



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5528

Introduced 2/15/2012, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

New Act

Create the First Response Broadcasters Act. Defines "broadcaster" and "first response broadcaster". Provides that broadcasters shall, in cooperation with the Illinois Emergency Management Agency and the Illinois Broadcasters Association or its successor organization, develop comprehensive, coordinated plans for preparing for and responding appropriately to an emergency or disaster. Sets forth procedures for training and certification of broadcasters and priorities for distribution and confiscation of equipment, supplies, and facilities. Effective immediately.

LRB097 17545 KMW 62750 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the First
5 Response Broadcasters Act.

6 Section 5. Definitions.

7 "Broadcaster" means a radio broadcasting station, cable
8 operator, or other video service provider or television
9 broadcasting station primarily engaged in, and deriving income
10 from, the business of facilitating speech via over-the-air
11 communications, both as to pure speech and commercial speech.

12 "First response broadcaster" means a person who has been
13 certified as a first response broadcaster pursuant to Section
14 15 of this Act.

15 Section 10. Broadcasters. Broadcasters in this State
16 shall, in cooperation with the Illinois Emergency Management
17 Agency and the Illinois Broadcasters Association or its
18 successor organization, develop comprehensive, coordinated
19 plans for preparing for and responding appropriately to an
20 emergency or disaster.

21 Section 15. First response broadcasters; training and

1 certification.

2 (a) The Illinois Broadcasters Association or its successor
3 organization, the Cable Television and Communications
4 Association of Illinois or its successor organization, any
5 member of the Cable Television and Communications Association
6 of Illinois or its successor organization, and any other
7 provider of emergency broadcasts, including, without
8 limitation, a provider who uses emerging technologies, may
9 establish a program for training and certifying broadcast
10 engineers and technical personnel as first response
11 broadcasters. Each program established pursuant to this
12 subsection must:

13 (i) be consistent with federal law and guidelines;

14 (ii) provide training and education concerning
15 restoring, repairing and resupplying any facilities and
16 equipment of a broadcaster in an area affected by an
17 emergency or disaster; and

18 (iii) provide training and education concerning the
19 personal safety of a first response broadcaster in an area
20 affected by an emergency or disaster.

21 (b) To the extent practicable and consistent with not
22 endangering public safety or inhibiting recovery efforts,
23 State and local governmental agencies shall allow a first
24 response broadcaster access to an area affected by an emergency
25 or disaster for the purpose of restoring, repairing, or
26 resupplying any facility or equipment critical to the ability

1 of a broadcaster to acquire, produce, and transmit essential
2 emergency or disaster-related public information programming,
3 including, without limitation, repairing and maintaining
4 transmitters and transporting fuel for generators.

5 Section 20. Priority for distribution of equipment,
6 supplies, or facilities in area affected by emergency or
7 disaster. To the extent practicable and consistent with not
8 endangering public safety, during an emergency or disaster, a
9 broadcaster or first response broadcaster in an area affected
10 by the emergency or disaster must be given priority for the
11 distribution of fuel, food, water, and any other equipment,
12 supplies, or facilities over all persons other than persons who
13 provide essential emergency services, health care, and utility
14 restoration services.

15 Section 25. Confiscation of equipment, supplies, or
16 facilities from broadcaster or emergency broadcaster. To the
17 extent practicable and consistent with not endangering public
18 safety, the emergency powers conferred upon the Governor and
19 upon the executive heads or governing bodies of the political
20 subdivisions of this State must not be construed to allow the
21 confiscation of vehicles, fuel, food, water, or any other
22 equipment, supplies, or facilities from a broadcaster or first
23 response broadcaster if the broadcaster or first response
24 broadcaster adequately documents that the equipment, supplies,

1 or facilities will be used to enable the broadcast of essential
2 emergency or disaster-related public information programming
3 in an area affected by an emergency or disaster.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.