, government agencies to allow first emergency broadcasters access to emergency areas to repair equipment critical to its emergency broadcasting responsibilities.

This article is new; therefore, strike-throughs and underscoring have been omitted.