

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0322.02 Duane Gall x4335

SENATE BILL 20-098

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Snyder,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING THE DESIGNATION OF FIRST INFORMER BROADCASTERS

102 FOR PURPOSES OF EMERGENCY RESPONSE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill directs the governor and the department of public safety to include in disaster preparedness plans the credentialing of first informer broadcasters, whose personnel and vehicles would be authorized to enter areas otherwise closed to the public for the purpose of repairing or maintaining antennas or other infrastructure needed to communicate vital information to the public. A local law enforcement agency or other

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

public official is not liable for any act or omission when a first informer broadcaster is granted access to a closed area.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and determines that:

4 (a) When disasters happen, people rely on their local broadcast
5 TV and radio stations for breaking news. Broadcasters may be the only
6 sources of information readily available to residents in the affected area,
7 and they are usually the most familiar and trusted.

8 (b) The federal communications commission, in recognition of
9 this role, requires broadcasters to be responsive to the communities they
10 serve as a condition of their licenses, and under federal law, broadcasters
11 are recognized as first responders;

12 (c) When an emergency or natural disaster occurs, broadcast
13 engineers and technical staff must have access to their facilities so they
14 can keep the station's broadcast signal on the air. This allows for the
15 uninterrupted dissemination of critical public safety information to a
16 community about fast-developing events such as floods, wildfires,
17 avalanches, blizzards, and tornadoes.

18 (d) When the equipment broadcasters rely on is located behind a
19 designated law enforcement perimeter, broadcast personnel must have
20 access beyond that perimeter. Many broadcast transmitters are located in
21 remote locations, such as mountaintops, that are susceptible to natural
22 disasters, and even broadcast facilities in urban areas may be in areas
23 closed to the public due to an emergency.

24 (2) Therefore, the general assembly declares that the purpose of
25 this act is to allow broadcast engineers, technicians, and other key

1 personnel to access studios, transmitters, tower sites, and other
2 infrastructure directly related to a broadcaster's ability to maintain its
3 over-the-air signal during an emergency or natural disaster.

4 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-703, **add**
5 (1.5) and (4.4) as follows:

6 **24-33.5-703. Definitions.** As used in this part 7, unless the
7 context otherwise requires:

8 (1.5) "BROADCASTER" MEANS A PERSON THAT HOLDS A LICENSE
9 FROM THE FEDERAL COMMUNICATIONS COMMISSION UNDER 47 CFR 73,
10 74, 76, OR 78.

11 (4.4) (a) "FIRST INFORMER BROADCASTER" MEANS A
12 BROADCASTER AND ANY INDIVIDUAL EMPLOYED BY, OR UNDER CONTRACT
13 WITH, A BROADCASTER WHO, DURING AN EMERGENCY OR DISASTER, SEEKS
14 TO OR DOES:

15 (I) MAINTAIN, REPAIR, OR RESUPPLY ANY TRANSMITTER,
16 GENERATOR, ANTENNA, OR OTHER ESSENTIAL EQUIPMENT OR
17 INFRASTRUCTURE USED BY A BROADCASTER IN ITS OPERATIONS; OR

18 (II) PROVIDE TECHNICAL SUPPORT TO A BROADCASTER.

19 (b) "FIRST INFORMER BROADCASTER" DOES NOT INCLUDE A
20 REPORTER OR PHOTOGRAPHER, AND A CREDENTIAL ISSUED PURSUANT TO
21 SECTION 24-33.5-712 DOES NOT ENCOMPASS NEWSGATHERING OR
22 REPORTING ACTIVITIES.

23 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-705.3,
24 **amend** (1)(a) as follows:

25 **24-33.5-705.3. Statewide all-hazards resource database -**
26 **creation - definitions.** (1) For purposes of this section:

27 (a) "Private sector agencies and organizations" means any private

1 sector or nonprofit agency or organization, INCLUDING A FIRST INFORMER
2 BROADCASTER AND AN AUXILIARY EMERGENCY COMMUNICATOR, AS
3 DEFINED IN SECTION 24-33.5-705.5, that has resources useful in a disaster
4 or emergency that it desires to list in the private sector portion of the
5 database.

6 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-33.5-712
7 as follows:

8 **24-33.5-712. Telecommunications - intent - cooperation with**
9 **first informer broadcasters - definition.** (1) The state
10 telecommunications director, working in coordination with the division
11 of homeland security and emergency management, shall ascertain what
12 means exist for rapid and efficient telecommunications in times of
13 ~~disaster~~ DISASTERS, emergencies, AND EMERGENCY EPIDEMICS.
14 Operational characteristics of the available systems of
15 telecommunications shall be evaluated by the office, and
16 recommendations for modifications shall be made to the state
17 telecommunications director. It is the intent of this section that adequate
18 means of telecommunications, INCLUDING THE UNINTERRUPTED
19 OPERATION OF BROADCASTERS WHENEVER POSSIBLE, be available for use
20 during ~~disaster~~ DISASTERS, emergencies, AND EMERGENCY EPIDEMICS.

21 (2) (a) (I) A DULY CREDENTIALLED FIRST INFORMER BROADCASTER
22 SHALL BE ALLOWED ACCESS TO AN OTHERWISE CLOSED AREA FOR ANY
23 PURPOSE DESCRIBED IN SECTION 24-33.5-703 (4.4)(a)(I) OR (4.4)(a)(II)
24 UNLESS, IN THE JUDGMENT OF THE OFFICER OR AGENCY IN CONTROL OF
25 THE AREA, GRANTING ACCESS WOULD EXPOSE THE FIRST INFORMER
26 BROADCASTER TO AN IMMINENT THREAT OF DEATH OR SERIOUS BODILY
27 HARM.

1 (II) VEHICLES, FUEL, FOOD, WATER, OR OTHER ESSENTIAL
2 MATERIALS BROUGHT INTO AN AREA AFFECTED BY A DISASTER,
3 EMERGENCY, OR EMERGENCY EPIDEMIC BY A DULY CREDENTIALLED FIRST
4 INFORMER BROADCASTER SHALL NOT BE SEIZED OR CONFISCATED EXCEPT
5 AS OTHERWISE AUTHORIZED BY LAW.

6 (III) FEDERAL, STATE, AND LOCAL AGENCIES AND THEIR
7 EMPLOYEES ARE NOT LIABLE FOR ANY ACT OR OMISSION WHEN
8 FACILITATING ACCESS BY A DULY CREDENTIALLED FIRST INFORMER
9 BROADCASTER TO AN AREA AFFECTED BY A DISASTER, EMERGENCY, OR
10 EMERGENCY EPIDEMIC.

11 (b) AS USED IN THIS SUBSECTION (2), "DULY CREDENTIALLED"
12 MEANS HOLDING A CREDENTIAL ISSUED IN ACCORDANCE WITH THE
13 POLICIES AND PROCEDURES OF A RECOGNIZED, STATEWIDE ASSOCIATION
14 OF BROADCASTERS THAT ISSUES PRESS CREDENTIALS.

15 **SECTION 5. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2020 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.