

1 HB92  
2 148487-7  
3 By Representative McCutcheon  
4 RFD: Public Safety and Homeland Security  
5 First Read: 05-FEB-13  
6 PFD: 02/01/2013



1           Section 2. (a) There is created the Alabama First  
2 Responder Wireless Commission, which shall be responsible for  
3 promoting the efficient use of public resources to ensure that  
4 law enforcement, fire and rescue services, and essential  
5 public health and emergency support personnel have effective  
6 communication services available in emergency situations, and  
7 to ensure the rapid restoration of such communication services  
8 in the event of disruption caused by natural disaster,  
9 terrorist attack, or other public emergency.

10           (b) The commission shall consist of the following  
11 members:

12           (1) The Governor or his or her designee.

13           (2) The Director of the Alabama Department of  
14 Transportation or his or her designee.

15           (3) The Director of the Alabama Department of Public  
16 Safety or his or her designee.

17           (4) The Director of the Alabama Department of  
18 Economic and Community Affairs or his or her designee.

19           (5) The Director of the Alabama Emergency Management  
20 Agency or his or her designee.

21           (6) The Director of the Alabama Department of  
22 Homeland Security or his or her designee.

23           (7) The Director of the Alabama Department of  
24 Corrections or his or her designee.

25           (8) The Director of the Alabama Department of  
26 Finance or his or her designee.

1                   (9) The Director of the Alabama Department of Public  
2 Health or his or her designee.

3                   (10) The President of the Alabama Sheriff's  
4 Association or his or her designee.

5                   (11) The President of the Alabama Association of  
6 Chiefs of Police or his or her designee.

7                   (12) The President of the Alabama Association of  
8 Volunteer Fire Departments or his or her designee.

9                   (13) The Adjutant General of the Alabama National  
10 Guard or his or her designee.

11                   (14) The Commissioner of the Alabama Department of  
12 Conservation and Natural Resources or his or her designee.

13                   (15) The Administrator of the Alabama Alcoholic  
14 Beverage Control Board or his or her designee.

15                   (16) The President of the Alabama Association of  
16 Emergency Managers or his or her designee.

17                   (17) The President of the Alabama Association of  
18 Fire Chiefs or his or her designee.

19                   (18) The President of the Alabama Chapter of the  
20 National Emergency Number Association or his or her designee.

21                   (19) The President of the Association of County  
22 Commissions of Alabama or his or her designee.

23                   (20) The President of the Alabama League of  
24 Municipalities or his or her designee.

25                   (21) The Tribal Chair of the Poarch Band of Creek  
26 Indians or his or her designee.

1                   (22) The President of the Alabama Association of  
2 9-1-1 Districts or his or her designee.

3                   (23) The President of the Alabama Association of  
4 Rescue Squads or his or her designee.

5                   (24) The Chairperson of the Alabama Forestry  
6 Commission or his or her designee.

7                   (25) The Chairperson of the Federal Communication  
8 Commission Region 1 700 Mhz Regional Planning Committee or his  
9 or her designee.

10                   (26) The Statewide Interoperability Coordinator for  
11 Alabama or his or her designee.

12                   (27) The Alabama State Fire Marshall or his or her  
13 designee.

14                   (28) The Director of the Alabama Department of  
15 Agriculture and Industries or his or her designee.

16                   (c) The members of the commission shall serve a term  
17 of not less than two years.

18                   (d) Within 60 days from the effective date of this  
19 act, the Director of the Alabama Department of Homeland  
20 Security shall call a meeting of the commission in the City of  
21 Montgomery, Alabama, to elect from its membership a chair,  
22 vice chair, and other officers as the director deems  
23 necessary. The commission shall adopt rules to govern its  
24 proceedings but shall meet at least quarterly. A majority of  
25 the membership of the commission shall constitute a quorum for  
26 all meetings. A written record shall be maintained of all  
27 meetings.

1 (e) Members of the commission shall receive  
2 reimbursement for travel expenses when approved by the chair  
3 and incurred in the performance of their duties but no other  
4 compensation.

5 (f) The commission may employ or contract for an  
6 executive director, who shall serve at the pleasure of the  
7 commission and who shall be responsible directly to the  
8 commission for the general supervision and execution of the  
9 work of the commission. The commission shall fix his or her  
10 compensation, with the approval of the Governor, and shall  
11 further designate his or her duties and authority.

12 (g) The commission may employ, on a part-time or  
13 full-time basis, such engineers, attorneys, laborers,  
14 technicians, or administrative employees and supervisory or  
15 professional personnel as may be necessary or advisable to  
16 carry out in the most efficient and beneficial manner the  
17 purposes and provisions of this act. All permanent full-time  
18 employees, other than the executive director, shall be subject  
19 to the state Merit System.

