

HOUSE BILL 2152

By Armstrong

AN ACT to amend Tennessee Code Annotated, Title 58,
Chapter 2, relative to emergency preparedness.

WHEREAS, broadcasters licensed by the Federal Communication Commission carry a heavy burden in transmitting information to all Tennessee citizens during times of emergency; and

WHEREAS, during recent tornado and flooding emergencies, questions have arisen as to whether broadcast engineers could access a broadcaster's facilities for the purpose of keeping any station's signal on the air and thereby provide lifesaving information to Tennessee citizens; and

WHEREAS, it is in the best interest of citizens of this state that broadcast stations be returned to service as soon as possible during times of emergency; and

WHEREAS, the Tennessee Association of Broadcasters is a knowledgeable and professional organization capable of certifying the broadcast personnel who are appropriate to be permitted to their stations in order to return their service to the air; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Emergency Response Broadcasters Act."

SECTION 2. Tennessee Code Annotated, Section 58-2-101, is amended by adding the following as appropriately designated subdivisions:

(1) "broadcaster" means a radio broadcasting station or a television broadcasting station primarily engaged in the business of facilitating audio, video, or text via over-the-air communications, both as to pure speech and commercial speech and for

all purposes operating under licenses provided by the federal communications commission;

(2) "Emergency response broadcaster" means a person certified pursuant to § 58-2-201 as an emergency response broadcaster.

SECTION 3. Tennessee Code Annotated, Title 58, Chapter 2, is amended by adding the following as a new part:

58-2-201.

(a) Broadcasters in this state, in cooperation with the Tennessee emergency management agency and the Tennessee Association of Broadcasters, or its successor organization, may develop comprehensive, ordinary plans for preparing for and responding appropriately to an emergency or disaster.

(b) Any state organization that represents broadcasters may establish an approved program for training and certifying broadcast engineers and technical personnel as emergency response broadcasters. Any such program established pursuant to this subsection (b) shall:

(1) Conform with any applicable federal law or guidelines regarding emergency response broadcasters;

(2) Provide adequate training and education on how to restore, repair, and resupply any broadcast facilities or equipment in areas affected by an emergency; and

(3) Provide adequate training to protect the personal safety of any emergency broadcasters in an area affected by an emergency.

(c)

(1) Emergency response broadcasters shall have access to an area affected by an emergency for the purpose of restoring, repairing, or resupplying any facility or equipment critical to the ability of such broadcaster to acquire, produce, or transmit essential public information during an emergency unless such access would endanger public safety or inhibit recovery efforts.

(2) Subdivision (c)(1) includes access to repair or maintain transmitters or generators, or to transport fuel for generators.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.