

1 HB92
2 147523-2
3 By Representative McCutcheon
4 RFD: Public Safety and Homeland Security
5 First Read: 05-FEB-13
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8 SYNOPSIS: This bill would create the Alabama First
9 Responder Wireless Commission in order to ensure
10 effective communication services for law
11 enforcement and public health and safety personnel
12 in responding to a terrorist attack, natural
13 disaster, or other public emergency.

14 This bill would provide for the membership
15 of the commission and prescribe its powers and
16 duties.

17 This bill would create the First Responder
18 Wireless Commission Fund for use by the Alabama
19 First Responder Wireless Commission to create,
20 implement, and operate a statewide wireless
21 communications system and otherwise carry out its
22 duties.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to emergency communication services; to
2 provide for the creation of the Alabama First Responder
3 Wireless Commission for the purpose of ensuring effective
4 communication services for law enforcement and public health
5 and safety personnel when responding to emergencies; to
6 require the commission to implement and operate a statewide
7 wireless communications system to be used by emergency first
8 responders; and to create the First Responder Wireless
9 Commission Fund.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

20 Section 2. (a) There is created the Alabama First
21 Responder Wireless Commission, which shall be responsible for
22 promoting the efficient use of public resources to ensure that
23 law enforcement personnel and essential public health and
24 safety personnel have effective communication services
25 available in emergency situations, and to ensure the rapid
26 restoration of such communication services in the event of

1 disruption caused by natural disaster, terrorist attack, or
2 other public emergency.

3 (b) The commission shall consist of the following
4 members:

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

6 (2) The Director of the Alabama Department of
7 Transportation or his or her designee.

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

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

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

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

16 (7) The Director of the Alabama Department of
17 Corrections or his or her designee.

18 (8) The Director of the Alabama Department of
19 Finance or his or her designee.

20 (9) The President of the Alabama Sheriff's
21 Association or his or her designee.

22 (10) The President of the Alabama Association of
23 Chiefs of Police or his or her designee.

24 (11) The President of the Alabama Association of
25 Volunteer Fire Departments or his or her designee.

26 (12) The Adjutant General of the Alabama National
27 Guard or his or her designee.

1 (13) The Commissioner of the Alabama Department of
2 Conservation and Natural Resources or his or her designee.

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

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

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

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

11 (18) The President of the Association of County
12 Commissions of Alabama or his or her designee.

13 (19) The President of the Alabama League of
14 Municipalities or his or her designee.

15 (20) The Tribal Chair of the Poarch Band of Creek
16 Indians or his or her designee.

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

19 (d) Within 60 days from the effective date of this
20 act, the Director of the Alabama Department of Homeland
21 Security shall call a meeting of the commission in the City of
22 Montgomery, Alabama, to elect from its membership a chair,
23 vice chair, and other officers as the director deems
24 necessary. The commission shall adopt rules to govern its
25 proceedings but shall meet at least quarterly. A majority of
26 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 incurred in the performance
5 of their duties but no other compensation.

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

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

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

1 and shall ensure the proper operation and maintenance of all
2 equipment thereto, unless otherwise owned and maintained by
3 other state or local entities. This system should enable
4 interoperativity between various wireless communication
5 technologies.

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

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

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

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

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

19 (4) Provide technical support to users.

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

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

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

1 (8) Assess charges to subscribers for access and use
2 of the system.

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

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

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

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

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

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

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

1 administered by the Alabama Department of Homeland Security,
2 with expenditures approved by the commission.

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

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

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

16 Section 6. It is the intent of the Legislature that
17 all state, county, and municipal entities make available for
18 the purposes of this act all publicly owned communication
19 towers, microwave or fiber optic lines, transmission
20 frequencies, and other related properties and facilities.

21 Section 7. Nothing in this act shall be construed or
22 interpreted to provide for the regulation or oversight of
23 commercial mobile radio services.

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