

1 HB92
2 148487-8
3 By Representative McCutcheon
4 RFD: Public Safety and Homeland Security
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ENROLLED, An Act,

Relating to emergency communication services; to provide for the creation of the Alabama First Responder Wireless Commission for the purpose of ensuring effective communication services for law enforcement, fire and rescue services, and public health and emergency support personnel when responding to emergencies; to require the commission to implement and operate a statewide wireless communications system to be used by emergency first responders; and to create the First Responder Wireless Commission Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. When used in this act, the following words shall have the following meanings:

(1) COMMISSION. The Alabama First Responder Wireless Commission.

(2) FUND. The First Responder Wireless Commission Fund.

(3) SYSTEM. The statewide wireless communications system established and administered by the Alabama First Responder Wireless Commission.

Section 2. (a) There is created the Alabama First Responder Wireless Commission, which shall be responsible for promoting the efficient use of public resources to ensure that law enforcement, fire and rescue services, and essential

1 public health and emergency support personnel have effective
2 communication services available in emergency situations, and
3 to ensure the rapid restoration of such communication services
4 in the event of disruption caused by natural disaster,
5 terrorist attack, or other public emergency.

6 (b) The commission shall consist of the following
7 members:

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

9 (2) The Director of the Alabama Department of
10 Transportation or his or her designee.

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

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

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

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

19 (7) The Director of the Alabama Department of
20 Corrections or his or her designee.

21 (8) The Director of the Alabama Department of
22 Finance or his or her designee.

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

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

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

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

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

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

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

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

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

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

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

21 (20) The President of the Alabama League of
22 Municipalities or his or her designee.

23 (21) The Tribal Chair of the Poarch Band of Creek
24 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

1 all meetings. A written record shall be maintained of all
2 meetings.

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

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

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

22 Section 3. (a) The commission may purchase, lease,
23 acquire, or otherwise implement a statewide wireless
24 communication system to serve first responder users in state
25 and local governments and those private entities that enter

1 into a partnership with the commission. The commission shall
2 have the sole authority over, and bear full responsibility
3 for, the design, engineering, and construction of the system
4 and shall ensure the proper operation and maintenance of all
5 equipment thereto, unless otherwise owned and maintained by
6 other state or local entities. This system should enable
7 interoperability between various wireless communication
8 technologies.

9 (b) The commission shall establish policies,
10 procedures, and standards and incorporate them into a
11 comprehensive management plan to be used for use and operation
12 of the system.

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

15 (1) Provide system planning with all public safety
16 communication systems.

17 (2) Assist with the establishment of state and local
18 wireless communications.

19 (3) Grant authority to local agencies to use the
20 system under terms and conditions established by the
21 commission.

22 (4) Provide technical support to users.

23 (5) Seek proposals for services through competitive
24 bid process where required by law and select service providers
25 under procedures provided for by law.

1 (6) Create a standard user agreement or other
2 documents of agreement as necessary.

3 (7) Establish the cost of maintenance and operation
4 of the system.

5 (8) Assess charges to subscribers for access and use
6 of the system.

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

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

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

16 (d) The commission may lease or sublease to a
17 private entity space on a tower or ground space under the
18 control and ownership of the commission when practicable and
19 feasible. The cost for such space shall be established by the
20 commission. All monies collected shall be deposited into the
21 fund.

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

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

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

6 Section 4. (a) There is hereby created in the State
7 Treasury the First Responders Wireless Commission Fund, which
8 shall be used for expenses incurred by the commission in
9 carrying out the provisions of this act. Expenditures shall be
10 administered by the Alabama Department of Homeland Security,
11 with expenditures approved by the commission.

12 (b) The fund may consist of gifts, federal grants,
13 appropriations from the Legislature, fees and contributions
14 from user agencies that the commission considers necessary to
15 maintain and operate the system, monies collected for lease or
16 sublease under this act, and monies from any other sources
17 permitted by law.

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

21 Section 5. Any department represented on the
22 commission may provide personnel and technical support
23 necessary and sufficient to carry out the provisions of this
24 act.

1 Section 6. It is the intent of the Legislature that
2 all state entities and agencies make available for the
3 purposes of this act all publicly owned communication towers,
4 microwave or fiber optic lines, shelters, transmission
5 frequencies, and other related properties and facilities. In
6 addition, any county or municipal government or agency may, at
7 its discretion, make its similar facilities and properties
8 available or those provided by local emergency communication
9 districts.

10 Section 7. Nothing in this act shall be construed or
11 interpreted to provide for the regulation or oversight of
12 commercial mobile radio services or those services provided by
13 local emergency communication districts.

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

