

HB25 ENROLLED



1 HB25
2 VHCEVPL-2
3 By Representative Oliver
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-Feb-25
6 PFD: 19-Aug-24



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1 Enrolled, An Act,

2 Relating to emergency telephone services; to amend
3 Section 11-98-4, Code of Alabama 1975, to further provide for
4 local 911 districts by permitting two or more districts to
5 enter contracts to jointly provide services; and to delete
6 duplicative language and make nonsubstantive, technical
7 revisions to update the existing code language to current
8 style.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 "§11-98-4

13 (a) When any district is created, the creating
14 authority may appoint a board of commissioners composed of
15 seven members to govern its affairs, and shall fix the
16 domicile of the board of commissioners at any point within the
17 district. In the case of county districts, after the
18 expiration of the terms of the members of the board of
19 commissioners holding office on May 23, 2000, there may be at
20 least one member of the board of commissioners from each
21 county commission district if the number of the county
22 commission does not exceed seven, unless a resolution dated
23 before January 1, 2000, was passed by a county commission
24 establishing an appointment process different from this
25 section or as otherwise provided by the enactment of a local
26 act after May 23, 2000. The members of the board of
27 commissioners shall be qualified electors of the district, two
28 of whom shall be appointed for terms of two years, three for



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terms of three years, and two for terms of four years, dating from the date of the adoption of the resolution or ordinance creating the district. Thereafter, all appointments of the members shall be for terms of four years.

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

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

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

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

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

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

(2) ~~To acquire~~Acquire or dispose of, whether by



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purchase, sale, gift, lease, devise, or otherwise, property of every description that the board may deem necessary, consistent with this section, and to hold title thereto.

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

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

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

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

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

(g) The board of commissioners may elect to form a nonprofit, public corporation with all of the powers and authority vested in ~~such~~the political and legal entities. The certificate of incorporation shall recite, in part:

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

(2) The location of its principal office.

(3) The name of the corporation.



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85 (4) That the governing body is the board of
86 commissioners.

87 (h) Any other provisions of this chapter
88 notwithstanding, the board of commissioners shall present to
89 the creating authority for approval the acquisition,
90 disposition, or improvements to real property.

91 (i) In addition to the ~~provisions~~requirement of
92 subdivision ~~(5) of subsection (f) (5)~~, each member of the board
93 of commissioners and each director of an emergency
94 communication district shall be bonded in an amount equal to
95 one-half of one percent of the total funds received by the
96 district in the prior fiscal year except the amount of the
97 bond for any persons required to be bonded, shall not be less
98 than ten thousand dollars (\$10,000) nor exceed fifty thousand
99 dollars (\$50,000). The board of commissioners may require
100 other employees to be bonded in an amount set by the board and
101 made payable to the district. The bonds shall be paid for by
102 the district, and a copy shall be on file at the offices of
103 the district and at the office of the judge of probate of the
104 county in which the district is incorporated. In the event the
105 governing body of the creating authority serves as the board
106 of commissioners of the district, each member of the board may
107 combine the bond required ~~herein~~by this section with the bond
108 required for service on the creating authority provided both
109 the creating authority and the emergency communication
110 district are adequately protected in the event of forfeiture
111 and the portion of the bond payment required pursuant to this
112 section is paid by the district.



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(j) Two or more boards of commissioners of districts that exist on October 1, 2025, by adopting identical resolutions, may contract for the districts they govern to jointly exercise any power or service that each of the districts is authorized to exercise individually.

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

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

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

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

b. Notwithstanding a termination date for the contract, any district may terminate the contract by giving at least 180



141 days' notice to the other district or districts.

142 (4)a. The existence of a district as an individual
143 political and legal subdivision of the state under this
144 chapter is not modified or impaired when the district enters a
145 contract provided under this subsection, neither are the
146 lawful powers of the district in any way modified or impaired
147 except to the extent necessary for the district to jointly
148 exercise the power or service that is the subject of the
149 contract.

150 b. Nothing in this subsection shall restrict the powers
151 of a district nor modify or impair the legal rights and duties
152 under a contract that is in existence on October 1, 2025
153 between or among districts.

154 (5) 911 services may not be jointly provided pursuant
155 to this subsection until the Statewide 911 Board certifies to
156 the contracting districts that, pursuant to Section
157 11-98-4.1(e)(8), joint operations are ready to occur without
158 service interruption."

159 Section 2. This act shall become effective on October
160 1, 2025.



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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 06-Feb-25.

John Treadwell
Clerk

Senate

06-May-25

Passed