SB138

197974-4

By Senator Holley

RFD: Governmental Affairs

First Read: 19-MAR-19
ENROLLED, An Act,

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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-98-4.1.

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

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

"(1) Seven members recommended by the Alabama Association of 911 Districts, one from each of the seven congressional districts, with each district representative recommended selected by vote of the Alabama Association of 911 Districts members from that congressional district. The initial appointments shall include the three district representatives on the CMRS Board who shall serve through March 31, 2014, and a member from the first, third, fifth, and seventh congressional districts as provided herein. Following the March 31, 2014, expiration of the terms of the district representatives drawn from the CMRS Board, the Governor shall appoint a member recommended by the Association of 911 Districts from each of the second, fourth, and sixth congressional districts, it being the intent of this section that each of the seven district representatives on the board
be from a different congressional district, as such districts exist on May 8, 2012.

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

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

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

"(c) For purposes of the initial board appointments, (1) five members of the board shall be appointed for a four-year term; (2) four members for a three-year term; (3) the three members of the CMRS Board who are appointed pursuant to subdivision (1) of subsection (b) to terms ending on March 31, 2014; and (4) the remaining member for a two-year term.

Thereafter, board members shall serve staggered terms of four years. In the event of vacancy, the vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. Any vacancy occurring on the 911 Board, whether for an expired or unexpired term, shall be filled by appointment as soon as practicable after the vacancy occurs, whether for an expired or unexpired term.

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. The Executive Director of the statewide 911 Board shall prepare an annual report detailing the training provided and administered by the 911 Board for 911 dispatchers. The report shall be submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives on February 1, 2020, and by February 1 each year thereafter.
Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
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