

HB25 INTRODUCED



1 HB25
2 VHCEVPL-1
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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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; and to delete
30 duplicative language and make nonsubstantive, technical
31 revisions to update the existing code language to current
32 style.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

36 "§11-98-4

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



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

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

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

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

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

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

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

84 (3) ~~To construct~~Construct, enlarge, equip, improve,



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85 maintain, and operate all aspects of an emergency
86 communication system consistent with ~~subsection (a) of~~ Section
87 11-98-6 (a).

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

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

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

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

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

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

107 (2) The location of its principal office.

108 (3) The name of the corporation.

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

111 (h) Any other provisions of this chapter
112 notwithstanding, the board of commissioners shall present to



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113 the creating authority for approval the acquisition,
114 disposition, or improvements to real property.

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

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



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141 districts is authorized to exercise individually.

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

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

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

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

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

166 (4)a. The existence of a district as an individual
167 political and legal subdivision of the state under this
168 chapter is not modified or impaired when the district enters a



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169 contract provided under this subsection, neither are the
170 lawful powers of the district in any way modified or impaired
171 except to the extent necessary for the district to jointly
172 exercise the power or service that is the subject of the
173 contract.

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

178 (5) 911 services may not be jointly provided pursuant
179 to this subsection until the Statewide 911 Board certifies to
180 the contracting districts that, pursuant to Section
181 11-98-4.1(e) (8), joint operations are ready to occur without
182 service interruption."

183 Section 2. This act shall become effective on October
184 1, 2025.