

HB307 INTRODUCED



1 HB307
2 1JRRLLL-1
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



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SYNOPSIS:

Existing law does not explicitly authorize local 911 districts to pool their resources with one another by jointly exercising powers or providing services.

This bill would recognize the authority of local 911 districts to contract with one another to jointly exercise powers and services that each district may lawfully exercise on an individual basis.

This bill would further provide minimum requirements to be followed by district boards when entering into a contract with another district and would also provide minimum requirements for the joint exercise contracts.

This bill would delete duplicative language and would also make nonsubstantive, technical revisions to update the existing code language to current style.

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



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29 enter contracts to jointly provide services; to provide
30 requirements for contracts to jointly provide services; and to
31 delete duplicative language and make nonsubstantive, technical
32 revisions to update the existing code language to current
33 style.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

37 "§11-98-4

38 (a) When any district is created, the creating
39 authority may appoint a board of commissioners composed of
40 seven members to govern its affairs, and shall fix the
41 domicile of the board of commissioners at any point within the
42 district. In the case of county districts, after the
43 expiration of the terms of the members of the board of
44 commissioners holding office on May 23, 2000, there may be at
45 least one member of the board of commissioners from each
46 county commission district if the number of the county
47 commission does not exceed seven, unless a resolution dated
48 before January 1, 2000, was passed by a county commission
49 establishing an appointment process different from this
50 section or as otherwise provided by the enactment of a local
51 act after May 23, 2000. The members of the board of
52 commissioners shall be qualified electors of the district, two
53 of whom shall be appointed for terms of two years, three for
54 terms of three years, and two for terms of four years, dating
55 from the date of the adoption of the resolution or ordinance
56 creating the district. Thereafter, all appointments of the



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57 members shall be for terms of four years.

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

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

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

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

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

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

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



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85 (3) ~~To construct~~Construct, enlarge, equip, improve,
86 maintain, and operate all aspects of an emergency
87 communication system consistent with ~~subsection (a) of~~ Section
88 11-98-6(a).

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

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

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

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

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

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

108 (2) The location of its principal office.

109 (3) The name of the corporation.

110 (4) That the governing body is the board of
111 commissioners.

112 (h) Any other provisions of this chapter



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113 notwithstanding, the board of commissioners shall present to
114 the creating authority for approval the acquisition,
115 disposition, or improvements to real property.

116 (i) In addition to ~~the provisions of~~ subdivision ~~(5) of~~
117 ~~subsection~~ (f) (5), each member of the board of commissioners
118 and each director of an emergency communication district shall
119 be bonded in an amount equal to one-half of one percent of the
120 total funds received by the district in the prior fiscal year
121 except the amount of the bond for any persons required to be
122 bonded, shall not be less than ten thousand dollars (\$10,000)
123 nor exceed fifty thousand dollars (\$50,000). The board of
124 commissioners may require other employees to be bonded in an
125 amount set by the board and made payable to the district. The
126 bonds shall be paid for by the district, and a copy shall be
127 on file at the offices of the district and at the office of
128 the judge of probate of the county in which the district is
129 incorporated. In the event the governing body of the creating
130 authority serves as the board of commissioners of the
131 district, each member of the board may combine the bond
132 required ~~herein~~ by this section with the bond required for
133 service on the creating authority provided both the creating
134 authority and the emergency communication district are
135 adequately protected in the event of forfeiture and the
136 portion of the bond payment required pursuant to this section
137 is paid by the district.

138 (j) Two or more boards of commissioners of districts
139 that exist on the effective date of this act, by adopting
140 identical resolutions, may contract for the districts they



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141 govern to jointly exercise any power or service that each of
142 the districts is authorized to exercise individually.

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

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

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

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

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

167 (4)a. The existence of a district as an individual
168 political and legal subdivision of the state under this



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169 chapter is not modified or impaired when the district enters a
170 contract provided under this subsection, neither are the
171 lawful powers of the district in any way modified or impaired
172 except to the extent necessary for the district to jointly
173 exercise the power or service that is the subject of the
174 contract.

175 b. Nothing in this subsection shall restrict the powers
176 of a district nor modify or impair the legal rights and duties
177 under a contract that is in existence on the effective date of
178 this act between or among districts."

179 Section 2. This act shall become effective immediately
180 following its passage and approval by the Governor, or its
181 otherwise becoming law.