

1 SB138
2 197974-2
3 By Senator Holley
4 RFD: Governmental Affairs
5 First Read: 19-MAR-19

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the statewide 911 Board; to amend
12 Section 11-98-4.1, Code of Alabama 1975, to authorize the
13 statewide 911 Board to administer a statewide voice and data
14 system; to fund grants for the various 911 districts in the
15 state; and to publish an annual report on the status of 911
16 service in this state.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 11-98-4.1, Code of Alabama 1975,
19 is amended to read as follows:

20 "§11-98-4.1.

21 "(a) There is created a statewide 911 Board
22 comprised of 13 members that shall reflect the racial, gender,
23 geographic, urban/rural, and economic diversity of the state.
24 All appointing authorities shall coordinate their appointments
25 so that diversity of gender, race, and geographical areas is
26 reflective of the makeup of this state. The 911 Board shall be
27 created effective July 1, 2012, and until the effective date

1 of the statewide 911 charge pursuant to Section 11-98-5, with
2 cooperation of the CMRS Board, shall plan for the
3 implementation of the statewide 911 charge and the
4 distribution of the revenues as provided herein. The
5 reasonable administrative expenses incurred by the 911 Board
6 prior to the implementation of the statewide 911 charge may be
7 deducted from the existing CMRS Fund. Upon the effective date
8 of the new statewide 911 charge, the 911 Board shall replace
9 and supersede the CMRS Board formerly created pursuant to this
10 chapter, and the CMRS Fund shall be incorporated into, and
11 considered part of, the 911 Fund.

12 "(b) The 13 members of the 911 Board, each of whom
13 shall serve for a term of four years, shall be appointed by
14 the Governor as follows:

15 "(1) Seven members recommended by the Alabama
16 Association of 911 Districts, one from each of the seven
17 congressional districts, with each district representative
18 recommended selected by vote of the Alabama Association of 911
19 Districts members from that congressional district. The
20 initial appointments shall include the three district
21 representatives on the CMRS Board who shall serve through
22 March 31, 2014, and a member from the first, third, fifth, and
23 seventh congressional districts as provided herein. Following
24 the March 31, 2014, expiration of the terms of the district
25 representatives drawn from the CMRS Board, the Governor shall
26 appoint a member recommended by the Association of 911
27 Districts from each of the second, fourth, and sixth

1 congressional districts, it being the intent of this section
2 that each of the seven district representatives on the board
3 be from a different congressional district, as such districts
4 exist on May 8, 2012.

5 "(2) Two members recommended by CMRS providers
6 licensed to do business in Alabama.

7 "(3) Two members recommended by incumbent local
8 exchange carriers operating in Alabama, who shall not be from
9 the same local exchange carrier.

10 "(4) Two members recommended by cable companies that
11 provide interconnected VoIP services in Alabama, who shall not
12 be from the same cable company.

13 "(c) For purposes of the initial board appointments,
14 (1) five members of the board shall be appointed for a
15 four-year term; (2) four members for a three-year term; (3)
16 the three members of the CMRS Board who are appointed pursuant
17 to subdivision (1) of subsection (b) to terms ending on March
18 31, 2014; and (4) the remaining member for a two-year term.
19 Thereafter, board members shall serve staggered terms of four
20 years. In the event of vacancy, the vacancy shall be filled
21 for the balance of the unexpired term in the same manner as
22 the original appointment. Any vacancy occurring on the 911
23 Board, whether for an expired or unexpired term, shall be
24 filled by appointment as soon as practicable after the vacancy
25 occurs, whether for an expired or unexpired term.

26 "(d) For all terms expiring after June 1, 2014, the
27 governmental entities or industry groups identified in

1 subsection (b) shall recommend at least two different persons
2 for each board position for which they are charged with making
3 a recommendation, with the Governor appointing a member from
4 among such recommended candidates. For all terms expiring
5 after July 1, 2015, appointments made by the Governor shall be
6 subject to confirmation by the Senate as provided in this
7 subsection. Appointments made at times when the Senate is not
8 in session shall be effective immediately ad interim and shall
9 serve until the Senate acts on the appointment as provided
10 herein. Any appointment made while the Senate is not in
11 session shall be submitted to the Senate not later than the
12 third legislative day following the reconvening of the
13 Legislature. In the event the Senate fails or refuses to act
14 on the appointment, the person whose name was submitted shall
15 continue to serve until action is taken on the appointment by
16 the Senate.

