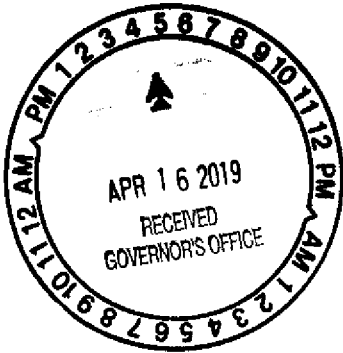


ACT #2019- 70

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,

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

11

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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"§11-98-4.1.

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

**APPROVED** 4/23/19

**TIME** 3:35pm

  
**GOVERNOR**

Alabama Secretary Of State

Act Num....: 2019-70  
Bill Num....: S-138

Recv'd 04/23/19 03:59pmSLF

SPONSOR

Holley

SPONSORS

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FURTHER HOUSE ACTION (OVER)

DATE:

4-4

2019

RD 1 RFD

SG

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee

State Government was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be passed w/amend(s)

This 10th day of August, 2018

[Signature] Chairperson

DATE:

4-11

2019

RF

RD 2 CAL

DATE:

20

RE-REFERRED

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 136.

yeas 35 nays 0 abstain 0

PATRICK HARRIS, Secretary

I hereby certify that the notice & proof is attached to the Bill, SB [blank] as required in the General Acts of Alabama, 1975 Act No 919.

PATRICK HARRIS, Secretary

CONFERENCE COMMITTEE

Senate Conferees

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 138.

YEAS 96 NAYS 0

JEFF WOODARD, Clerk