

1 HB89
2 135499-2
3 By Representative Millican
4 RFD: Boards, Agencies and Commissions
5 First Read: 07-FEB-12
6 PFD: 02/02/2012

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a single statewide
9 wireless E-911 charge is paid into a fund
10 administered by the Commercial Radio Service Board
11 and distributed, in part, to local emergency
12 communication districts. Wireline 911 charges are
13 set and collected by each communications district
14 for operation of the district and vary by district.

15 This bill would create a statewide E-911
16 Board to replace the existing Commercial Mobile
17 Radio Service Board. This bill would provide that
18 the board would establish and collect a single
19 statewide emergency telephone service charge to be
20 paid into an E-911 Fund replacing all other
21 existing wireline and wireless E-911 charges. This
22 bill would provide new procedures for the
23 collection of the emergency service charge from
24 prepaid wireless consumers at the point of sale.
25 This bill would provide for the distribution of
26 funds to local communications districts and
27 commercial mobile radio service providers.

1 to provide for the membership and duties of the commission;
2 and to repeal Sections 11-98-5.1, 11-98-7.1, and 11-98-8, Code
3 of Alabama 1975.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 11-98-1, 11-98-2, 11-98-4,
6 11-98-5, 11-98-6, 11-98-7, and 11-98-9, Code of Alabama 1975,
7 are amended to read as follows:

8 "§11-98-1.

9 "(a) As used in this chapter, the following words
10 and terms have the following meanings, unless the context
11 clearly indicates otherwise:

12 "(1) AUTOMATIC NUMBER IDENTIFICATION. An enhanced
13 911 service capability that enables the automatic display of
14 the 10-digit telephone number used to place a 911 call. The
15 term includes pseudo-automatic number identification, which
16 means an enhanced 911 service capability that enables
17 identification of the subscriber.

18 "(2) CMRS. Commercial mobile radio service under
19 Sections 3(27) and 332(d) of the Federal Telecommunications
20 Act of 1996, 47 U.S.C. §151 et seq., and Omnibus Budget
21 Reconciliation Act of 1993, Pub. L. 103-66, Aug. 10, 1993, 107
22 Stat. 312. The term includes the term wireless and service
23 provider by any wireless real time two-way voice communication
24 device, including radio-telephone communications used in
25 cellular telephone service, personal communication service, or
26 the functional or competitive equivalent of a radio-telephone
27 communications line used in cellular telephone service, a

1 personal communication service, or a network radio access
2 line. The term does not include service whose customers do not
3 have access to 911 or to an enhanced 911-like service, to a
4 communications channel suitable only for data transmission, to
5 a wireless roaming service or other non-local radio access
6 line service, or to a private telecommunications system.

7 "(3) CMRS CONNECTION. Each mobile telephone number
8 assigned to a CMRS subscriber with a place of primary use in
9 Alabama.

10 "(4) CMRS PROVIDER. A person or entity that provides
11 CMRS.

12 "~~(1)~~(5) CREATING AUTHORITY. The municipal governing
13 body of any municipality or the governing body of any county
14 that, by passage of a resolution or ordinance, creates a
15 ~~communication~~ district within its respective jurisdiction in
16 accordance with this chapter.

17 "(6) DISTRIBUTION FORMULA. The percentage of the
18 total state population residing in a district, compared to the
19 total state population residing in all districts statewide,
20 based upon the latest census data or estimates compiled by or
21 for the Alabama Department of Economic and Community Affairs.

22 "~~(2)~~(7) DISTRICT. ~~The~~ A communication district
23 created pursuant to this chapter.

24 "(3) E911. ~~Enhanced universal emergency number~~
25 ~~service or enhanced 911 service which is a telephone exchange~~
26 ~~communications service whereby a public safety answering point~~
27 ~~(PSAP) designated by the customer may receive telephone calls~~

1 ~~dialed to the telephone number 911. E911 service includes~~
2 ~~lines, facilities, and equipment necessary for answering,~~
3 ~~transferring, and dispatching public emergency telephone calls~~
4 ~~originated by persons within the serving area who dial 911 but~~
5 ~~E911 service does not include dial tone first which may be~~
6 ~~made available by the service provider based on the ability to~~
7 ~~recover the costs associated with its implementation and~~
8 ~~consistent with tariffs filed with and approved by the Alabama~~
9 ~~Public Service Commission.~~

10 ~~"(4) EXCHANGE ACCESS FACILITIES. All lines, provided~~
11 ~~by the service suppliers for local exchange service, as~~
12 ~~defined in existing general subscriber services tariffs.~~

13 ~~"(5) PRIVATE SAFETY AGENCY. Any other for-profit or~~
14 ~~not-for-profit entity providing emergency fire, ambulance,~~
15 ~~rescue, emergency management, or emergency medical services.~~

16 ~~"(8) ENHANCED 911, E-911, or E-911 SYSTEM. An~~
17 ~~emergency telephone system that directs 911 calls to~~
18 ~~appropriate public safety answering points by selective~~
19 ~~routing based on the geographical location from which the call~~
20 ~~originated, that provides the capability for automatic number~~
21 ~~identification, and the features that the Federal~~
22 ~~Communications Commission may require in the future. Such~~
23 ~~system may include lines, facilities, and equipment necessary~~
24 ~~for answering, transferring, and dispatching public emergency~~
25 ~~telephone calls originated by persons within the service area~~
26 ~~who dial 911 but does not include dial tone first which may be~~
27 ~~made available by the service provider based on the ability to~~

1 recover the costs associated with its implementation and, to
2 the extent required by law, consistent with tariffs with and
3 approved by the Alabama Public Service Commission.

4 "(9) FCC ORDER. The order of the Federal
5 Communications Commission, FCC Docket No. 94-102, adopted on
6 June 12, 1996, and released on July 26, 1996.

7 "(10) OTHER ORIGINATING SERVICE PROVIDER. An entity
8 other than a voice communication service provider that
9 delivers real-time communication between a person needing
10 assistance and an E-911 system.

11 "(11) PHASE II ENHANCED 911. An enhanced 911 system
12 that identifies the location of all 911 calls by longitude and
13 latitude in conformance with accuracy requirements established
14 by the Federal Communications Commission.

15 "(12) PLACE OF PRIMARY USE. The street address
16 representative of where the customer's use of the mobile
17 telecommunications service primarily occurs, which must be:

18 "a. The residential street address or the primary
19 business street address of the customer.

20 "b. Within the licensed service areas of the CMRS
21 provider.

22 "~~(6)~~ (13) PUBLIC SAFETY AGENCY. An agency of the
23 State of Alabama, or a functional division of a political
24 subdivision, that provides fire fighting, rescue, natural or
25 man-caused disaster, or major emergency response, law
26 enforcement, ambulance, or emergency medical services.

1 ~~"(7) SERVICE SUPPLIER. Any person providing exchange~~
2 ~~telephone service to any service user throughout the county or~~
3 ~~municipality.~~

4 ~~"(8) SERVICE USER. Any person, not otherwise exempt~~
5 ~~from taxation, who is provided exchange telephone service in~~
6 ~~the municipality or county.~~

7 ~~"(9) TARIFF RATE. The rate or rates billed by a~~
8 ~~service supplier as stated in the service supplier's tariffs~~
9 ~~and approved by the Alabama Public Service Commission, which~~
10 ~~represent the service supplier's recurring charges for~~
11 ~~exchange access facilities, exclusive of all taxes, fees,~~
12 ~~licenses, or similar charges whatsoever.~~

13 ~~"(10) UNIFORM APPLICATION. The rate to be charged or~~
14 ~~applied by the communication district to the exchange access~~
15 ~~rate charged to business and residential access lines.~~

16 "(14) STATEWIDE 911 BOARD or 911 BOARD. The
17 statewide 911 Board established pursuant to Section 11-98-4.1.

18 "(15) STATEWIDE 911 CHARGE. The statewide 911 charge
19 created pursuant to Section 11-98-5.

20 "(16) SUBSCRIBER. A person who purchases a voice
21 communications service and is able to receive it or use it
22 periodically over time; provided, however, that for purposes
23 of the imposition and collection of the statewide 911 charge
24 the term subscriber shall not include the State of Alabama,
25 the counties within the state, incorporated municipalities of
26 the State of Alabama, county and city school boards,
27 independent school boards, and all educational institutions

1 and agencies of the State of Alabama, the counties within the
2 state, or any incorporated municipalities of the State of
3 Alabama.

4 "(17) TECHNICAL PROPRIETARY INFORMATION. Technology
5 descriptions, technical information, or trade secrets,
6 including the term trade secrets as defined by the Alabama
7 Trade Secrets Act of 1987, Chapter 27 of Title 8, and the
8 actual or developmental costs thereof which are developed,
9 produced, or received internally by a voice communications
10 service provider or by its employees, directors, officers, or
11 agents.

