

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

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8 SYNOPSIS: Under existing law, among other duties, the
9 statewide 911 Board administers the statewide 911
10 program and distributes revenue in the 911 Fund.

11 This bill would authorize the statewide 911
12 Board to administer a statewide voice and data
13 system, to fund grants for the various 911
14 districts in the state, and to develop and publish
15 an annual report on the status of 911 service in
16 this state.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 Relating to the statewide 911 Board; to amend
23 Section 11-98-4.1, Code of Alabama 1975, to authorize the
24 statewide 911 Board to administer a statewide voice and data
25 system; to fund grants for the various 911 districts in the
26 state; and to publish an annual report on the status of 911
27 service in this state.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§11-98-4.1.

5 "(a) There is created a statewide 911 Board
6 comprised of 13 members that shall reflect the racial, gender,
7 geographic, urban/rural, and economic diversity of the state.
8 All appointing authorities shall coordinate their appointments
9 so that diversity of gender, race, and geographical areas is
10 reflective of the makeup of this state. The 911 Board shall be
11 created effective July 1, 2012, and until the effective date
12 of the statewide 911 charge pursuant to Section 11-98-5, with
13 cooperation of the CMRS Board, shall plan for the
14 implementation of the statewide 911 charge and the
15 distribution of the revenues as provided herein. The
16 reasonable administrative expenses incurred by the 911 Board
17 prior to the implementation of the statewide 911 charge may be
18 deducted from the existing CMRS Fund. Upon the effective date
19 of the new statewide 911 charge, the 911 Board shall replace
20 and supersede the CMRS Board formerly created pursuant to this
21 chapter, and the CMRS Fund shall be incorporated into, and
22 considered part of, the 911 Fund.

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

26 "(1) Seven members recommended by the Alabama
27 Association of 911 Districts, one from each of the seven

1 congressional districts, with each district representative
2 recommended selected by vote of the Alabama Association of 911
3 Districts members from that congressional district. The
4 initial appointments shall include the three district
5 representatives on the CMRS Board who shall serve through
6 March 31, 2014, and a member from the first, third, fifth, and
7 seventh congressional districts as provided herein. Following
8 the March 31, 2014, expiration of the terms of the district
9 representatives drawn from the CMRS Board, the Governor shall
10 appoint a member recommended by the Association of 911
11 Districts from each of the second, fourth, and sixth
12 congressional districts, it being the intent of this section
13 that each of the seven district representatives on the board
14 be from a different congressional district, as such districts
15 exist on May 8, 2012.

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

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

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

24 "(c) For purposes of the initial board appointments,
25 (1) five members of the board shall be appointed for a
26 four-year term; (2) four members for a three-year term; (3)
27 the three members of the CMRS Board who are appointed pursuant

1 to subdivision (1) of subsection (b) to terms ending on March
2 31, 2014; and (4) the remaining member for a two-year term.
3 Thereafter, board members shall serve staggered terms of four
4 years. In the event of vacancy, the vacancy shall be filled
5 for the balance of the unexpired term in the same manner as
6 the original appointment. Any vacancy occurring on the 911
7 Board, whether for an expired or unexpired term, shall be
8 filled by appointment as soon as practicable after the vacancy
9 occurs, whether for an expired or unexpired term.

10 "(d) For all terms expiring after June 1, 2014, the
11 governmental entities or industry groups identified in
12 subsection (b) shall recommend at least two different persons
13 for each board position for which they are charged with making
14 a recommendation, with the Governor appointing a member from
15 among such recommended candidates. For all terms expiring
16 after July 1, 2015, appointments made by the Governor shall be
17 subject to confirmation by the Senate as provided in this
18 subsection. Appointments made at times when the Senate is not
19 in session shall be effective immediately ad interim and shall
20 serve until the Senate acts on the appointment as provided
21 herein. Any appointment made while the Senate is not in
22 session shall be submitted to the Senate not later than the
23 third legislative day following the reconvening of the
24 Legislature. In the event the Senate fails or refuses to act
25 on the appointment, the person whose name was submitted shall
26 continue to serve until action is taken on the appointment by
27 the Senate.

