

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

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-98-4.

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

1 of the adoption of the resolution or ordinance creating the  
2 district. Thereafter, all appointments of the members shall be  
3 for terms of four years.

4 "(b) The board of commissioners shall have complete  
5 and sole authority to appoint a chairman and any other  
6 officers it may deem necessary from among the membership of  
7 the board of commissioners.

8 "(c) A majority of the board of commissioners  
9 membership shall constitute a quorum and all official action  
10 of the board of commissioners shall require a quorum.

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

15 "(e) In lieu of appointing a board of commissioners,  
16 the governing body of the creating authority may serve as the  
17 board of commissioners of the district, in which case it shall  
18 assume all the powers and duties of the board of commissioners  
19 as provided in this chapter.

20 "(f) In addition to other authority and powers  
21 necessary to establish, operate, maintain, and replace an  
22 emergency communication system, the board of commissioners  
23 shall have the following authority:

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

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

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

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

12           "(5) To provide for such liability and hazard  
13 insurance as the board may deem advisable to include inclusion  
14 and continuation, or both, of district employees in state,  
15 county, municipal, or self-funded liability insurance  
16 programs.

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

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

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

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

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

5           "(3) The name of the corporation.

6           "(4) That the governing body is the board of  
7 commissioners.

8           "(h) Any other provisions of this act  
9 notwithstanding, the board of commissioners shall present to  
10 the creating authority for approval the acquisition,  
11 disposition, or improvements to real property.

12           "(i) In addition to the provisions of subdivision  
13 (5) of subsection (f), each employee or official of the  
14 district who receives funds or is involved in the disbursement  
15 of funds in any manner shall be bonded in an amount not less  
16 than the amount of total funds received by the district in the  
17 prior fiscal year. The bonds shall be paid for by the  
18 district, and a copy shall be on file at the offices of the  
19 district and at the office of the judge of probate of the  
20 county in which the district is incorporated."

21           Section 2. This act shall become effective  
22 immediately following its passage and approval by the  
23 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 26-JAN-10.

Greg Pappas  
Clerk

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Senate

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14-APR-10

Passed