12 "(18) VOICE COMMUNICATIONS SERVICE. Any of the
13 following:

14 "a. The transmission, conveyance, or routing of
15 real-time, two-way voice communications to a point or between
16 or among points by or through any electronic, radio,
17 satellite, cable, optical, microwave, wireline, wireless, or
18 other medium or method, regardless of the protocol used.

19 "b. The ability to receive and terminate voice calls
20 to and from the public switched telephone network.

21 "c. Interconnected VoIP service, as that term is
22 defined by 47 C.F.R. § 9.3.

23 "d. Such other services to which the statewide 911
24 charge is applied pursuant to Section 11-98-4.1(e)(8).

25 "(19) VOICE COMMUNICATIONS SERVICE PROVIDER. An
26 entity that provides voice communications service to a
27 subscriber in the State of Alabama.

1 "(b) The terms department, prepaid retail,
2 transaction, prepaid wireless telephone service, and prepaid
3 wireless consumer shall have those meanings ascribed to them
4 in Section 11-98-5.3.

5 "§11-98-2.

6 "The creating authority may by ordinance or
7 resolution, as may be appropriate, create within its
8 respective jurisdiction ~~communications~~ districts composed of
9 the territory lying wholly within the municipality or of any
10 part or all of the territory lying wholly within the county.
11 The districts shall be political and legal subdivisions of the
12 state, with power to sue and be sued in their corporate names
13 and to incur debt and issue bonds. The bonds shall be
14 negotiable instruments and shall be solely the obligations of
15 the district and not the State of Alabama. The bonds and the
16 income thereof shall be exempt from all taxation in the State
17 of Alabama. The bonds shall be payable out of the income,
18 revenues, and receipts of the district. The bonds shall be
19 authorized and issued by resolution or ordinance of the
20 creating authority of the district and shall be of such
21 series, bear such date or dates, mature at such time or times,
22 not to exceed 30 years from issuance, bear interest at such
23 rate or rates, be in such denominations, be in such form,
24 without coupon or fully registered without coupon, carry such
25 registration and exchangeability privileges, be payable in
26 such medium of payment and at such place or places, be subject
27 to such terms of redemption, and be entitled to the priorities

1 on the income, revenues, and receipts of the district as the
2 resolution or ordinance may provide.

3 "All bonds shall contain a recital that they are
4 issued pursuant to this chapter, which recitals shall be
5 conclusive that they have been duly authorized pursuant to
6 this chapter.

7 "§11-98-4.

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

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

5 "(c) A majority of the board of commissioners
6 membership shall constitute a quorum and all official action
7 of the board of commissioners shall require a quorum.

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

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

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

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

24 "(2) To acquire or dispose of, whether by purchase,
25 sale, gift, lease, devise, or otherwise, property of every
26 description that the board may deem necessary, consistent with
27 this section, and to hold title thereto.

1 "(3) To construct, enlarge, equip, improve,
2 maintain, and operate all aspects of an emergency
3 communication system consistent with subsection ~~(i)~~ (a) of
4 Section ~~11-98-5~~ 11-98-6.

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

6 "(5) To provide for such liability and hazard
7 insurance as the board of commissioners may deem advisable to
8 include inclusion and continuation, or both, of district
9 employees in state, county, municipal, or self-funded
10 liability insurance programs.

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

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

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

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

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

25 "(3) The name of the corporation.

26 "(4) That the governing body is the board of
27 commissioners.

1 "(h) Any other provisions of this chapter
2 notwithstanding, the board of commissioners shall present to
3 the creating authority for approval the acquisition,
4 disposition, or improvements to real property.

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

14 "§11-98-5.

15 "~~(a) (1) The board of commissioners of the district
16 may, when so authorized by a vote of a majority of the persons
17 voting within the district, in accordance with law, levy an
18 emergency telephone service charge in an amount not to exceed
19 five percent of the maximum tariff rate charged by any service
20 supplier in the district, except that in counties with
21 populations of less than 25,000 as determined by the most
22 recent population census, the board of commissioners may, when
23 so authorized by a vote of a majority of the persons voting
24 within the district, in accordance with law, levy an emergency
25 telephone service charge in an amount not to exceed two
26 dollars (\$2). The governing body of the municipality or county
27 may, upon its own initiative, call the special election. Any~~

1 ~~service charge shall have uniform application and shall be~~
2 ~~imposed throughout the entire district, to the greatest extent~~
3 ~~possible, in conformity with availability of such service in~~
4 ~~any area of the district. The district shall have service on~~
5 ~~line no later than 36 months from the start of collections or~~
6 ~~suspend all collections until the district provides the~~
7 ~~service and shall refund all collections made during this 36~~
8 ~~month period of time.~~

9 ~~"(2) On and after January 1, 1992, the board of~~
10 ~~commissioners, once so authorized by a vote of a majority of~~
11 ~~the persons voting in the district to levy an emergency~~
12 ~~telephone service charge, may implement any rate of the~~
13 ~~emergency telephone service charge permitted under this~~
14 ~~section, as it may be amended from time to time, without~~
15 ~~further authorization.~~

16 ~~"(b) If the proceeds generated by an emergency~~
17 ~~telephone service charge exceed the amount of moneys necessary~~
18 ~~to fund the district, the board of commissioners shall, by~~
19 ~~ordinance or resolution, as provided in this chapter, reduce~~
20 ~~the service charge rate to an amount adequate to fund the~~
21 ~~district. In lieu of reducing the service charge rate, the~~
22 ~~board of commissioners may suspend the service charge, if the~~
23 ~~revenues generated therefrom exceed the district's needs. The~~
24 ~~board of commissioners may, by resolution or ordinance,~~
25 ~~reestablish the original emergency telephone service charge~~
26 ~~rate, or lift the suspension thereof, if the amount of moneys~~
27 ~~generated is not adequate to fund the district.~~

1 ~~"(c) An emergency telephone service charge shall be~~
2 ~~imposed only upon the amount received from the tariff rate for~~
3 ~~exchange access lines. If there is no separate exchange access~~
4 ~~charge stated in the service supplier's tariffs, the board of~~
5 ~~commissioners shall determine a uniform percentage not in~~
6 ~~excess of 85 percent of the tariff rate for basic exchange~~
7 ~~telephone service that shall be deemed to be the equivalent of~~
8 ~~tariff rate exchange access lines, until the service supplier~~
9 ~~establishes the tariff rate. No service charge shall be~~
10 ~~imposed upon more than 100 exchange access facilities per~~
11 ~~person, per location. Every billed service user shall be~~
12 ~~liable for any service charge imposed under this subsection~~
13 ~~until it has been paid to the service supplier. The duty of~~
14 ~~the service supplier to collect the service charge shall~~
15 ~~commence upon the date of its implementation, which shall be~~
16 ~~specified in the resolution calling the election. That~~
17 ~~emergency telephone service charge shall be added to and may~~
18 ~~be stated separately in the billing by the service supplier to~~
19 ~~the service user.~~

20 ~~"(d) The service supplier shall have no obligation~~
21 ~~to take any legal action to enforce the collection of any~~
22 ~~emergency telephone service charge. The service supplier shall~~
23 ~~quarterly provide the board of commissioners with a list of~~
24 ~~the amount uncollected, together with the names and addresses~~
25 ~~of those service users who carry a balance that can be~~
26 ~~determined by the service supplier to be nonpayment of the~~
27 ~~service charge. The service charge shall be collected at the~~

1 same time as the tariff rate according to the regular billing
2 practice of the service supplier. Good faith compliance by the
3 service supplier shall constitute a complete defense to any
4 legal action or claim that may result from the service
5 supplier's determination of nonpayment or the identification
6 of service users, or both.

7 "(e) The amounts collected by the service supplier
8 attributable to any emergency telephone service charge shall
9 be due monthly. The amount of service charge collected in one
10 calendar month by the service supplier shall be remitted to
11 the district no later than 30 days after the close of a
12 calendar month. On or before the thirtieth day after the close
13 of a calendar month, a return, in the form the board of
14 commissioners and the service supplier agree upon, shall be
15 filed with the district, together with a remittance of the
16 amount of service charge collected payable to the district.
17 The service supplier shall maintain records of the amount of
18 the service charge collected for a period of at least two
19 years from the date of collection. The board of commissioners
20 may, at its expense, require an annual audit of the service
21 supplier's books and records with respect to the collection
22 and remittance of the service charge. From the gross receipts
23 to be remitted to the district, the service supplier shall be
24 entitled to retain an administrative fee in an amount equal to
25 one percent.