20 Section 3. (a) The commission may purchase, lease,  
21 acquire, or otherwise implement a statewide wireless  
22 communication system to serve first responder users in state  
23 and local governments and those private entities that enter  
24 into a partnership with the commission. The commission shall  
25 have the sole authority over, and bear full responsibility  
26 for, the design, engineering, and construction of the system  
27 and shall ensure the proper operation and maintenance of all

1 equipment thereto, unless otherwise owned and maintained by  
2 other state or local entities. This system should enable  
3 interoperability between various wireless communication  
4 technologies.

5 (b) The commission shall establish policies,  
6 procedures, and standards and incorporate them into a  
7 comprehensive management plan to be used for use and operation  
8 of the system.

9 (c) In order to carry out the duties set forth in  
10 this section, the commission may:

11 (1) Provide system planning with all public safety  
12 communication systems.

13 (2) Assist with the establishment of state and local  
14 wireless communications.

15 (3) Grant authority to local agencies to use the  
16 system under terms and conditions established by the  
17 commission.

18 (4) Provide technical support to users.

19 (5) Seek proposals for services through competitive  
20 bid process where required by law and select service providers  
21 under procedures provided for by law.

22 (6) Create a standard user agreement or other  
23 documents of agreement as necessary.

24 (7) Establish the cost of maintenance and operation  
25 of the system.

26 (8) Assess charges to subscribers for access and use  
27 of the system.

1           (9) Enter into mutual aid agreements among federal,  
2 state, and local charge subscribers for access and use of the  
3 system.

4           (10) Lease or sublease privately owned ground space  
5 as necessary to locate equipment, including towers, to support  
6 the system when practicable and feasible.

7           (11) Contract with a person or business entity to  
8 provide subject matter expertise in matters pertaining to the  
9 responsibilities of the commission as outlined in this act.

10           (d) The commission may lease or sublease to a  
11 private entity space on a tower or ground space under the  
12 control and ownership of the commission when practicable and  
13 feasible. The cost for such space shall be established by the  
14 commission. All monies collected shall be deposited into the  
15 fund.

16           (e) The commission shall be granted access to state  
17 owned property, as appropriate for the construction and  
18 operation of the system, and may obtain antenna space on any  
19 tower owned by the state.

20           (f) The commission shall ensure that it complies  
21 with all state and federal communication requirements when  
22 carrying out the provisions of this act.

23           (g) The commission may adopt rules to carry out the  
24 provisions of this section.

25           Section 4. (a) There is hereby created in the State  
26 Treasury the First Responders Wireless Commission Fund, which  
27 shall be used for expenses incurred by the commission in



1 carrying out the provisions of this act. Expenditures shall be  
2 administered by the Alabama Department of Homeland Security,  
3 with expenditures approved by the commission.

4 (b) The fund may consist of gifts, federal grants,  
5 appropriations from the Legislature, fees and contributions  
6 from user agencies that the commission considers necessary to  
7 maintain and operate the system, monies collected for lease or  
8 sublease under this act, and monies from any other sources  
9 permitted by law.

10 (c) Any monies remaining in the fund at the end of  
11 the fiscal year shall not revert to the General Fund, but  
12 shall remain in the First Responder Wireless Commission Fund.

13 Section 5. Any department represented on the  
14 commission may provide personnel and technical support  
15 necessary and sufficient to carry out the provisions of this  
16 act.

17 Section 6. It is the intent of the Legislature that  
18 all state entities and agencies make available for the  
19 purposes of this act all publicly owned communication towers,  
20 microwave or fiber optic lines, shelters, transmission  
21 frequencies, and other related properties and facilities. In  
22 addition, any county or municipal government or agency may, at  
23 its discretion, make its similar facilities and properties  
24 available or those provided by local emergency communication  
25 districts.

26 Section 7. Nothing in this act shall be construed or  
27 interpreted to provide for the regulation or oversight of

1 commercial mobile radio services or those services provided by  
2 local emergency communication districts.

3 Section 8. This act shall become effective on the  
4 first day of the third month following its passage and  
5 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 Public Safety  
and Homeland Security..... . . . . . 05-FEB-13

Read for the second time and placed  
on the calendar with 1 substitute  
and..... . . . . . 14-FEB-13

Read for the third time and passed  
as amended..... . . . . . 14-MAR-13

Yeas 97, Nays 0, Abstains 0

Jeff Woodard  
Clerk