

1 SB219
2 148849-1
3 By Senator Waggoner
4 RFD: Governmental Affairs
5 First Read: 14-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, fire and rescue services, and public
12 health and emergency support personnel in
13 responding to a terrorist attack, natural disaster,
14 or other public emergency.

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

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

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

1 in the event of disruption caused by natural disaster,
2 terrorist attack, or 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 Director of the Alabama Department of Public
21 Health or his or her designee.

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

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

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

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

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

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

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

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

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

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

15 (20) The President of the Alabama League of
16 Municipalities or his or her designee.

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

19 (22) The President of the Alabama Association of
20 9-1-1 Districts or his or her designee.

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

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

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

1 (26) The Statewide Interoperability Coordinator for
2 Alabama or his or her designee.

3 (27) The Alabama State Fire Marshall or his or her
4 designee.

5 (28) The Commissioner of the Alabama Department of
6 Agriculture and Industries or his or her designee.

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

9 (d) Within 60 days from the effective date of this
10 act, the Director of the Alabama Department of Homeland
11 Security shall call a meeting of the commission in the City of
12 Montgomery, Alabama, to elect from its membership a chair,
13 vice chair, and other officers as the director deems
14 necessary. The commission shall adopt rules to govern its
15 proceedings but shall meet at least quarterly. A majority of
16 the membership of the commission shall constitute a quorum for
17 all meetings. A written record shall be maintained of all
18 meetings.

19 (e) Members of the commission shall receive
20 reimbursement for travel expenses when approved by the chair
21 and incurred in the performance of their duties but no other
22 compensation.

23 (f) The commission may employ or contract for an
24 executive director, who shall serve at the pleasure of the
25 commission and who shall be responsible directly to the
26 commission for the general supervision and execution of the
27 work of the commission. The commission shall fix his or her

1 compensation, with the approval of the Governor, and shall
2 further designate his or her duties and authority.

3 (g) The commission may employ, on a part-time or
4 full-time basis, such engineers, attorneys, laborers,
5 technicians, or administrative employees and supervisory or
6 professional personnel as may be necessary or advisable to
7 carry out in the most efficient and beneficial manner the
8 purposes and provisions of this act. All permanent full-time
9 employees, other than the executive director, shall be subject
10 to the state Merit System.

11 Section 3. (a) The commission may purchase, lease,
12 acquire, or otherwise implement a statewide wireless
13 communication system to serve first responder users in state
14 and local governments and those private entities that enter
15 into a partnership with the commission. The commission shall
16 have the sole authority over, and bear full responsibility
17 for, the design, engineering, and construction of the system
18 and shall ensure the proper operation and maintenance of all
19 equipment thereto, unless otherwise owned and maintained by
20 other state or local entities. This system should enable
21 interoperability between various wireless communication
22 technologies.

23 (b) The commission shall establish policies,
24 procedures, and standards and incorporate them into a
25 comprehensive management plan to be used for use and operation
26 of the system.

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

3 (1) Provide system planning with all public safety
4 communication systems.

5 (2) Assist with the establishment of state and local
6 wireless communications.

7 (3) Grant authority to local agencies to use the
8 system under terms and conditions established by the
9 commission.

10 (4) Provide technical support to users.

11 (5) Seek proposals for services through competitive
12 bid process where required by law and select service providers
13 under procedures provided for by law.

14 (6) Create a standard user agreement or other
15 documents of agreement as necessary.

16 (7) Establish the cost of maintenance and operation
17 of the system.

18 (8) Assess charges to subscribers for access and use
19 of the system.

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

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

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

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

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

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

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

19 Section 4. (a) There is hereby created in the State
20 Treasury the First Responders Wireless Commission Fund, which
21 shall be used for expenses incurred by the commission in
22 carrying out the provisions of this act. Expenditures shall be
23 administered by the Alabama Department of Homeland Security,
24 with expenditures approved by the commission.

25 (b) The fund may consist of gifts, federal grants,
26 appropriations from the Legislature, fees and contributions
27 from user agencies that the commission considers necessary to

1 maintain and operate the system, monies collected for lease or
2 sublease under this act, and monies from any other sources
3 permitted by law.

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

7 Section 5. Any department represented on the
8 commission may provide personnel and technical support
9 necessary and sufficient to carry out the provisions of this
10 act.

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

20 Section 7. Nothing in this act shall be construed or
21 interpreted to provide for the regulation or oversight of
22 commercial mobile radio services or those services provided by
23 local emergency communication districts.

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.