26 "(f) In order to provide additional funding or
27 additional real or personal property for the district, the

1 ~~district or county or municipal governing body may receive~~
2 ~~federal, state, county, or municipal real or personal property~~
3 ~~and funds, as well as real or personal property and funds from~~
4 ~~private sources, and may expend the funds or use the property~~
5 ~~for the purposes of this chapter.~~

6 ~~"(g) With the agreement of the service supplier and~~
7 ~~the creating authority, two or more communication districts,~~
8 ~~or cities, or counties, or a city and a county in another~~
9 ~~communication district may agree to cooperate, to the extent~~
10 ~~practicable, to provide funding and service to their~~
11 ~~respective areas, and a single board of commissioners of not~~
12 ~~more than seven members may be appointed to conduct the~~
13 ~~affairs of the entities involved.~~

14 ~~"(h) A district may expend available funds to~~
15 ~~establish a common address and location identification program~~
16 ~~and to establish the emergency service number data base to~~
17 ~~facilitate efficient operation of the system. The governing~~
18 ~~body and the E-911 board of the county or city affected shall~~
19 ~~jointly be responsible for purchasing and installing the~~
20 ~~necessary signs to properly identify all roads and streets in~~
21 ~~the district.~~

22 ~~"(i) Funds generated from emergency telephone~~
23 ~~service charges shall be used to establish, operate, maintain,~~
24 ~~and replace an emergency communication system that may,~~
25 ~~without limitation, consist of the following:~~

26 ~~"(1) Telephone communications equipment to be used~~
27 ~~in answering, transferring, and dispatching public emergency~~

1 ~~telephone calls originated by persons within the service area~~
2 ~~who dial 911.~~

3 ~~"(2) Emergency radio communications equipment and~~
4 ~~facilities necessary to transmit and receive "dispatch" calls.~~

5 ~~"(3) The engineering, installation, and recurring~~
6 ~~costs necessary to implement, operate, and maintain an~~
7 ~~emergency communication system.~~

8 ~~"(4) Facilities to house E-911 services as defined~~
9 ~~in this chapter, with the approval of the creating authority,~~
10 ~~and for necessary emergency and uninterruptable power supplies~~
11 ~~for the systems.~~

12 "(a) A single, monthly statewide 911 charge shall be
13 imposed on each active voice communications service connection
14 in Alabama that is technically capable of accessing a 911
15 system. For CMRS providers, the statewide 911 charge shall be
16 levied on each CMRS connection with a primary place of use in
17 the State of Alabama. The statewide 911 charge is payable by
18 the subscriber to the voice communications service provider.
19 Except as otherwise provided in this chapter, the voice
20 communications service provider shall list the statewide 911
21 charge separately from other charges on the bill and the
22 charge shall be collected according to the regular billing
23 practice of the voice communications service provider. The
24 statewide 911 charge collected under this section shall not be
25 subject to taxes or charges levied on or by the voice
26 communications service provider nor shall the charges and fees
27 be considered revenue of the voice communications service

1 provider for any purposes. Partial payments made by a
2 subscriber are applied first to the amount owed for voice
3 communications service. The 911 Board shall collect from each
4 voice communications service provider the monthly statewide
5 911 charges prescribed herein. The initial statewide 911
6 charge shall be developed by the 911 Board at an amount
7 calculated to produce, after deduction of administrative fees
8 specified in this chapter, annual total revenues equal to the
9 annual 911 fees collected by or on behalf of, or owed to,
10 districts and governmental bodies, as calculated for purposes
11 of the base distribution amount under subdivision (3) of
12 subsection (b) of Section 11-98-5.2, plus, without
13 duplication, (1) the amount of CMRS service charges collected
14 by the CMRS Board for the 12 months ending September 30, 2011,
15 and (2) an amount equal to any other taxpayer funding of E-911
16 systems by counties or municipalities in areas where no
17 separate 911 fee is imposed. The revenues and other funds used
18 to determine the initial statewide 911 charge shall be
19 hereafter referred to as the baseline 911 revenues. The
20 statewide 911 charge shall be uniformly applied and shall be
21 imposed throughout the state, and shall replace all other 911
22 fees or 911 taxes. The 911 Board shall certify that the
23 initial statewide 911 charge adopted herein is reasonably
24 calculated so as not to exceed the funding requirements of
25 this act. The board shall submit the recommended statewide 911
26 charge to the Permanent Oversight Commission for review and
27 approval no later than March 1, 2013. The Permanent Oversight

1 Commission may reject the recommended statewide 911 charge and
2 specify an alternative charge, calculated in accordance with
3 this chapter, by an affirmative vote of six of its members;
4 provided, however, in no case may the Permanent Oversight
5 Commission establish a rate which reduces funding below that
6 necessary to produce the baseline 911 revenues as established
7 under this act. Failure of the Permanent Oversight Commission
8 to reject the recommended statewide charge and specify an
9 alternative charge within 30 days of submission shall result
10 in the charge being deemed approved for implementation on
11 October 1, 2013, without the need for further action. Should
12 the Permanent Oversight Commission reject the recommended
13 statewide 911 charge and specify an alternative rate, it shall
14 specify the basis for its action to the board, which may, by a
15 supermajority of 60 percent of a quorum of its members, reject
16 the alternative charge in favor of its original recommended
17 charge or a lower charge. The statewide 911 charge established
18 by the 911 Board following such second review shall not be
19 subject to further review by the Permanent Oversight
20 Commission and shall take effect automatically on October 1,
21 2013. Failure of the 911 Board to reject or modify the
22 alternative charge submitted by the Permanent Oversight
23 Commission within 30 days of submission shall result in the
24 alternative charge being deemed approved for implementation on
25 October 1, 2013, without the need for further action.

26 "(b) A voice communications service provider shall
27 remit the statewide 911 charge collected by it under this

1 section to the 911 Board, utilizing such electronic or paper
2 reporting forms that may be adopted by the 911 Board by rule.
3 The provider shall remit the collected charges by the end of
4 the calendar month following the month the provider received
5 the charges from its subscribers. A voice communications
6 service provider may deduct and retain from the statewide 911
7 charges it receives from its subscribers and remits to the 911
8 Board an administrative allowance in an amount equal to one
9 percent. The voice communications service provider shall
10 maintain records of the amount of the statewide 911 fees
11 collected for a period of at least two years from the date of
12 collection. Good faith compliance by the voice communications
13 service supplier with this chapter shall constitute a complete
14 defense to any legal action or claim that may result from the
15 voice communications service provider's determination of
16 nonpayment or the identification of service users, or both.

17 "(c) Subject to succeeding provisions of this
18 subsection:

19 "(1) The 911 Board, from time to time but in no
20 event more than once every fiscal year, shall increase or
21 decrease the rate of the statewide 911 charge by an amount
22 reasonably calculated to produce the baseline 911 revenues,
23 plus any additional revenues necessary to meet the
24 requirements of subdivision (6) of subsection (b) of Section
25 11-98-5.2.

26 "(2) The 911 Board, not later than October 1 in the
27 year 2018 and each fifth year thereafter, shall adjust the 911

1 charge to produce an increase in the baseline 911 revenues
2 sufficient to increase the amount distributed to each district
3 under this chapter during the immediately preceding fiscal
4 year by an amount equal to the rate of growth, determined as a
5 percentage, in the Consumer Price Index for Urban Consumers
6 (CPI-U) for such five-year period. Once adjusted as provided
7 in this section, the resulting revenues shall become the
8 baseline 911 revenues until amended or adjusted under the
9 procedures established in this act.

10 "(3) Any adjustments to the statewide 911 charge
11 pursuant to this subsection shall follow the same procedures,
12 standards, and deadlines provided in subsection (a) for review
13 of the initial statewide 911 charge, with the exception that
14 the adjustment shall be effective at a date set by the board
15 at least 90 days after, as applicable, the expiration of the
16 time period for action by the Permanent Oversight Committee on
17 the adjustment or the 911 Board's action in adopting a final
18 adjustment following action by the Permanent Oversight
19 Committee. In addition, the 911 Board, not less than 90 days
20 prior to the effective date of any such increase or decrease
21 in the rate of the statewide 911 charge, shall notify each
22 voice communications service provider and CMRS provider of
23 such increase or decrease, as the case may be. Notwithstanding
24 any provision of this subsection to the contrary, in no event
25 shall the revenues produced by the statewide 911 charge exceed
26 the amounts deemed by the 911 Board to be necessary to satisfy
27 the requirements of this chapter.

1 "(d) A voice communications service provider has no
2 obligation to take any legal action to enforce the collection
3 of the statewide 911 charge billed to a subscriber. The 911
4 Board may initiate a collection action, and reasonable costs
5 and attorney's fees associated with that collection may be
6 assessed against the subscriber. A voice communications
7 service provider shall quarterly report to the 911 Board the
8 amount of the provider's uncollected service charges. The 911
9 Board may request, to the extent permitted by federal and
10 state privacy laws, the name, address, and telephone number of
11 a subscriber who refuses to pay the statewide 911 charge.

