

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

1 SB138

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4 ENROLLED, An Act,

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§11-98-4.1.

15 "(a) There is created a statewide 911 Board
16 comprised of 13 members that shall reflect the racial, gender,
17 geographic, urban/rural, and economic diversity of the state.
18 All appointing authorities shall coordinate their appointments
19 so that diversity of gender, race, and geographical areas is
20 reflective of the makeup of this state. The 911 Board shall be
21 created effective July 1, 2012, and until the effective date
22 of the statewide 911 charge pursuant to Section 11-98-5, with
23 cooperation of the CMRS Board, shall plan for the
24 implementation of the statewide 911 charge and the
25 distribution of the revenues as provided herein. The

1 reasonable administrative expenses incurred by the 911 Board
2 prior to the implementation of the statewide 911 charge may be
3 deducted from the existing CMRS Fund. Upon the effective date
4 of the new statewide 911 charge, the 911 Board shall replace
5 and supersede the CMRS Board formerly created pursuant to this
6 chapter, and the CMRS Fund shall be incorporated into, and
7 considered part of, the 911 Fund.

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

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

1 be from a different congressional district, as such districts
2 exist on May 8, 2012.

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

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

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

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

24 "(d) For all terms expiring after June 1, 2014, the
25 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

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

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

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

22 "(4) To establish policies and procedures, adopted
23 in accordance with the Alabama Administrative Procedure Act,
24 to fund advisory services, grants, and training for districts

1 and to provide funds in accordance with these policies and
2 procedures to the extent funds are available.

3 "(5) To make and enter into contracts and agreements
4 necessary or incidental to the performance of its powers and
5 duties under this chapter and to use revenue available to the
6 911 Board under Section 11-98-5 for administrative expenses to
7 pay its obligations under the contracts and agreements.

8 "(6) To accept gifts, grants, or other money for the
9 911 Fund.

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

13 "(8) To administer the deployment and operation of a
14 statewide 911 voice and data system that utilizes emerging
15 communication technologies which are capable of connecting to
16 a 911 system and delivering 911 and emergency information to
17 districts. The board shall use its available revenue to pay
18 obligations under the contracts and agreements for a statewide
19 911 voice and data system.

20 "~~(8)~~ (9) To adopt rules in accordance with the
21 Administrative Procedure Act to implement this chapter; to
22 establish the statewide 911 charge; and, in response to
23 technological changes, apply, collect, and remit the statewide
24 911 charge, without duplication, to the active service
25 connections of other originating service providers that are

1 technically capable of accessing a 911 system, subject to the
2 provisions applicable to voice communications service
3 providers under this chapter. ~~Any proposed rule extending the~~
4 ~~application of the 911 charge beyond those voice communication~~
5 ~~services defined in paragraphs a. to c., inclusive, of~~
6 ~~subdivision (18) of Section 11-98-1, upon approval by the 911~~
7 ~~Board shall be submitted to the Permanent Oversight Committee~~
8 ~~which, by an affirmative vote of six of its members, may~~
9 ~~disapprove the action. If not disapproved by the Permanent~~
10 ~~Oversight Committee within 15 days of submission, the proposed~~
11 ~~rule shall be deemed adopted by the 911 Board on the fifteenth~~
12 ~~day after submission and shall be certified to the Legislative~~
13 ~~Reference Service in accordance with the Administrative~~
14 ~~Procedure Act. This authority does not include the regulation~~
15 ~~of any 911 service, such as the establishment of technical~~
16 ~~standards.~~

17 ~~"(9)(10)~~ To take other necessary and proper action
18 to implement this chapter."

19 Section 2. The Executive Director of the statewide
20 911 Board shall prepare an annual report detailing the
21 training provided and administered by the 911 Board for 911
22 dispatchers. The report shall be submitted to the President
23 Pro Tempore of the Senate and the Speaker of the House of
24 Representatives on February 1, 2020, and by February 1 each
25 year thereafter.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB138

Senate 03-APR-19

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 16-APR-19

By: Senator Holley