

**HB307 ENGROSSED**



1 HB307  
2 MBIIWH1-2  
3 By Representatives Oliver, Hurst, Brown, Marques, Wood (D),  
4 Stringer, Robertson, Standridge, Fidler  
5 RFD: Boards, Agencies and Commissions  
6 First Read: 07-Mar-24



## HB307 Engrossed

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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



## HB307 Engrossed

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.



## HB307 Engrossed

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



## HB307 Engrossed

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



## HB307 Engrossed

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.



## HB307 Engrossed

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

**HB307 Engrossed**



169 otherwise becoming law.





**HB307 Engrossed**

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House of Representatives

Read for the first time and referred .....07-Mar-24  
to the House of Representatives  
committee on Boards, Agencies and  
Commissions  
Read for the second time and placed .....21-Mar-24  
on the calendar:  
1 amendment  
Read for the third time and passed .....04-Apr-24  
as amended  
Yeas 102  
Nays 0  
Abstains 0

John Treadwell  
Clerk