12 "(e) No district may impose a service charge or
13 other fee on a subscriber to support a 911 system.

14 "(f) At any time after October 1, 2013, should the
15 911 Board determine that the revenues allocated to CMRS
16 providers under subdivision (7) of subsection (b) of Section
17 11-98-5.2 for reimbursement to CMRS providers exceed those
18 necessary to meet funding requirements, it may distribute any
19 excess revenues in accordance with subdivision (1) of
20 subsection (b) of Section 11-98-5.2.

21 "§11-98-6.

22 ~~"As used in this section and Sections 11-98-7,~~
23 ~~11-98-8, and 11-98-9, the following terms shall have the~~
24 ~~following meanings:~~

25 ~~"(1) AUTOMATIC NUMBER IDENTIFICATION or ANI. An~~
26 ~~enhanced 911 service capability that enables the automatic~~
27 ~~display of the 10-digit wireless telephone number used to~~

1 ~~place a 911 call and includes pseudo-automatic number~~
2 ~~identification or pseudo-ANI, which means an enhanced 911~~
3 ~~service capability that enables the automatic display of the~~
4 ~~number of the cell site and an identification of the CMRS~~
5 ~~provider.~~

6 ~~"(2) BOARD or CMRS BOARD. The Commercial Mobile~~
7 ~~Radio Service Emergency Telephone Services Board.~~

8 ~~"(3) COMMERCIAL MOBILE RADIO SERVICE or CMRS.~~
9 ~~Commercial mobile radio service under Sections 3(27) and~~
10 ~~332(d) of the Federal Telecommunications Act of 1996, 47~~
11 ~~U.S.C. § 151 et seq., and the Omnibus Budget Reconciliation~~
12 ~~Act of 1993, Pub. L. 103-66, Aug. 10, 1993, 107 Stat. 312. The~~
13 ~~term includes the term wireless and service provided by any~~
14 ~~wireless real time two-way voice communication device,~~
15 ~~including radio-telephone communications used in cellular~~
16 ~~telephone service, personal communication service, or the~~
17 ~~functional or competitive equivalent of a radio-telephone~~
18 ~~communications line used in cellular telephone service, a~~
19 ~~personal communication service, or a network radio access~~
20 ~~line. The term does not include service whose customers do not~~
21 ~~have access to 911 or to an enhanced 911-like service, to a~~
22 ~~communications channel suitable only for data transmission, to~~
23 ~~a wireless roaming service or other non-local radio access~~
24 ~~line service, or to a private telecommunications system.~~

25 ~~"(4) COMMERCIAL MOBILE RADIO SERVICE PROVIDER or~~
26 ~~CMRS PROVIDER. A person or entity who provides commercial~~
27 ~~mobile radio service or CMRS service.~~

1 ~~"(5) CMRS CONNECTION. A mobile telephone number~~
2 ~~assigned to a CMRS customer.~~

3 ~~"(6) CMRS CUSTOMER. A person, business, corporation,~~
4 ~~or other entity that purchases, utilizes, or otherwise obtains~~
5 ~~wireless CMRS service, other than CMRS service sold to an~~
6 ~~entity for the purpose of resale.~~

7 ~~"(7) CMRS FUND. The Commercial Mobile Radio Service~~
8 ~~Fund required to be established and maintained pursuant to~~
9 ~~Section 11-98-7(b)(2).~~

10 ~~"(8) CMRS SERVICE CHARGE. The CMRS emergency~~
11 ~~telephone service charge levied and maintained pursuant to~~
12 ~~Section 11-98-7(b)(1) and (b)(2) and collected pursuant to~~
13 ~~Section 11-98-8.~~

14 ~~"(9) DISTRIBUTION FORMULA. The percentage of the~~
15 ~~total state population residing in an ECD, compared to the~~
16 ~~total state population residing in all ECDs statewide, based~~
17 ~~upon the latest census data or estimates compiled by or for~~
18 ~~the Alabama Department of Economic and Community Affairs.~~

19 ~~"(10) ECD. An emergency communications district~~
20 ~~created pursuant to this chapter.~~

21 ~~"(11) ENHANCED 911, E-911, ENHANCED E-911 SYSTEM, or~~
22 ~~E-911 SYSTEM. An emergency telephone system that provides the~~
23 ~~caller with emergency 911 system service, that directs~~
24 ~~enhanced 911 calls to appropriate public safety answering~~
25 ~~points by selective routing based on the geographical location~~
26 ~~from which the call originated, and that provides the~~
27 ~~capability for automatic number identification and the~~

1 features that the Federal Communications Commission (FCC) may
2 require in the future.

3 ~~"(12) EXCHANGE ACCESS FACILITY. An exchange access~~
4 ~~facility as defined by Section 11-98-1(4).~~

5 ~~"(13) FCC ORDER. The order of the Federal~~
6 ~~Communications Commission, FCC Docket No. 94-102, adopted on~~
7 ~~June 12, 1996, and released on July 26, 1996.~~

8 ~~"(14) LICENSED SERVICE AREA. The geographic area in~~
9 ~~which the CMRS provider is authorized by law or contract to~~
10 ~~provide CMRS service.~~

11 ~~"(15) MOBILE TELEPHONE NUMBER. The telephone number~~
12 ~~assigned to a wireless telephone.~~

13 ~~"(16) PHASE II ENHANCED 911 SERVICE. An emergency~~
14 ~~telephone system that provides the location of all 911 calls~~
15 ~~by longitude and latitude in conformance with accuracy~~
16 ~~requirements established by the Federal Communications~~
17 ~~Commission.~~

18 ~~"(17) PLACE OF PRIMARY USE. The street address~~
19 ~~representative of where the customer's use of the mobile~~
20 ~~telecommunications service primarily occur, which must be: a.~~
21 ~~The residential street address or the primary business street~~
22 ~~address of the customer; and b. within the licensed service~~
23 ~~area of the CMRS provider.~~

24 ~~"(18) PUBLIC SAFETY AGENCY. A public safety agency~~
25 ~~as defined by Section 11-98-1(6).~~

26 ~~"(19) SERVICE SUPPLIER. A service supplier as~~
27 ~~defined by Section 11-98-1(7).~~

1 ~~"(20) TECHNICAL PROPRIETARY INFORMATION. Technology~~
2 ~~descriptions, technical information, or trade secrets,~~
3 ~~including the term trade secrets as defined by the Alabama~~
4 ~~Trade Secrets Act of 1987, Section 8-27-1 et seq., and the~~
5 ~~actual or developmental costs thereof which are developed,~~
6 ~~produced, or received internally by a CMRS provider or by a~~
7 ~~CMRS provider's employees, directors, officers, or agents.~~

8 "(a) Funds received by a district pursuant to
9 Section 11-98-5.2 shall be used to establish, operate,
10 maintain, and replace an emergency communication system that,
11 without limitation, may consist of the following:

12 "(1) Telephone communications equipment to be used
13 in answering, transferring, and dispatching public emergency
14 telephone calls originated by persons within the service area
15 who dial 911.

16 "(2) Emergency radio communications equipment and
17 facilities necessary to transmit and receive dispatch calls.

18 "(3) The engineering, installation, and recurring
19 costs necessary to implement, operate, and maintain an
20 emergency communication system.

21 "(4) Facilities to house E-911 operators and related
22 services as defined in this chapter, with the approval of the
23 creating authority, and for necessary emergency and
24 uninterruptable power supplies for the systems.

25 "(5) Administrative and other costs related to
26 subdivisions (1) to (4), inclusive.

1 "(b) A district or county or municipal governing
2 body may receive federal, state, county, or municipal real or
3 personal property and funds, as well as real or personal
4 property and funds from private sources, and may expend the
5 funds or use the property for the purposes of this chapter.

6 "(c) Subject to the remaining provisions of this
7 chapter and the approval of the 911 Board and the creating
8 authority, two or more districts, cities, or counties, or a
9 city and a county in another district may agree to cooperate,
10 to the extent practicable, to provide funding and service to
11 their respective areas, and a single board of commissioners of
12 not more than seven members may be appointed to conduct the
13 affairs of the entities involved. In the event that two or
14 more districts are consolidated for purposes of this chapter,
15 the base distribution amount as defined in Section 11-98-5.2
16 (b) (3) shall include the combined base distribution amounts
17 that would have been calculated for the individual districts.

18 "(d) Subject to rules that may be adopted by the 911
19 Board, a district may expend available funds to establish a
20 common address and location identification program and to
21 establish the emergency service number data base to facilitate
22 efficient operation of the system. The governing body and the
23 E-911 board of each county or city affected shall be jointly
24 responsible for purchasing and installing the necessary signs
25 to properly identify all roads and streets in the district.

