

HOUSE BILL 2011

By Moore

AN ACT to amend Tennessee Code Annotated, Title 58, Chapter 1 and Title 58, Chapter 2, relative to increasing access to wireless broadband by establishing a statewide wireless radio interoperable communication system.

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

SECTION 1. Tennessee Code Annotated, Title 58, Chapter 1, is amended by adding SECTIONS 2 through 7 of this act as a new part.

SECTION 2.

(a) The general assembly finds and declares that the establishment of a statewide wireless interoperable communications system is in the public interest. Learning from previous delays and actions during large-scale catastrophes, a coordinated system shall be established to meld all departments, agencies and jurisdictions of the state, along with charitable and non-governmental organizations for communication purposes. Such a system shall utilize common communications equipment and frequencies in order to respond to any threat to the safety and security of Tennessee citizens in a more seamless, effective and expeditious manner. The general assembly commits by establishing such system that the protection, the safety and security of the citizens of the state is the highest priority of state government.

(b) The general assembly finds and declares that the establishment of a statewide wireless interoperable communications system would be a significant contribution to law enforcement and other public service efforts requiring quick coordination and notification of public service personnel. It is the intent to establish a system which will result in the saving of life, a reduction in the destruction of property,

quicker apprehension of criminals, a progressive infrastructure for the recruitment of new business to Tennessee and, ultimately, reduce fiscal requirements. The establishment of such a system addresses unique statewide security issues in Tennessee, including, but not limited to, high threat facilities like Oak Ridge national lab in the east, the federal homeland security ranking of Nashville-metropolitan area and Murfreesboro as high risk terrorist attack regions in middle Tennessee and the New Madrid seismic zone in the west.

(c) The general assembly further finds that the need exists to align Tennessee policy with federal communication commission (FCC) requirements for wireless equipment, as well as declare the urgent need to make broadband access available to every community in Tennessee. Further, the general assembly acknowledges that broadband access will provide a positive economic impact for Tennessee and its citizens. The general assembly recognizes the need for Tennessee to be prepared to accept federal assistance immediately for the planning, development and installation of a statewide wireless communication system. The general assembly recognizes that improving an interoperable wireless system to public safety agencies likewise improves access and use of broadband by the public safety agencies. In turn, a sustainable adoption of broadband services will exist statewide. In proclaiming such intent, Tennessee will follow the federal goal to transform our economy through technological innovation while enhancing the provision of vital governmental services.

(d) Further, it is the legislative intent that all available federal funds are captured as expeditiously as possible to mitigate additional state revenue requirements for this project and the wireless interoperable communication system with broadband adaptations be given priority on all federal funds available for such purpose. The general assembly further emphasizes its commitment to the education of its citizenry

with the priority of such communication system. As Tennessee's children rank in the bottom tenth of the nation for living in poverty, a wireless, interoperable system provides the opportunity for connectivity and economic development.

SECTION 3.

(a) There is created within the state treasury a special account to be known as the "Tennessee wireless interoperable communication system fund", also referred to as the "TnWin fund." The TnWin fund shall be created in the state general fund as a reserve account.

(b) No funds in the TnWin fund shall revert to the state general fund. Money shall be invested for the benefit of the account pursuant to § 9-4-603. Funds in the TnWin fund shall not revert to the general fund of the state but shall, together with interest income credited to the account, remain available for appropriation by the general assembly for the purpose set forth in this part and shall only be expended in accordance with appropriations made by the general assembly.

(c) Funds appropriated by the general assembly to the TnWin fund shall be spent in an orderly method in order to provide wireless interoperable communications and broadband availability statewide with the goal for completion of a statewide infrastructure being fiscal year 2016.

SECTION 4.

(a) The Tennessee military department shall coordinate the Tennessee wireless interoperable communication system (TnWin). The project process shall include, but not be limited to:

- (1) Inventory of all viable communication towers statewide and a separate inventory of statewide communication tower requirements;

(2) Development of a preplanning project for the statewide rollout of such communications system with detailed analysis of the individual needs of the three

(3) grand divisions of the state;

(3) Actual purchase and installation of necessary tower sites, facilities, and equipment;

(4) Training of state and local personnel;

(5) Ongoing maintenance and replacement costs; and

(6) Ongoing adaptations for broadband access.

(b) All new equipment purchased by any department of the state shall meet standards as set for by the wireless interoperable communication advisory board, also known as "WiCab," and shall be compatible with telecommunications industry association project 25 (TIA – P25) standards.

(c) Nothing in this section shall be construed to appropriate funds for TnWin.

SECTION 5. For administrative purposes, the TnWin system is attached to the military department for all matters relating to receipts, disbursements, expense accounts, budget, audit, and other related items. All other matters shall be the decisions of the WiCab, previously established by executive order.

SECTION 6. The general assembly encourages the commissioner of finance and administration to utilize the expansion process as described in Section 23 of the annual appropriations act to expedite federal funds to the TnWin system.

SECTION 7. The military department, in consultation with the WiCab, is authorized to promulgate rules and regulations to carry out the responsibilities under this part. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.