

1 HB389
2 132987-2
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

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ENROLLED, An Act,

To provide that one or more counties, by resolution of the governing body or bodies, may establish a radio/alert notification communications district comprised of the territory wholly within the county or, in the case of more than one county, the respective counties; to provide for a board of directors comprised of representatives from the counties comprising the radio/alert notification communications district; to provide for the powers, duties, and membership of the board; to authorize the board to assess a fee to fund the cost of providing radio/alert notification communications within the district; and to provide an opt out provision for any entity providing emergency response for fire, medical, and law enforcement purposes in a county that has created a radio/alert notification communications district.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. One or more counties, by resolution of the governing body, may establish a radio/alert notification communications district comprised of the territory wholly within the county or, in the case of more than one county, the respective counties. The radio/alert notification communications district shall be a public authority and shall 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

1 comprising the radio/alert notification communications
2 district in the case of a multi-county district.

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

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

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

12 (b) The authority shall have all of the following
13 powers:

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

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

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

1 (4) Construct, enlarge, equip, improve, and maintain
2 all aspects of the radio/alert notification communications
3 system.

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

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

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

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

12 (9) Assess reasonable fees on users of the
13 radio/alert notification communications system to recover the
14 costs of operation, maintenance, and capital replacement of
15 the shared radio communications system.

16 (c) Capital and operating costs of the district and
17 its shared radio/alert notification communications system
18 shall be equally shared among the users of the shared
19 radio/alert notification communications system.

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

1 (1) Radio and alert notification communications
2 equipment and facilities necessary to facilitate voice and
3 data communications.

4 (2) The engineering, installation, and recurring
5 costs necessary to implement and maintain a radio/alert
6 notification communications system.

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

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

12 Section 4. Any entity providing emergency response
13 for fire, medical, or law enforcement purposes in a county
14 that has created a radio/alert notification communications
15 district, pursuant to this act, may elect not to participate
16 in the radio/alert communications system.

17 Section 5. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 14-APR-11, as amended.

Greg Pappas
Clerk

Senate	<hr/> 02-JUN-11 <hr/>	Amended and Passed
House	09-JUN-11 <hr/>	Passed, as amended by Conference Com- mittee Report
Senate	<hr/> 09-JUN-11 <hr/>	Passed, as amended by Conference Com- mittee Report