26 "(e) Beginning with fiscal year 2012, the Department
27 of Examiners of Public Accounts shall audit each district on a

1 biennial basis to ensure compliance with the requirements of
2 this chapter regarding both revenues and expenditures.

3 "§11-98-7.

4 ~~"(a) There is created a Commercial Mobile Radio~~
5 ~~Service (CMRS) Board, consisting of seven members who shall be~~
6 ~~citizens of this state and shall reflect the racial, gender,~~
7 ~~geographic, urban and rural, and economic diversity of the~~
8 ~~state.~~

9 ~~"(1) The first five members of the board, each of~~
10 ~~whom shall serve for a term of four years, shall be appointed~~
11 ~~by the Governor, subject to confirmation by the Senate, as~~
12 ~~follows:~~

13 ~~"a. Two members recommended by the ECDs.~~

14 ~~"b. Two members recommended by CMRS providers~~
15 ~~licensed to do business in Alabama.~~

16 ~~"c. One member recommended by the State Auditor.~~

17 ~~"(2) The next two members of the board, each of whom~~
18 ~~shall serve for a term of four years, shall be appointed as~~
19 ~~follows:~~

20 ~~"a. One member of the House of Representatives~~
21 ~~appointed by the Speaker of the House.~~

22 ~~"b. One member of the Senate appointed by the~~
23 ~~Lieutenant Governor.~~

24 ~~"(3) The term of each member shall be four years,~~
25 ~~except that of the members first appointed, one representing~~
26 ~~ECDs shall serve for three years and one representing CMRS~~
27 ~~providers shall serve for three years, one representing ECDs~~

1 shall serve two years and one representing CMRS providers
2 shall serve two years. The Governor shall designate the term
3 which each of the members first appointed shall serve when he
4 or she makes appointments. The two legislative members shall
5 serve for the length of their elective service, but no more
6 than four years.

7 "(4) In the event of a vacancy, a vacancy shall be
8 filled for the balance of the unexpired term in the same
9 manner as the original appointment. Any vacancy occurring on
10 the board, whether for an expired or unexpired term, shall be
11 filled by appointment by the appointing authority as soon as
12 practicable after a vacancy occurs, whether for an expired or
13 unexpired term.

14 "(5) For all terms expiring after October 1, 2007,
15 appointments made by the Governor shall be subject to
16 confirmation by the Senate as provided in this subdivision.
17 Appointments made at times when the Senate is not in session
18 shall be effective immediately ad interim and shall serve
19 until the Senate acts on the appointment as provided herein.
20 Any appointment made by the Governor while the Senate is in
21 session shall be submitted to the Senate not later than the
22 third legislative day following the date of the appointment.
23 Any appointment made while the Senate is not in session shall
24 be submitted not later than the third legislative day
25 following the reconvening of the Legislature. In the event the
26 Senate fails or refuses to act on the appointment, the person

1 ~~whose name was submitted shall continue to serve until action~~
2 ~~is taken on the appointment by the Senate.~~

3 ~~"(b) The board shall have the following powers and~~
4 ~~duties:~~

5 ~~"(1) To levy a CMRS emergency telephone service~~
6 ~~charge on each CMRS connection that has a place of primary use~~
7 ~~within the geographical boundaries of the State of Alabama.~~
8 ~~The rate of the CMRS service charge shall be seventy cents~~
9 ~~(\$.70) per month per CMRS customer on each CMRS connection~~
10 ~~beginning on May 1, 1998, which amount shall not be increased~~
11 ~~except by the Legislature. The CMRS service charge shall have~~
12 ~~uniform application and shall be imposed throughout the state.~~
13 ~~The board shall receive all revenues derived from the CMRS~~
14 ~~service charge levied in the state and collected pursuant to~~
15 ~~Section 11-98-8.~~

16 ~~"(2) To establish and maintain the CMRS Fund as an~~
17 ~~insured, interest-bearing account into which the board shall~~
18 ~~deposit all revenues derived from the CMRS service charge~~
19 ~~levied on CMRS connections and collected pursuant to Section~~
20 ~~11-98-8. The revenues deposited into the CMRS Fund shall not~~
21 ~~be moneys or property of the state and shall not be subject to~~
22 ~~appropriation by the Legislature.~~

23 ~~"(3) To make disbursements from the CMRS Fund in the~~
24 ~~following amounts and in the following manner:~~

25 ~~"a. Out of the funds collected by the board and~~
26 ~~after deduction of administrative expenses, 56 percent shall~~
27 ~~be distributed to ECDs in accordance with the distribution~~

1 ~~formula and may only be used for the lease, purchase, or~~
2 ~~maintenance of wireless enhanced emergency telephone~~
3 ~~equipment, including necessary computer hardware, software,~~
4 ~~and data base provisioning, for incremental expenses directly~~
5 ~~related to the FCC Order and the handling of wireless~~
6 ~~emergency calls.~~

7 ~~"b. Beginning on October 1, 2007, 24 percent shall~~
8 ~~be distributed to ECDs in accordance with Section 11-98-7.1.~~

9 ~~"c. Twenty percent shall be deposited into a bank~~
10 ~~account and shall be used solely for the purpose of payment of~~
11 ~~the actual costs incurred by CMRS providers in complying with~~
12 ~~the wireless E-911 service requirements established by the FCC~~
13 ~~Order and any rules and regulations which are or may be~~
14 ~~adopted by the FCC pursuant to the FCC Order, including, but~~
15 ~~not limited to, costs and expenses incurred for designing,~~
16 ~~upgrading, purchasing, leasing, programming, installing,~~
17 ~~testing, or maintaining all necessary data, hardware, and~~
18 ~~software required in order to provide the service as well as~~
19 ~~the incremental costs of operating the service. Verified~~
20 ~~itemized statements shall be presented to the board in~~
21 ~~connection with any request for payment by any CMRS provider~~
22 ~~and shall be approved by a majority vote of the board prior to~~
23 ~~any disbursement. Approval shall not be withheld or delayed~~
24 ~~unreasonably. In no event shall any invoice be approved for~~
25 ~~the payment of costs that are not related to compliance with~~
26 ~~the wireless E-911 service requirements established by the FCC~~

1 ~~Order and any rules and regulations which are or may be~~
2 ~~adopted by the FCC pursuant to the FCC Order.~~

3 ~~"d. Beginning no later than October 1, 2007, and no~~
4 ~~later than each October 1 thereafter, each CMRS provider~~
5 ~~wishing to participate in the payments provided in paragraph~~
6 ~~c. for expenses related to the providing of Phase II Enhanced~~
7 ~~911 Service shall certify to the board that it does not then~~
8 ~~collect a cost-recovery or other similar separate charge from~~
9 ~~its customers. CMRS providers failing to provide such~~
10 ~~certification by October 1 shall be ineligible to receive such~~
11 ~~payments for any such Phase II expenses incurred until such~~
12 ~~certificate is provided to the board. Any CMRS provider~~
13 ~~electing to collect cost-recovery or other similar separate~~
14 ~~charges at any time following its October 1 certification~~
15 ~~shall immediately notify the board and shall be ineligible to~~
16 ~~participate in the payments established in this subsection~~
17 ~~until ceasing such collection from its customers and providing~~
18 ~~the notice required herein. This requirement shall only apply~~
19 ~~to payments for expenses related to the provision of Phase II~~
20 ~~Enhanced 911 Services.~~

21 ~~"e. In the event that there are wireless emergency~~
22 ~~telephone services which cannot be efficiently performed at~~
23 ~~the ECD level or there are expenses which cannot be properly~~
24 ~~allocated at the ECD level, any ECD or CMRS provider may~~
25 ~~submit invoices directly to the board and the board shall~~
26 ~~determine the smallest practical unit basis for joint~~
27 ~~implementation.~~

1 ~~"(4) To obtain, pursuant to subdivision (5), from an~~
2 ~~independent, third-party auditor retained by the board a copy~~
3 ~~of the annual reports to the Department of Examiners of Public~~
4 ~~Accounts no later than 120 days after the close of each fiscal~~
5 ~~year, which shall provide an accounting for all CMRS service~~
6 ~~charges deposited into the CMRS Fund during the preceding~~
7 ~~fiscal year and all disbursements to ECDs during the preceding~~
8 ~~fiscal year. The Department of Examiners of Public Accounts~~
9 ~~shall conduct an annual audit of the expenditures of the board~~
10 ~~from all CMRS service charges from the CMRS Fund.~~