17 "(e) The statewide 911 Board shall have the
18 following powers and duties:

19 "(1) To develop and publish a 911 ~~State Plan~~ Annual
20 Report. In fulfilling this duty, the 911 Board shall monitor
21 trends in voice communications service technology and in
22 enhanced 911 service technology, investigate, and incorporate
23 Geographical Information Systems (GIS) mapping and other
24 resources into the ~~plan~~ report, and ~~formulate~~ include
25 recommended strategies for the efficient and effective
26 delivery of enhanced 911 service. In addition, the board, ~~in~~
27 ~~conjunction with the Permanent Oversight Commission and~~

1 ~~utilizing the information developed by the Department of~~
2 ~~Examiners of Public Accounts pursuant to Section 11-98-13.1,~~
3 ~~shall study the operational and financial condition of the~~
4 ~~current 911 systems within the State of Alabama and publish a~~
5 ~~report detailing the same;~~ study the rates charged for
6 ~~wireline~~ 911 services and make adjustments to the rates as
7 provided in this chapter; recommend ~~a long-term plan for~~ any
8 statutory changes necessary to ensure the most efficient and
9 effective delivery of 911 services in Alabama over both the
10 long- and short-term; ~~recommend any legislation necessary to~~
11 ~~implement the long-term plan;~~ and ~~report its recommendations~~
12 provide a copy of its 911 Annual Report to the Permanent
13 Oversight Commission no later than February 1, 2014 members of
14 the boards of the districts in the state through the Alabama
15 Association of 911 District.

16 "(2) To administer the 911 Fund and the monthly
17 statewide 911 charge authorized by Section 11-98-5.

18 "(3) To distribute revenue in the 911 Fund in
19 accordance with this chapter.

20 "(4) To establish policies and procedures, adopted
21 in accordance with the Alabama Administrative Procedure Act,
22 to fund advisory services, grants, and training for districts
23 and to provide funds in accordance with these policies and
24 procedures to the extent funds are available.

25 "(5) To make and enter into contracts and agreements
26 necessary or incidental to the performance of its powers and
27 duties under this chapter and to use revenue available to the

1 911 Board under Section 11-98-5 for administrative expenses to
2 pay its obligations under the contracts and agreements.

3 "(6) To accept gifts, grants, or other money for the
4 911 Fund.

5 "(7) To undertake its duties in a manner that is
6 competitively and technologically neutral as to all voice
7 communications service providers.

8 "(8) To administer the deployment and operation of a
9 statewide 911 voice and data system that utilizes emerging
10 communication technologies which are capable of connecting to
11 a 911 system and delivering 911 and emergency information to
12 districts. The board shall use its available revenue to pay
13 obligations under the contracts and agreements for a statewide
14 911 voice and data system.

15 ~~"(8)(9) To adopt rules in accordance with the~~
16 ~~Administrative Procedure Act to implement this chapter; to~~
17 ~~establish the statewide 911 charge; and, in response to~~
18 ~~technological changes, apply, collect, and remit the statewide~~
19 ~~911 charge, without duplication, to the active service~~
20 ~~connections of other originating service providers that are~~
21 ~~technically capable of accessing a 911 system, subject to the~~
22 ~~provisions applicable to voice communications service~~
23 ~~providers under this chapter. Any proposed rule extending the~~
24 ~~application of the 911 charge beyond those voice communication~~
25 ~~services defined in paragraphs a. to c., inclusive, of~~
26 ~~subdivision (18) of Section 11-98-1, upon approval by the 911~~
27 ~~Board shall be submitted to the Permanent Oversight Committee~~

1 ~~which, by an affirmative vote of six of its members, may~~
2 ~~disapprove the action. If not disapproved by the Permanent~~
3 ~~Oversight Committee within 15 days of submission, the proposed~~
4 ~~rule shall be deemed adopted by the 911 Board on the fifteenth~~
5 ~~day after submission and shall be certified to the Legislative~~
6 ~~Reference Service in accordance with the Administrative~~
7 ~~Procedure Act. This authority does not include the regulation~~
8 ~~of any 911 service, such as the establishment of technical~~
9 ~~standards.~~

10 ~~"(9)(10) To take other necessary and proper action~~
11 ~~to implement this chapter."~~

12 Section 2. The Executive Director of the statewide
13 911 Board shall prepare an annual report detailing the
14 training provided and administered by the 911 Board for 911
15 dispatchers. The report shall be submitted to the President
16 Pro Tempore of the Senate and the Speaker of the House of
17 Representatives on February 1, 2020, and by February 1 each
18 year thereafter.

19 Section 3. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 19-MAR-19

Read for the second time and placed on the calen-
dar..... 02-APR-19

Read for the third time and passed as amended 03-APR-19

Yeas 33
Nays 0

Patrick Harris,
Secretary.