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**Press Release April 9, 2014**

**From: Indiana Broadcasters Association (IBA)**

**Governor Pence Signs 'First Informer' Legislation**

Governor Mike Pence has signed into law "First Informer" legislation which allows certified engineering staff from Indiana Radio and TV stations access to critical sites in times of emergencies impacting Indiana citizens. The legislation provides for engineers from Radio and TV stations and Cable TV 'head end' facilities access to the sites if needed to keep stations on-the-air during emergencies.

Indiana is one of several states to pass such legislation. Engineers from the stations will go through a training program related to First Responders so they are fully aware of precautions needed in various emergency situations. Once the training is completed they will be 'certified' as first response broadcasters and provided proper ID so they can gain access to critical sites when needed.

The Indiana Broadcasters Association (IBA) began the legislative move following approval from the Illinois legislature. IBA Board Chair Chuck Williams (Radio-One in Indianapolis) says "this legislation provides another measure of safety for residents of Indiana by making sure radio and TV facilities are functioning properly, have the needed parts and supplies to keep stations on-air during emergencies and thus providing information to citizens who tune to radio and TV first for information". IBA Board Chair elect Jeff White (WISH-TV WNDY-TV, Indianapolis) supported Williams' comments. "In times of disaster or emergencies", said White, "it can be important for our staff engineers to gain access to the necessary sites to assure we remain on-the-air since 90% of the public tunes to local radio and/or TV during bad weather and other emergencies."

There are situations which cause equipment to need repair or resetting. Also, most individuals do not realize that stations need energy or other supplies to function and the new legislation assures Indiana residents that local radio and TV operations and the cable providers who distribute signals to homes will continue to function and provide the information needed during these times.

Training for the broadcast and cable engineers will begin in May with the goal being to have them certified as 'first response broadcasters' by mid-summer.

For additional information contact: Gwen Piening, Executive V.P., IBA

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1037

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AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 10-14-3-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.6. As used in this chapter, "broadcaster" has the meaning set forth in IC 10-13-5-2.**

SECTION 2. IC 10-14-3-0.7 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.7. As used in this chapter, "Emergency Management Assistance Compact" refers to IC 10-14-5.~~

SECTION 3. IC 10-14-3-0.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 0.8. As used in this chapter, "communications service provider" has the meaning set forth in IC 8-1-32.5-4.**

SECTION 4. IC 10-14-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.5. As used in this chapter, "Emergency Management Assistance Compact" refers to IC 10-14-5.**

SECTION 5. IC 10-14-3-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 22.5. (a) Broadcasters in Indiana, in cooperation with the agency, the Indiana Public Broadcasting Stations, Inc., and the Indiana Broadcasters Association or a successor association, shall develop comprehensive and**

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coordinated plans for:

- (1) preparation for; and
- (2) responding appropriately to;

an emergency or disaster.

(b) Any statewide organization or a member of a statewide organization that represents broadcasters may establish a program for training and certifying broadcast engineers and technical personnel as first response broadcasters. A program established under this subsection must:

- (1) be consistent with federal law and guidelines;
- (2) provide training and education concerning:
  - (A) restoration of;
  - (B) repairing;
  - (C) resupplying; or
  - (D) any combination of the activities under clauses (A) through (C) related to;

any facilities or equipment of a broadcaster in an area affected by an emergency or disaster; and

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

(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response broadcaster access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a broadcaster to acquire, produce, or transmit essential emergency or disaster-related public information programming, including repairing and maintaining transmitters and transporting fuel for generators.

SECTION 6. IC 10-14-3-22.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 22.6. (a) Communications service providers in Indiana, in cooperation with the agency, the Indiana Cable Telecommunications Association, and the Indiana Telecommunications Association or a successor association, shall develop comprehensive and coordinated plans for:**

- (1) preparation for; and
- (2) responding appropriately to;

an emergency or disaster.

(b) Any statewide organization or a member of a statewide



**organization that represents communications service providers may establish a program for training and certifying communications service engineers and technical personnel as first response communications service providers. A program established under this subsection must:**

- (1) be consistent with federal law and guidelines;**
  - (2) provide training and education concerning:**
    - (A) restoration of;**
    - (B) repairing;**
    - (C) resupplying; or**
    - (D) any combination of the activities under clauses (A) through (C) related to;**
- any facilities or equipment of a communications service provider in an area affected by an emergency or disaster; and**
- (3) provide training and education concerning the personal safety of a first response communications service provider in an area affected by an emergency or disaster.**

**(c) To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, the state and political subdivisions shall allow a first response communications service provider access to an area affected by an emergency or disaster for the purpose of restoration of, repairing, or resupplying (or any combination of these activities) a facility or equipment critical to the ability of a communications service provider to acquire, produce, or transmit essential emergency or disaster related public information programming, including repairing and maintaining transmitters and transporting fuel for generators.**

**SECTION 7. IC 10-14-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) A local disaster emergency:**

- (1) may be declared only by the principal executive officer of a political subdivision; and**
- (2) may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision.**

**Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly in the office of the clerk of the political subdivision.**

**(b) The effect of a declaration of a local disaster emergency is to:**

- (1) activate the response and recovery aspects of all applicable**



local or interjurisdictional disaster emergency plans; and

(2) authorize the furnishing of aid and assistance under the plans.

(c) An interjurisdictional agency or official may not declare a local disaster emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services according to the agreement.

(d) If a local disaster emergency is declared under this section, the political subdivision may not prohibit individuals engaged in employment necessary to:

- (1) maintain a safe rail system;
- (2) restore utility service; or
- (3) provide any other emergency public service;

from traveling on the highways within the political subdivision during the local disaster emergency.

**(e) If a local disaster emergency is declared under this section, the political subdivision may not prohibit individuals trained and certified as first response broadcasters, as set forth in section 22.5 of this chapter, from traveling on the highways within the political subdivision during the local disaster emergency.**

**(f) If a local emergency is declared under this section, the political subdivision may not prohibit individuals trained and certified as first response communications service providers, as set forth in section 22.6 of this chapter, from traveling on the highways within the political subdivision during the local disaster emergency.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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