11 ~~"(5) To retain, upon majority vote of the members of~~
12 ~~the board who are present and voting, an independent,~~
13 ~~third-party auditor for the purposes of receiving,~~
14 ~~maintaining, and verifying the accuracy of any and all~~
15 ~~information, including all proprietary information, that is~~
16 ~~required to be collected, or that may have been submitted to~~
17 ~~the board by CMRS providers and ECDs, and the accuracy of the~~
18 ~~collection of the CMRS service charge required to be~~
19 ~~collected. An audit, if conducted pursuant to this~~
20 ~~subdivision, shall be conducted pursuant to Chapter 2A of~~
21 ~~Title 40.~~

22 ~~"(6) To conduct a cost study on or before July 1,~~
23 ~~1999, to be submitted to the Governor, the Lieutenant~~
24 ~~Governor, and the Speaker of the House of Representatives for~~
25 ~~the purpose of determining whether legislation should be~~
26 ~~proposed during the 2000 Regular Session of the Alabama~~
27 ~~Legislature to adjust the amount of the CMRS service charge to~~

1 ~~reflect actual costs to be incurred by CMRS providers and ECDs~~
2 ~~in order to comply with the wireless E-911 service~~
3 ~~requirements established by the FCC Order and any rules and~~
4 ~~regulations which are or may be adopted by the FCC pursuant to~~
5 ~~the FCC Order.~~

6 ~~"(7) To promulgate such rules and regulations as may~~
7 ~~be necessary to effect the provisions of this section.~~

8 ~~"(8) To make the determinations and disbursements as~~
9 ~~provided by Section 11-98-8(c).~~

10 ~~"(9) Neither the board nor any ECD shall require the~~
11 ~~CMRS providers to select or to deploy particular commercial~~
12 ~~solutions to meet the requirements of the FCC Order, provided~~
13 ~~the solutions chosen are compatible with the operations of the~~
14 ~~ECDs.~~

15 ~~"(c) The CMRS service charge provided in subdivision~~
16 ~~(b)(1) shall be the sole charge assessed to CMRS providers~~
17 ~~relating to emergency telephone services.~~

18 ~~"(d) The board shall serve without compensation,~~
19 ~~provided, however, that members of the board shall be entitled~~
20 ~~to be reimbursed for actual expenses and travel costs~~
21 ~~associated with their service.~~

22 ~~"(e) Nothing in this chapter shall be construed to~~
23 ~~constitute the regulation of the entry of or rates charged by~~
24 ~~CMRS providers for any service or feature which they provide~~
25 ~~to their CMRS service customers, or to prohibit a CMRS~~
26 ~~provider from charging a CMRS service customer for any service~~
27 ~~or feature provided to the customer.~~

1 ~~"(f) Subsection (k) of Section 40-21-121 shall apply~~
2 ~~to the CMRS emergency telephone service charge imposed in this~~
3 ~~section.~~

4 ~~"(g) The board shall be subject to the Alabama~~
5 ~~Sunset Law under Chapter 20 of Title 41, shall be classified~~
6 ~~an enumerated agency under Section 41-20-3, and shall~~
7 ~~terminate on October 1, 2000, and every four years thereafter,~~
8 ~~unless continued as therein provided. If continued, the board~~
9 ~~shall be reviewed every four years thereafter and terminated~~
10 ~~unless continued into law.~~

11 "(a) CMRS providers are eligible for reimbursement
12 from the 911 Fund as set forth in subsections (b) and (c) of
13 Section 11-98-5.2. To obtain reimbursement, a CMRS provider
14 shall comply with all of the following:

15 "(1) Invoices shall be sworn.

16 "(2) All costs and expenses must be commercially
17 reasonable.

18 "(3) All invoices for reimbursement shall be
19 directly related to compliance with the requirements of
20 enhanced 911 service.

21 "(4) The board shall adopt rules providing for prior
22 approval of any expenditures for which the CMRS provider
23 intends to seek reimbursement in excess of a threshold amount.

24 "(5) All invoices shall be supported by such
25 reasonable supporting document as required by the board and
26 shall be subject to audit.

1 "(b) If the total amount of invoices submitted to
2 the 911 Board and approved for payment in a month exceeds the
3 amount available from the 911 Fund for reimbursements to CMRS
4 providers, the amount payable to each CMRS provider shall be
5 reduced proportionately so that the amount paid does not
6 exceed the amount available for payment. The balance of the
7 payment is deferred to the following month. A deferred payment
8 accrues interest at a rate equal to the rate earned by the 911
9 Fund until it is paid.

10 "§11-98-9.

11 "All technical proprietary information submitted to
12 the board or to the independent third-party auditor as
13 provided by Section ~~11-98-7(b)(5)~~ 11-98-13 shall be retained
14 by the board and the auditor in confidence and shall be
15 subject to review only by the Examiners of Public Accounts.
16 Notwithstanding any other provision of the law, no technical
17 proprietary information submitted shall be subject to subpoena
18 or otherwise released to any person other than to the
19 submitting ~~CMRS~~ voice communication provider, the board, and
20 the independent third-party auditor without the express
21 permission of the administrator and the submitting ~~CMRS~~ voice
22 communication provider. General information collected by the
23 independent third-party auditor shall only be released or
24 published in aggregate amounts which do not identify or allow
25 identification of numbers of subscribers or revenues
26 attributable to an individual ~~CMRS~~ voice communication
27 provider. Notwithstanding any other provision of the law, no

1 district, political subdivision, ~~CMRS~~ voice communication
2 provider, ~~local exchange company,~~ or ~~their~~ its employees,
3 directors, officers, or agents shall be liable for any damages
4 in a civil action or subject to criminal prosecution resulting
5 from death, injury, or loss to persons or property incurred by
6 any person in connection with establishing, developing,
7 implementing, maintaining, operating, and otherwise providing
8 ~~wireless enhanced~~ 911 service in compliance with the
9 requirements established by the FCC Order 94-102 and ~~any rules~~
10 ~~and regulations which are or may be adopted by the FCC~~
11 ~~pursuant to the order~~ or other state or federal requirement,
12 except in the case of willful or wanton misconduct."

13 Section 2. Sections 11-98-4.1, 11-98-5.2, 11-98-5.3,
14 11-98-13, 11-98-13.1, and 11-98-14 are added to the Code of
15 Alabama 1975, to read as follows:

16 §11-98-4.1.

17 (a) There is created a statewide 911 Board comprised
18 of 13 members that shall reflect the racial, gender,
19 geographic, urban/rural, and economic diversity of the state.
20 The 911 Board shall be created effective July 1, 2012, and
21 until the effective date of the statewide 911 charge pursuant
22 to Section 11-98-5, with cooperation of the CMRS Board, shall
23 plan for the implementation of the statewide 911 charge and
24 the distribution of the revenues as provided herein. The
25 reasonable administrative expenses incurred by the 911 Board
26 prior to the implementation of the statewide 911 charge may be
27 deducted from the existing CMRS Fund. Upon the effective date

1 of the new statewide 911 charge, the 911 Board shall replace
2 and supersede the CMRS Board formerly created pursuant to this
3 chapter, and the CMRS Fund shall be incorporated into, and
4 considered part of, the 911 Fund.

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

8 (1) Seven members recommended by the Alabama
9 Association of 911 Districts, one from each of the seven
10 congressional districts, with each district representative
11 recommended selected by vote of the Alabama Association of 911
12 Districts members from that congressional district. The
13 initial appointments shall include the three district
14 representatives on the CMRS Board who shall serve through
15 March 31, 2013, and a member from the first, third, fifth, and
16 seventh congressional districts as provided herein. Following
17 the March 31, 2013, expiration of the terms of the district
18 representatives drawn from the CMRS Board, the Governor shall
19 appoint a member recommended by the Association of 911
20 Districts from each of the second, fourth, and sixth
21 congressional districts, it being the intent of this section
22 that each of the seven district representatives on the board
23 be from a different congressional district, as such districts
24 exist on the effective date of the act adding this section.

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

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

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

7 (c) For purposes of the initial board appointments,
8 (1) five members of the board shall be appointed for a
9 four-year term; (2) four members for a three-year term; (3)
10 the three members of the CMRS Board who are appointed pursuant
11 to subdivision (1) of subsection (b) of Section 11-98-4.1 to
12 terms ending on March 31, 2014; and (4) the remaining member
13 for a two-year term. Thereafter, board members shall serve
14 staggered terms of four years. In the event of vacancy, the
15 vacancy shall be filled for the balance of the unexpired term
16 in the same manner as the original appointment. Any vacancy
17 occurring on the 911 Board, whether for an expired or
18 unexpired term, shall be filled by appointment as soon as
19 practicable after the vacancy occurs, whether for an expired
20 or unexpired term.

21 (d) For all terms expiring after July 1, 2015,
22 appointments made by the Governor shall be subject to
23 confirmation by the Senate as provided in this subsection.
24 Appointments made at times when the Senate is not in session
25 shall be effective immediately ad interim and shall serve
26 until the Senate acts on the appointment as provided herein.
27 Any appointment made while the Senate is not in session shall

1 be submitted to the Senate not later than the third
2 legislative day following the reconvening of the Legislature.
3 In the event the Senate fails or refuses to act on the
4 appointment, the person whose name was submitted shall
5 continue to serve until action is taken on the appointment by
6 the Senate.

