



**House Boards, Agencies and Commissions Reported
Substitute for HB307**

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A BILL
TO BE ENTITLED
AN ACT

Relating to Emergency Telephone Services; to amend Section 11-98-4, Code of Alabama 1975, to further provide for local 911 districts by permitting two or more districts to enter contracts to jointly provide services; to provide requirements for contracts to jointly provide services; and to delete duplicative language and make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-98-4, Code of Alabama 1975, is amended to read as follows:

"§11-98-4

(a) When any district is created, the creating authority may appoint a board of commissioners composed of seven members to govern its affairs, and shall fix the domicile of the board of commissioners at any point within the district. In the case of county districts, after the expiration of the terms of the members of the board of commissioners holding office on May 23, 2000, there may be at least one member of the board of commissioners from each



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29 county commission district if the number of the county
30 commission does not exceed seven, unless a resolution dated
31 before January 1, 2000, was passed by a county commission
32 establishing an appointment process different from this
33 section or as otherwise provided by the enactment of a local
34 act after May 23, 2000. The members of the board of
35 commissioners shall be qualified electors of the district, two
36 of whom shall be appointed for terms of two years, three for
37 terms of three years, and two for terms of four years, dating
38 from the date of the adoption of the resolution or ordinance
39 creating the district. Thereafter, all appointments of the
40 members shall be for terms of four years.

41 (b) The board of commissioners shall have ~~complete and~~
42 sole authority to appoint a ~~chairman~~chair and any other
43 officers it may deem necessary from among the membership of
44 the board of commissioners.

45 (c) A majority of the board of commissioners membership
46 shall constitute a quorum and all official action of the board
47 of commissioners shall require a quorum.

48 (d) The board of commissioners may employ such
49 employees, experts, and consultants as it deems necessary to
50 assist the board of commissioners in the discharge of its
51 responsibilities to the extent that funds are made available.

52 (e) In lieu of appointing a board of commissioners, the
53 governing body of the creating authority may serve as the
54 board of commissioners of the district, in which case it shall
55 assume all the powers and duties of the board of commissioners
56 as provided in this chapter.



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57 (f) In addition to other authority and powers necessary
58 to establish, operate, maintain, and replace an emergency
59 communication system, the board of commissioners ~~shall have~~
60 ~~the~~ may do any of the following ~~authority~~:

61 (1) ~~To sue~~ Sue and be sued, ~~to~~ prosecute, and defend
62 civil actions in any court having jurisdiction of the subject
63 matter and of the parties.

64 (2) ~~To acquire~~ Acquire or dispose of, whether by
65 purchase, sale, gift, lease, devise, or otherwise, property of
66 every description that the board may deem necessary,
67 consistent with this section, and to hold title thereto.

68 (3) ~~To construct~~ Construct, enlarge, equip, improve,
69 maintain, and operate all aspects of an emergency
70 communication system consistent with ~~subsection (a) of~~ Section
71 11-98-6 (a).

72 (4) ~~To borrow~~ Borrow money for any of its purposes.

73 (5) ~~To provide for such~~ Provide for liability and hazard
74 insurance as the board of commissioners may deem advisable to
75 include inclusion and continuation, or both, of district
76 employees in state, county, municipal, or self-funded
77 liability insurance programs.

78 (6) ~~To enter~~ Enter into contracts or agreements with
79 public or private safety agencies for dispatch services when
80 ~~such~~ the terms, conditions, and charges are mutually agreed
81 upon, unless otherwise provided by local law.

82 (7) ~~To make~~ Make grants to municipalities for
83 dispatching equipment and services.

84 (g) The board of commissioners may elect to form a



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85 nonprofit, public corporation with all of the powers and
86 authority vested in ~~such~~the political and legal entities. The
87 certificate of incorporation shall recite, in part:

88 (1) That this is a nonprofit, public corporation and is
89 a political and legal subdivision of the State of Alabama as
90 defined in this chapter.

91 (2) The location of its principal office.

92 (3) The name of the corporation.

93 (4) That the governing body is the board of
94 commissioners.

95 (h) Any other provisions of this chapter
96 notwithstanding, the board of commissioners shall present to
97 the creating authority for approval the acquisition,
98 disposition, or improvements to real property.

99 (i) In addition to ~~the provisions of~~ subdivision ~~(5) of~~
100 ~~subsection~~ (f) (5), each member of the board of commissioners
101 and each director of an emergency communication district shall
102 be bonded in an amount equal to one-half of one percent of the
103 total funds received by the district in the prior fiscal year
104 except the amount of the bond for any persons required to be
105 bonded, shall not be less than ten thousand dollars (\$10,000)
106 nor exceed fifty thousand dollars (\$50,000). The board of
107 commissioners may require other employees to be bonded in an
108 amount set by the board and made payable to the district. The
109 bonds shall be paid for by the district, and a copy shall be
110 on file at the offices of the district and at the office of
111 the judge of probate of the county in which the district is
112 incorporated. In the event the governing body of the creating



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113 authority serves as the board of commissioners of the
114 district, each member of the board may combine the bond
115 required ~~herein~~ by this section with the bond required for
116 service on the creating authority provided both the creating
117 authority and the emergency communication district are
118 adequately protected in the event of forfeiture and the
119 portion of the bond payment required pursuant to this section
120 is paid by the district.

121 (j) Two or more boards of commissioners of districts
122 that exist on the effective date of this act, by adopting
123 identical resolutions, may contract for the districts they
124 govern to jointly exercise any power or service that each of
125 the districts is authorized to exercise individually.

126 (1)a. It is sufficient that each of the contracting
127 districts is lawfully authorized to exercise the power or
128 service that is the subject of the contract regardless of the
129 manner in which the power or service shall be exercised if at
130 least one of the districts is authorized to exercise the power
131 or service in the agreed upon manner.

132 b. The power or service that is the subject of the
133 contract may be exercised by each contracting district or may
134 be exercised by one or more districts on behalf of all of the
135 contracting districts.

136 (2) Before adopting the resolution under this
137 subsection, each district board of commissioners must give
138 notice pursuant to Section 36-25A-3 of a hearing on the
139 proposed contract at which the public may request information
140 concerning, or present arguments for or against, the same.



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141 (3)a. The contract must: (i) state the intent of each
142 district to cooperate with the joint exercise of the power or
143 service; (ii) describe the power or service that the districts
144 will jointly exercise; and (iii) provide a termination date
145 for the contract no later than three years from the date of
146 the contract.

147 b. Notwithstanding a termination date for the contract,
148 any district may terminate the contract by giving at least 180
149 days' notice to the other district or districts.

150 (4)a. The existence of a district as an individual
151 political and legal subdivision of the state under this
152 chapter is not modified or impaired when the district enters a
153 contract provided under this subsection, neither are the
154 lawful powers of the district in any way modified or impaired
155 except to the extent necessary for the district to jointly
156 exercise the power or service that is the subject of the
157 contract.

158 b. Nothing in this subsection shall restrict the powers
159 of a district nor modify or impair the legal rights and duties
160 under a contract that is in existence on the effective date of
161 this act between or among districts.

162 (5) 911 services may not be jointly provided pursuant
163 to this subsection until the Statewide 911 Board certifies to
164 the contracting districts that, pursuant to Section
165 11-98-4.1(e) (8), joint operations are ready to occur without
166 service interruption."

167 Section 2. This act shall become effective immediately
168 following its passage and approval by the Governor, or its



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169 otherwise becoming law.