

1 HB188
2 107030-1
3 By Representative Johnson
4 RFD: County and Municipal Government
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, employees of emergency
9 telephone districts (E-911 districts) are not
10 required to be bonded.

11 This bill would require any employee of an
12 E-911 district who receives funds or disburses
13 funds to be bonded based on the amount of prior
14 receipts of the district.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Section 11-98-4 of the Code of Alabama
21 1975, relating to emergency telephone districts, to require
22 any employee of the district who receives or disburses funds
23 to be bonded.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 11-98-4 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§11-98-4.

1 "(a) When any district is created, the creating
2 authority may appoint a board of commissioners composed of
3 seven members to govern its affairs, and shall fix the
4 domicile of the board at any point within the district. In the
5 case of county districts, after the expiration of the terms of
6 the members of the board of commissioners holding office on
7 May 23, 2000, there may be at least one member of the board
8 from each county commission district if the number of the
9 county commission does not exceed seven, unless a resolution
10 dated before January 1, 2000, was passed by a county
11 commission establishing an appointment process different from
12 this section or as otherwise provided by the enactment of a
13 local act after May 23, 2000. The members of the board shall
14 be qualified electors of the district, two of whom shall be
15 appointed for terms of two years, three for terms of three
16 years, and two for terms of four years, dating from the date
17 of the adoption of the resolution or ordinance creating the
18 district. Thereafter, all appointments of the members shall be
19 for terms of four years.

20 "(b) The board of commissioners shall have complete
21 and sole authority to appoint a chairman and any other
22 officers it may deem necessary from among the membership of
23 the board of commissioners.

24 "(c) A majority of the board of commissioners
25 membership shall constitute a quorum and all official action
26 of the board of commissioners shall require a quorum.

1 "(d) The board of commissioners may employ such
2 employees, experts, and consultants as it deems necessary to
3 assist the board of commissioners in the discharge of its
4 responsibilities to the extent that funds are made available.

5 "(e) In lieu of appointing a board of commissioners,
6 the governing body of the creating authority may serve as the
7 board of commissioners of the district, in which case it shall
8 assume all the powers and duties of the board of commissioners
9 as provided in this chapter.

10 "(f) In addition to other authority and powers
11 necessary to establish, operate, maintain, and replace an
12 emergency communication system, the board of commissioners
13 shall have the following authority:

14 "(1) To sue and be sued, to prosecute, and defend
15 civil actions in any court having jurisdiction of the subject
16 matter and of the parties.

17 "(2) To acquire or dispose of, whether by purchase,
18 sale, gift, lease, devise, or otherwise, property of every
19 description that the board may deem necessary, consistent with
20 Section 11-98-4, and to hold title thereto.

21 "(3) To construct, enlarge, equip, improve,
22 maintain, and operate all aspects of an emergency
23 communication system consistent with Section 11-98-5(i).

24 "(4) To borrow money for any of its purposes.

25 "(5) To provide for such liability and hazard
26 insurance as the board may deem advisable to include inclusion
27 and continuation, or both, of district employees in state,

1 county, municipal, or self-funded liability insurance
2 programs.

3 "(6) To enter into contracts or agreements with
4 public or private safety agencies for dispatch services when
5 such terms, conditions, and charges are mutually agreed upon,
6 unless otherwise provided by local law.

7 "(7) To make grants to smaller municipalities for
8 dispatching equipment and services.

9 "(g) The board of commissioners may elect to form a
10 nonprofit, public corporation with all of the powers and
11 authority vested in such political and legal entities. The
12 certificate of incorporation shall recite, in part:

13 "(1) That this is a nonprofit, public corporation
14 and is a political and legal subdivision of the State of
15 Alabama as defined in this chapter.

16 "(2) The location of its principal office.

17 "(3) The name of the corporation.

18 "(4) That the governing body is the board of
19 commissioners.

20 "(h) Any other provisions of this act
21 notwithstanding, the board of commissioners shall present to
22 the creating authority for approval the acquisition,
23 disposition, or improvements to real property.

24 "(i) In addition to the provisions of subdivision
25 (5) of subsection (f), each employee or official of the
26 district who receives funds or is involved in the disbursement
27 of funds in any manner shall be bonded in an amount not less

1 than the amount of total funds received by the district in the
2 prior fiscal year. The bonds shall be paid for by the
3 district, and a copy shall be on file at the offices of the
4 district and at the office of the judge of probate of the
5 county in which the district is incorporated."

6 Section 2. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.