

1 HB389
2 128333-3
3 By Representatives Boyd, Grimsley, Forte, Beech, Brown, Laird,
4 Wood, Colston, Patterson, Bracy, Faust, Melton, Hubbard (J),
5 Newton (D), Robinson (O), Moore (M), Rogers, Hurst and Scott
6 RFD: County and Municipal Government
7 First Read: 31-MAR-11

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To provide that one or more counties, by resolution
9 of the governing body or bodies, may establish a radio/alert
10 notification communications district comprised of the
11 territory wholly within the county or, in the case of more
12 than one county, the respective counties; to provide for a
13 board of directors comprised of representatives from the
14 counties comprising the radio/alert notification
15 communications district; to provide for the powers, duties,
16 and membership of the board; and to authorize the board to
17 assess a fee to fund the cost of providing radio/alert
18 notification communications within the district.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. One or more counties, by resolution of
21 the governing body, may establish a radio/alert notification
22 communications district comprised of the territory wholly
23 within the county or, in the case of more than one county, the
24 respective counties. The radio/alert notification
25 communications district shall be a public authority and shall
26 be a political and legal subdivision of the state.

1 Section 2. When any radio/alert notification
2 communications district is created, the creating authority may
3 appoint a board of directors comprised of a minimum of eight
4 members to govern its affairs and fix the domicile of the
5 board. The board members appointed shall be from the
6 disciplines represented by the users of the system. The board
7 may fix its domicile at any point within the district. In the
8 case of a multi-county radio/alert notification communications
9 district, the governing body of each participating county
10 shall have four appointments to the board. The members of the
11 board shall be qualified electors of their respective county,
12 two of whom, one from each county, shall be appointed for
13 terms of two years; four members, two from each county, for
14 terms of three years; and two members, one from each county,
15 for terms of four years. Initial terms shall commence on the
16 date of the adoption of the resolution creating the district.
17 Thereafter, all appointments of the members shall be for terms
18 of four years. The membership of the board shall be inclusive
19 and reflect the racial, gender, geographic, urban/rural, and
20 economic diversity of the state.

21 Section 3. (a) (1) The board of directors of the
22 authority may do all of the following:

23 a. Appoint a chair from among its membership,
24 subject to an annual rotation of the chair position between or
25 among the representative members of the board from each county
26 comprising the radio/alert notification communications
27 district in the case of a multi-county district.

1 b. Appoint a vice chair from among its membership,
2 provided that in the case of a multi-county district, the vice
3 chair shall be a representative of a county other than the one
4 represented by the chair.

5 c. Appoint other officers from among its membership
6 as it may deem necessary from among the membership of the
7 board.

8 (2) A majority of the directors shall constitute a
9 quorum for the purpose of conducting business.

10 (b) The authority shall have all of the following
11 powers:

12 (1) Employ such employees, experts, and consultants
13 as it deems necessary to assist the board in the discharge of
14 its responsibilities to the extent that funds are available.

15 (2) Acquire, make improvements to, or dispose of,
16 whether by purchase, sale, gift, lease, devise, or otherwise,
17 property of every description that the board may deem
18 necessary and to hold title thereto, including, but not
19 limited to, vehicles, radio equipment, computer equipment,
20 alert notification equipment, and other capital assets.

21 (3) Sue and be sued and prosecute and defend civil
22 actions in any court having jurisdiction of the subject matter
23 and the parties.

24 (4) Construct, enlarge, equip, improve, and maintain
25 all aspects of the radio/alert notification communications
26 system.

1 (5) Issue bonds for operation and management of the
2 radio/alert notification communications district secured by
3 revenue of the district. The bonds shall be negotiable
4 instruments and shall be solely the obligations of the
5 district and not the State of Alabama. The bonds and income
6 thereof shall be exempt from all taxation in the State of
7 Alabama. The bonds shall be payable out of the income,
8 revenues, and receipts of the district. The bonds shall be
9 authorized and issued by resolution of the creating authority
10 or authorities of the district and shall be of such series,
11 bear such date or dates, mature at time or times, not to
12 exceed 30 years from issuance, bear interest at such rate or
13 rates, be in such denominations, be in such form, without
14 coupon or fully registered without coupon, carry such
15 registration and exchangeability privileges, be payable in
16 such medium of payment and at such a place or places, be
17 subject to such terms of redemption and be entitled to the
18 priorities on the income, revenues, and receipts of the
19 district as the resolution may provide. All bonds shall
20 contain a recital that they are issued pursuant to this act,
21 which recitals shall be conclusive that they have been duly
22 authorized pursuant to this act.

23 (6) Provide for such liability and hazard insurance
24 as the board deems advisable, including inclusion or
25 continuation, or both, of district employees in a state,
26 county, municipal, or self-funded liability insurance program.

1 (7) Enter into contracts or agreements with public
2 or private entities when the terms, conditions, and charges of
3 such contracts or agreements are mutually agreed upon.

4 (8) Establish committees from the membership of the
5 board to focus on specific areas, including, but not limited
6 to, technology, operations, long-term funding strategy, and
7 capital replacement, when authorized by the board.

8 (9) Assess reasonable fees on users of the
9 radio/alert notification communications system to recover the
10 costs of operation, maintenance, and capital replacement of
11 the shared radio communications system.

12 (c) Capital and operating costs of the district and
13 its shared radio/alert notification communications system
14 shall be equally shared among the users of the shared
15 radio/alert notification communications system.

16 (d) Funds generated from any type of revenue shall
17 be used to establish, maintain, and replace a radio/alert
18 notification communications system that may consist, without
19 limitation, of the following:

20 (1) Radio and alert notification communications
21 equipment and facilities necessary to facilitate voice and
22 data communications.

23 (2) The engineering, installation, and recurring
24 costs necessary to implement and maintain a radio/alert
25 notification communications system.

1 (3) Facilities and employees to house radio/alert
2 notification communications as described in this act, with the
3 approval of the creating authority.

4 (e) Employees of the district shall be eligible for
5 membership in the Retirement Systems of Alabama.

6 Section 4. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representa-tives committee on County and Mu-nicipal Government..... 31-MAR-11

Read for the second time and placed on the calendar..... 06-APR-11

Read for the third time and passed as amended..... 14-APR-11

Yeas 87, Nays 0, Abstains 2

Greg Pappas
Clerk