

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 353**

(By Senator Unger)

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

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A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-5C-1, §15-5C-2, §15-5C-3 and §15-5C-4, all relating to establishing the First Informer Broadcasters Act; defining terms; permitting broadcasters to develop plans for preparing and responding to emergencies and disasters; permitting broadcasters to train and certify certain personnel to be first informer broadcasters; setting forth what training and certification plans must contain; and requiring, to the extent practicable, government agencies to allow first emergency broadcasters access to emergency

areas to repair equipment critical to their emergency broadcasting responsibilities.

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

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

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

**§15-5C-1. Short title.**

1 This article may be cited as the “First Informer  
2 Broadcasters Act.”

**§15-5C-2. Definitions.**

1 “Broadcaster” means an FCC-licensed radio or television  
2 broadcasting station or cable television system primarily  
3 engaged in, and deriving income from, the business of  
4 facilitating speech via over-the-air communications, both as  
5 to pure speech and commercial speech.

6 “First informer broadcaster” means a person who has  
7 been certified as a first informer broadcaster pursuant to  
8 section four of this article.

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

1 Broadcasters in this state may, in cooperation with the  
2 Division of Homeland Security and Emergency Management  
3 and the West Virginia Broadcasters Association, or its  
4 successor organization, develop comprehensive, coordinated  
5 plans for preparing for and responding appropriately to an  
6 emergency or disaster.

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

1 (a) Any statewide organization, or any member of a  
2 statewide organization, that represents broadcasters, cable  
3 television communications or any other provider that uses  
4 emerging technologies may establish a program for training  
5 and certifying broadcast engineers and technical personnel as  
6 first informer broadcasters. Each program established  
7 pursuant to this subsection must:

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

9 (2) Provide training and education concerning restoring,  
10 repairing and resupplying any facilities and equipment of a

1 broadcaster in an area affected by an emergency or disaster;

2 and

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

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