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

9 (1) To develop a 911 State Plan. In fulfilling this
10 duty, the 911 Board shall monitor trends in voice
11 communications service technology and in enhanced 911 service
12 technology, investigate, and incorporate Geographical
13 Information Systems (GIS) mapping and other resources into the
14 plan, and formulate recommended strategies for the efficient
15 and effective delivery of enhanced 911 service. In addition,
16 the board, in conjunction with the Permanent Oversight
17 Commission and utilizing the information developed by the
18 Department of Examiners of Public Accounts pursuant to Section
19 11-98-13.1, shall study the operational and financial
20 condition of the current 911 systems within the State of
21 Alabama and publish a report detailing the same; study the
22 rates charged for wireline 911 services and make adjustments
23 to the rates as provided in this chapter; recommend a
24 long-term plan for the most efficient and effective delivery
25 of 911 services in Alabama over both the long- and short-term;
26 recommend any legislation necessary to implement the long-term

1 plan; and report its recommendations to the Oversight
2 Commission no later than February 1, 2013.

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

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

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

12 (5) To make and enter into contracts and agreements
13 necessary or incidental to the performance of its powers and
14 duties under this chapter and to use revenue available to the
15 911 Board under Section 11-98-5 for administrative expenses to
16 pay its obligations under the contracts and agreements.

17 (6) To accept gifts, grants, or other money for the
18 911 Fund.

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

22 (8) To adopt rules in accordance with the
23 Administrative Procedure Act to implement this chapter; to
24 establish the statewide 911 charge; and, in response to
25 technological changes, apply, collect, and remit the statewide
26 911 charge, without duplication, to service connections of
27 other originating service providers, subject to the provisions

1 applicable to voice communications service providers under
2 this chapter. This authority does not include the regulation
3 of any 911 service, such as the establishment of technical
4 standards.

5 (9) To take other necessary and proper action to
6 implement this chapter.

7 §11-98-5.2.

8 (a) Effective October 1, 2013, the 911 Fund shall be
9 created as an insured interest-bearing account into which the
10 911 Board shall deposit all revenues derived from the service
11 charge levied on voice communications service providers under
12 this chapter and all prepaid wireless 911 charges received
13 from the department. The revenues deposited into the 911 Fund
14 shall not be monies or property of the state and shall not be
15 subject to appropriation by the Legislature. The 911 Board
16 shall administer the fund and shall credit the 911 Fund all
17 revenues received. The fund and revenues generated by the fund
18 may only be used as provided in this chapter.

19 (b) Effective October 1, 2013, there shall first be
20 deducted, no more than one time during each calendar month,
21 from the total amount of the statewide 911 charges paid over
22 to the 911 Board during such month, a sum not to exceed one
23 percent of the total amount, to be applied by the 911 Board
24 exclusively for payment of administrative expenses theretofore
25 incurred by it and, at the Board's discretion, the awarding of
26 additional operational grants to districts outside of the
27 other distribution criteria in this subsection upon a showing

1 of hardship. The balance of the total amount of the statewide
2 911 charges paid over to the 911 Board during each calendar
3 month shall be deposited into the 911 Fund and shall be
4 apportioned and distributed in accordance with the succeeding
5 provisions of this subsection.

6 (1) There shall be distributed each month among all
7 then existing districts, from the moneys then on deposit in
8 the 911 Fund, an aggregate amount equal to the sum of a. 80
9 percent of the portion of the statewide 911 charges remitted
10 to the 911 Board with respect to the month by CMRS providers
11 and for prepaid wireless 911 charges, plus b. 100 percent of
12 all other statewide 911 charges remitted to the 911 Board with
13 respect to the month.

14 (2) There shall be paid each month to each then
15 existing district, out of the amount described in subdivision
16 (1), one-twelfth of the sum of the base distribution amount
17 defined, as applicable, in subdivisions (3) and (4), plus the
18 per capita distribution amount defined in subdivision (5).

19 (3) The term base distribution amount, as used in
20 this section with respect to any district with a functioning
21 911 system as of September 30, 2011, and except as provided in
22 subdivision (4), means the highest dollar amount per annum of
23 emergency telephone service charges, excluding any fees
24 received from the CMRS Fund, if any, received by the district
25 during the five prior consecutive fiscal years ending on
26 September 30, 2011; provided, that, if the district first
27 levied any such service charge, or if the district increased

1 the rate of the charge, during the fiscal year ending on
2 September 30, 2011, then the total dollar amount of the
3 emergency telephone service charges with respect to such
4 fiscal year shall be deemed to be the amount that would have
5 been collected had the increased rate been in effect for the
6 entire fiscal year. For any district established prior to
7 September 30, 2011, but which initiated 911 service between
8 September 30, 2011, and June 1, 2012, the base distribution
9 amount shall be deemed to be the amount that would have been
10 collected if the 911 charge imposed by the district on August
11 1, 2012, had been in effect for the entire fiscal year. For
12 any county or municipal district that was funding an E-911
13 system on September 30, 2011, without a separate 911 fee, the
14 base distribution amount shall be the product of: That amount
15 determined by the board to be the county or municipality's
16 total funding of its E-911 system for purposes of calculation
17 of the initial statewide rate under subsection (a) of Section
18 11-98-5, multiplied by a fraction, the numerator of which is
19 the total wireline 911 fees paid to all districts as of
20 September 30, 2011, and the denominator of which is the total
21 wireline and wireless 911 fees determined by the board to have
22 been paid to all districts and the CMRS Board for the same
23 period. Within 90 days of the effective date of any adjustment
24 in the statewide 911 charge to increase the baseline 911
25 revenues under subdivision (2) of subsection (c) of Section
26 11-98-5, the base distribution amount shall be increased by an
27 amount equal to the product of: a. the total amount

1 distributed to the district in the immediately preceding
2 fiscal year, multiplied by b. the rate of growth, determined
3 as a percentage, in the CPI-U utilized by the 911 Board for
4 the prior five year period pursuant to subdivision (2) of
5 subsection (c) of Section 11-98-5.

6 (4)a. Any district that has, prior to March 1, 2011,
7 entered into one or more contracts, including, without
8 limitation, any lease, lease-purchase, or purchase agreement
9 or contract, to acquire equipment utilized or to be utilized
10 as part of a single, comprehensive, countywide radio system to
11 be operated within the boundaries of the district, may, no
12 later than December 31, 2012, provide the 911 Board a copy of
13 a pro forma financial statement setting forth revenue and
14 expense projections demonstrating the ability of the district
15 to pay all principal and interest maturing or coming due with
16 respect to any contracts, and any bonds or other obligations
17 issued or incurred by the district to evidence the borrowing
18 of money by the district in connection with the planning,
19 acquisition, construction, and equipment of the countywide
20 radio system, and other system costs. Such revenue projections
21 shall set forth the district's annualized revenues that would
22 be included in the base distribution amount as calculated in
23 subdivision (3), for the fiscal year of the district ending on
24 September 30, 2011, or any fiscal year thereafter during which
25 the contracts, bonds, or other obligations are expected to be
26 outstanding and unpaid, and the amount received by the
27 district during the fiscal year ending September 30, 2011,

1 from the CMRS Fund. The pro forma statement shall be
2 accompanied by such supporting information as may be
3 reasonably requested by the 911 Board, whose review shall be
4 limited to the accuracy and reasonableness of the revenue and
5 expense projections contained therein solely for the purposes
6 of this subsection and which shall not extend to the approval
7 or disapproval of any projects authorized by the district
8 under existing law.

9 b. For a district meeting the requirements of this
10 subdivision, the base distribution amount for the district,
11 during any fiscal year or years in which the contracts, bonds,
12 or other obligations outstanding and unpaid, shall be
13 increased by the difference, if any, between the revenue
14 projections shown in the pro forma financial statement and the
15 base distribution amount as calculated under subdivision (3),
16 and the district's per capita distribution amount, as defined
17 in subdivision (5), shall be reduced by an amount equal to the
18 difference, with the amount of the reduction added to the
19 amount available for payment to other districts under
20 subdivision (5).

21 (5) The term per capita distribution amount, as used
22 in this section with respect to any district, means the
23 district's pro rata share, computed according to the
24 distribution formula, of the amount described in subdivision
25 (1) that remains after payment in full of the aggregate base
26 distribution amounts required to be paid to all districts.