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

3 "(1) To develop and publish a 911 ~~State Plan Annual~~
4 Report. In fulfilling this duty, the 911 Board shall monitor
5 trends in voice communications service technology and in
6 enhanced 911 service technology, investigate, and incorporate
7 Geographical Information Systems (GIS) mapping and other
8 resources into the plan report, and ~~formulate~~ include
9 recommended strategies for the efficient and effective
10 delivery of enhanced 911 service. In addition, the board, ~~in~~
11 ~~conjunction with the Permanent Oversight Commission and~~
12 ~~utilizing the information developed by the Department of~~
13 ~~Examiners of Public Accounts pursuant to Section 11-98-13.1,~~
14 shall ~~study the operational and financial condition of the~~
15 ~~current 911 systems within the State of Alabama and publish a~~
16 ~~report detailing the same;~~ study the rates charged for
17 ~~wireline~~ 911 services and make adjustments to the rates as
18 provided in this chapter; recommend ~~a long-term plan for~~ any
19 statutory changes necessary to ensure the most efficient and
20 effective delivery of 911 services in Alabama over both the
21 long- and short-term; ~~recommend any legislation necessary to~~
22 ~~implement the long-term plan;~~ and ~~report its recommendations~~
23 provide a copy of its 911 Annual Report to the Permanent
24 ~~Oversight Commission no later than February 1, 2014~~ members of
25 the boards of the districts in the state through the Alabama
26 Association of 911 District.

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

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

5 "(4) To establish policies and procedures, adopted
6 in accordance with the Alabama Administrative Procedure Act,
7 to fund advisory services, grants, and training for districts
8 and to provide funds in accordance with these policies and
9 procedures to the extent funds are available.

10 "(5) To make and enter into contracts and agreements
11 necessary or incidental to the performance of its powers and
12 duties under this chapter and to use revenue available to the
13 911 Board under Section 11-98-5 for administrative expenses to
14 pay its obligations under the contracts and agreements.

15 "(6) To accept gifts, grants, or other money for the
16 911 Fund.

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

20 "(8) To administer the deployment and operation of a
21 statewide 911 voice and data system that utilizes emerging
22 communication technologies which are capable of connecting to
23 a 911 system and delivering 911 and emergency information to
24 districts. The board shall use its available revenue to pay
25 obligations under the contracts and agreements for a statewide
26 911 voice and data system.

1 ~~"(8)(9)~~ To adopt rules in accordance with the
2 Administrative Procedure Act to implement this chapter; to
3 establish the statewide 911 charge; and, in response to
4 technological changes, apply, collect, and remit the statewide
5 911 charge, without duplication, to the active service
6 connections of other originating service providers that are
7 technically capable of accessing a 911 system, subject to the
8 provisions applicable to voice communications service
9 providers under this chapter. ~~Any proposed rule extending the~~
10 ~~application of the 911 charge beyond those voice communication~~
11 ~~services defined in paragraphs a. to c., inclusive, of~~
12 ~~subdivision (18) of Section 11-98-1, upon approval by the 911~~
13 ~~Board shall be submitted to the Permanent Oversight Committee~~
14 ~~which, by an affirmative vote of six of its members, may~~
15 ~~disapprove the action. If not disapproved by the Permanent~~
16 ~~Oversight Committee within 15 days of submission, the proposed~~
17 ~~rule shall be deemed adopted by the 911 Board on the fifteenth~~
18 ~~day after submission and shall be certified to the Legislative~~
19 ~~Reference Service in accordance with the Administrative~~
20 ~~Procedure Act. This authority does not include the regulation~~
21 ~~of any 911 service, such as the establishment of technical~~
22 ~~standards.~~

23 ~~"(9)(10)~~ To take other necessary and proper action
24 to implement this chapter."

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

