

SENATE BILL 2199

By Swann

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29, Part 2 and Title 4, Chapter 3, relative to the Tennessee advanced communication network board.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-2018, is amended by deleting the section.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 3, is amended by adding the following as a new part:

4-3-2901.

(a) There is created the Tennessee advanced communication network board, referred to in this part as the "board".

(b) It is the purpose of the board to oversee the planning, design, development, implementation, and maintenance of a statewide wireless interoperable communications system.

4-3-2902.

(a) The board shall be comprised of fifteen (15) members as follows:

(1) The director of the Tennessee emergency management agency (TEMA), or the director's designee;

(2) The adjutant general of the military department, or the adjutant general's designee;

(3) The director of the Tennessee bureau of investigation, or the director's designee;

(4) The director of the Tennessee wildlife resources agency, or the director's designee;

(5) The commissioner of agriculture, or the commissioner's designee;

(6) The commissioner of correction, or the commissioner's designee;

(7) The commissioner of environment and conservation, or the commissioner's designee;

(8) The commissioner of finance and administration, or the commissioner's designee;

(9) The commissioner of health, or the commissioner's designee;

(10) The commissioner of safety, or the commissioner's designee;

(11) The commissioner of transportation, or the commissioner's designee;

(12) Two (2) representatives of local governments, to be appointed by the governor;

(13) A member of the Tennessee Sheriff's Association, to be appointed by the speaker of the house of representatives; and

(14) A member of the Tennessee Association of Chiefs of Police, to be appointed by the speaker of the senate.

(b) The commissioner of finance and administration or the commissioner's designee shall serve as the chair of the board, and shall determine the time and place in which the board is to conduct its meetings.

4-3-2903.

(a) In furtherance of its purpose, the board is authorized to:

(1) Hire or contract with consultants, vendors, and employees, as needed, to serve as advisors and assistants to the board; and

(2) Plan, project, and expend funds from an account established by the commissioner of finance and administration.

(b) The board shall be attached to the department of finance and administration for administrative purposes. The administrative responsibilities of the board shall be performed by the commissioner of finance and administration, in consultation with the board. Such responsibilities shall include the promulgation of rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, for the collection of assessments for the use and maintenance of the statewide wireless interoperable communications system. All assessments collected by the board under this subsection (b) shall be expendable receipts of the board for use in maintaining the system.

4-3-2904.

Members of the board shall receive no compensation for their service on the board but may be reimbursed for expenses allowed by the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

4-3-2905.

All executive branch departments, agencies, boards and commissions, and any other divisions of the executive branch of state government shall fully cooperate with the board and shall provide staff support and any other assistance, as requested by the board, including assistance with the:

- (1) Coordination of emergency communications budgets;
- (2) Acquisition of communications equipment and systems; and
- (3) Execution of implementation schedules.

4-3-2906.

(a) Except as provided in subsection (b), the terms of the board members appointed under § 4-3-2902(a)(12)-(14) shall be four (4) years.

(b)

(1) In order to stagger the terms of the board members appointed under § 4-3-2902(a)(12)-(14), initial appointments shall be made as follows:

(A) One (1) person appointed under § 4-3-2902(a)(12) shall serve an initial term of one (1) year, which shall expire on June 30, 2019;

(B) One (1) person appointed under § 4-3-2902(a)(12) shall serve an initial term of two (2) years, which shall expire on June 30, 2020;

(C) The person appointed under § 4-3-2902(a)(13) shall serve an initial term of three (3) years, which shall expire on June 30, 2021; and

(D) The person appointed under § 4-3-2902(a)(14) shall serve an initial term of four (4) years, which shall expire on June 30, 2021.

(c)

(1) Following the expiration of board members' initial terms as prescribed in subdivision (b)(1), all four-year terms shall begin on July 1 and terminate on June 30, four (4) years thereafter.

(2) In the event of a vacancy, the respective appointing authority shall fill the vacancy for the unexpired term. Each member shall serve until a successor is duly appointed and qualified.

(3) Members appointed under § 4-3-2902(a)(12)-(14) shall be eligible for reappointment to the board following the expiration of their initial terms, but shall serve no more than two (2) consecutive four-year terms.

4-3-2907.

(a) The board shall meet at least once per quarter.

(b)

(1) Any member who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the board.

(2) The chair of the board shall promptly notify the appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision (b)(1).

4-3-2908.

Eight (8) board members shall constitute a quorum for all purposes, and an act effected by a majority at any properly constituted meeting shall be an official act of the board.

4-3-2909.

All state agencies whose functions include or are related to emergency management, law enforcement, or the delivery of other essential services shall implement and use the Tennessee advanced communication network (TACN) system as their primary radio communication system by July 1, 2023.

4-3-2910.

(a) On January 1, 2019, all duties of the Tennessee public safety wireless communications advisory board, the Tennessee emergency management agency, the military department, and the department of safety, whose duties fall within those duties required to be performed by the board under this part, shall be transferred to the board.

(b) On January 1, 2019, all employees of the Tennessee public safety wireless communications advisory board, the Tennessee emergency management agency, the military department, and the department of safety, whose duties fall within those duties transferred to the board under this part, shall be transferred to the board.

(c) All reports, documents, surveys, books, records, papers, or other writings in the possession of the Tennessee public safety wireless communications advisory board, the Tennessee emergency management agency, the military department, and the department of safety with respect to administering the provisions of executive order number 49 of 2007, shall be transferred to and remain in the custody of the board. The transfer of all such reports, documents, surveys, books, records, papers, or other writings shall be subject to any necessary consent by a federal court as part of any ongoing litigation.

(d) All leases, contracts, and all contract rights and responsibilities in existence with the Tennessee public safety wireless communications advisory board, the Tennessee emergency management agency, the military department, and the department of safety with respect to the duties transferred under this part to the board shall be preserved and transferred to the board.

(e) All assets, liabilities, and obligations of the Tennessee public safety wireless communications advisory board, the Tennessee emergency management agency, the military department, and the department of safety with respect to the duties transferred under this part to the board shall become the assets, liabilities, and obligations of the board.

SECTION 3. Tennessee Code Annotated, Section 4-29-241(a), is amended by inserting the following as a new subdivision:

() Tennessee advanced communication network board, created by § 4-3-2901;

SECTION 4. For the purpose of promulgating rules, this act shall take effect July 1, 2018, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2019, the public welfare requiring it.