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SENATE BILL 447

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO EMERGENCY MANAGEMENT; AUTHORIZING THE TRAINING AND  
CERTIFICATION OF FIRST INFORMER BROADCASTERS; ALLOWING ACCESS  
TO AREAS AFFECTED BY AN EMERGENCY OR DISASTER FOR THE REPAIR OR  
MAINTENANCE OF CRITICAL EQUIPMENT; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of Chapter 12, Article 10 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] FIRST INFORMER BROADCASTERS--TRAINING AND  
CERTIFICATION--ACCESS TO CRITICAL EQUIPMENT--DEFINITIONS.--

A. The homeland security and emergency management  
department may coordinate with a broadcasting association in  
this state or a cable television telecommunication association  
in this state to develop comprehensive, coordinated plans for  
preparing for and responding appropriately to an emergency or

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1 disaster.

2 B. A statewide organization that represents  
3 broadcasters, cable television communications or any other  
4 provider that uses emerging technologies or a federally  
5 licensed radio or television station may train and certify  
6 broadcast engineers and technical personnel that are critical  
7 to station operations as first informer broadcasters. Training  
8 and certification shall be approved by the homeland security  
9 and emergency management department and shall:

10 (1) be consistent with federal law and  
11 guidelines;

12 (2) include education in restoring, repairing  
13 and resupplying any facilities or equipment of a broadcaster in  
14 an area affected by an emergency or disaster; and

15 (3) include education concerning the personal  
16 safety of a first informer broadcaster in an area affected by  
17 an emergency or disaster.

18 C. To the extent practicable and consistent with  
19 not endangering public safety or inhibiting recovery efforts,  
20 state and local government agencies shall allow a first  
21 informer broadcaster to access an area affected by an emergency  
22 or disaster to restore, repair or resupply any facility or  
23 equipment critical to the ability of a broadcaster to acquire,  
24 produce and transmit essential emergency or disaster-related  
25 public information programming, including repairing and

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1 maintaining transmitters and generators and transporting fuel  
2 for generators.

3 D. For the purposes of this section:

4 (1) "broadcaster" means a federal  
5 communications commission licensed radio broadcasting station,  
6 cable operator or television broadcasting station primarily  
7 engaged in, and deriving income from, the business of  
8 facilitating speech via over-the-air communications, both as to  
9 pure speech and commercial speech; and

10 (2) "first informer broadcaster" means a  
11 person who is trained and certified as a first informer  
12 broadcaster pursuant to this section."

13 SECTION 2. EMERGENCY.--It is necessary for the public  
14 peace, health and safety that this act take effect immediately.