1 (6) Notwithstanding the preceding provisions of this
2 subsection, there shall never be paid to any district, during
3 any fiscal year, from the moneys deposited into the 911 Fund,
4 an amount less than the sum of the total dollar amount of the
5 initial base distribution amount received by the district as
6 calculated under subdivision (3) of subsection (b) of Section
7 11-98-5.2 plus, without duplication, amount received by the
8 district from the CMRS Fund during the fiscal year ending
9 September 30, 2011. For any county or municipal district that
10 was funding an E-911 system on September 30, 2011, without a
11 separate 911 fee, there shall never be paid from the moneys
12 deposited into the 911 Fund, during any fiscal year, an amount
13 less than the sum that amount determined by the board to be
14 the county or municipality's funding of its E-911 system for
15 purposes of calculation of the initial statewide rate under
16 this section.

17 (7) Except as otherwise provided in subdivision (6),
18 there shall be set aside and deposited each month, into a
19 separate account, which may, but need not, form a part of the
20 911 Fund, an amount equal to 20 percent of the portion of the
21 statewide 911 charges remitted to the 911 Board with respect
22 to the month by CMRS providers. All moneys in the separate
23 account shall be used exclusively for payment of actual and
24 direct costs incurred by CMRS providers in wireless E-911
25 service requirements established by the FCC Order in complying
26 with wireless E-911 service requirements established by the
27 FCC Order and complying with any rules or regulations adopted

1 at any time by the FCC pursuant to the FCC Order; and the
2 costs may include, without limitation, costs and expenses
3 incurred in connection with designing, upgrading, purchasing,
4 leasing, programming, installing, testing, or maintaining all
5 necessary data, hardware, and software required in order to
6 provide Phase II Enhanced 911, and the incremental costs of
7 operating Phase II Enhanced 911.

8 (c) Each CMRS provider wishing to participate in the
9 payments provided in subdivision (7) subsection (b) for
10 expenses related to providing Phase II Enhanced 911 shall
11 certify to the 911 Board that it does not then collect a
12 cost-recovery or other similar separate charge from its
13 customers. CMRS providers failing to provide the certification
14 by October 1 are ineligible to receive any payments until such
15 certificate is provided to the 911 Board. Any CMRS provider
16 electing to collect cost-recovery or other similar separate
17 charges at any time following its October 1 certification
18 shall immediately notify the 911 Board and are ineligible to
19 participate in the payments established in this subsection
20 until ceasing the collection from its customers and providing
21 the notice required herein. This requirement shall only apply
22 to payments for expenses related to providing Phase II
23 Enhanced 911.

24 (d) Any CMRS provider wishing to receive
25 reimbursement of costs under the guidelines established by
26 subsection (c) shall also comply with Section 11-98-7.

1 (e) In the event that there are wireless emergency
2 telephone services that cannot be efficiently performed at the
3 district level or there are expenses that cannot be properly
4 allocated at the district level, the 911 Board may determine
5 the smallest practical unit basis for joint implementation and
6 provide reimbursements in accordance with this section.

7 §11-98-5.3.

8 (a) As used in this section, the following words and
9 terms shall have the following meanings unless the context
10 clearly indicates otherwise:

11 (1) DEPARTMENT. The Department of Revenue for the
12 State of Alabama.

13 (2) PREPAID RETAIL TRANSACTION. The purchase of
14 prepaid wireless telecommunications service from a seller for
15 any purpose other than resale.

16 (3) PREPAID WIRELESS CONSUMER. A person who
17 purchases prepaid wireless telecommunications service in a
18 retail transaction.

19 (4) PREPAID WIRELESS TELEPHONE SERVICE. A service
20 that meets all of the following requirements:

21 a. Authorizes the purchase of CMRS, either
22 exclusively or in conjunction with other services.

23 b. Must be paid for in advance.

24 c. Is sold in units or dollars whose number or
25 dollar value declines with use and is known on a continuous
26 basis.

1 (b) Notwithstanding any other provision of this
2 chapter, the current CMRS emergency telephone service charge
3 established under subdivision (1) of subsection (b) of Section
4 11-98-7 and, upon its implementation, the replacement,
5 statewide 911 charge to be established under subsection (a) of
6 Section 11-98-5 shall be collected on prepaid wireless
7 telephone service on each retail transaction as follows:

8 (1) The prepaid wireless statewide 911 charge shall
9 be collected on prepaid wireless by the seller from the
10 prepaid wireless consumer with respect to each retail
11 transaction occurring in this state. The amount of the prepaid
12 wireless 911 charge shall be either separately stated on an
13 invoice, receipt, or other similar document that is provided
14 to the prepaid wireless consumer by the seller, or otherwise
15 disclosed to the prepaid wireless consumer.

16 (2) For purposes of subdivision (1) of subsection
17 (b), a retail transaction that is effected in person by a
18 prepaid wireless consumer at a business location of the seller
19 shall be treated as occurring in this state if that business
20 location is in this state, and any other retail transaction
21 shall be treated as occurring in this state if the retail
22 transaction is treated as occurring in this state for purposes
23 of Chapter 23 of Title 40.

24 (3) The prepaid wireless 911 charge is the liability
25 of the prepaid wireless consumer and not of the seller or of
26 any provider, except that the seller shall be liable to remit
27 all prepaid wireless 911 charges that the seller collects from

1 prepaid wireless consumers as provided in subdivisions (6) and
2 (7) of this subsection, including all charges that the seller
3 is deemed to collect where the amount of the charge has not
4 been separately stated on an invoice, receipt, or other
5 similar document provided to the prepaid wireless consumer by
6 the seller.

7 (4) The amount of the prepaid wireless 911 charge
8 that is collected by a seller from a prepaid wireless
9 consumer, if the amount is separately stated on an invoice,
10 receipt, or other similar document provided to the prepaid
11 wireless consumer by the seller, shall not be included in the
12 base for measuring any tax, fee, surcharge, or other charge
13 that is imposed by this state, any political subdivision of
14 this state, or any intergovernmental agency.

15 (5) The prepaid wireless 911 charge shall be
16 increased or decreased, as applicable, upon any change to the
17 rate specified in subdivision (1) of subsection (b) of Section
18 11-98-7 or, upon its implementation, the statewide 911 charge.
19 The increase or decrease shall be effective on the effective
20 date of the change to the postpaid charge or, if later, the
21 first day of the first calendar month to occur at least 60
22 days after the enactment of the change to the rate specified
23 in subdivision (1) of subsection (b) of Section 11-98-7 or,
24 upon its implementation, the statewide 911 charge. The
25 department shall provide not less than 30 days of advance
26 notice of the increase or decrease on the department's
27 website.

1 (6) Prepaid wireless 911 charges collected by
2 sellers shall be remitted to the department at the times and
3 in the manner provided by Chapter 23 of Title 40. The
4 department shall establish registration and payment procedures
5 that substantially coincide with the registration and payment
6 procedures that apply to Chapter 23, Title 40.

7 (7) A seller shall be permitted to deduct and retain
8 four percent of prepaid wireless 911 charges that are
9 collected by the seller from prepaid wireless consumers.

10 (8) The audit and appeal procedures applicable to
11 Chapter 23 of Title 40 shall apply to prepaid wireless 911
12 charges.

13 (9) The department shall establish procedures by
14 which a seller of prepaid wireless telecommunications service
15 may document that a sale is not a retail transaction, which
16 procedures shall substantially coincide with the procedures
17 for documenting sales for resale transactions for sales and
18 use tax purposes under Chapter 23 of Title 40.

19 (10) The department shall pay all remitted prepaid
20 wireless 911 charges over to the Commercial Mobile Radio
21 Services Board and, upon the effective date of the statewide
22 911 charge, to the statewide 911 Board, within 30 days of
23 receipt, for use by the board in accordance with the purposes
24 permitted by this chapter, after deducting an amount, not to
25 exceed two percent of collected charges, that shall be
26 retained by the department to reimburse its direct costs of

1 administering the collection and remittance of prepaid
2 wireless 911 charges.

3 (c) The enactment of this section does not
4 constitute an expression as to the application of the CMRS
5 service charge to prepaid service before the adoption of the
6 act adding this section.

7 §11-98-13.

8 On a biennial basis, if not more frequently, the 911
9 Board shall retain an independent, third-party auditor for the
10 purposes of receiving, maintaining, and verifying the accuracy
11 of any and all information, including all proprietary
12 information, that is required to be collected, or that may
13 have been submitted to the board by voice communication
14 providers and districts, and the accuracy of the collection of
15 the 911 service charge required to be collected.

16 §11-98-13.1.

17 (a) The Permanent Oversight Commission on 911 is
18 established. The commission shall do the following:

19 (1) Study the operational and financial condition of
20 the current 911 systems within the State of Alabama and
21 publish a report detailing the same.

22 (2) Study the rate charged for 911 services and make
23 recommendations to the board regarding adjustments to the
24 rate.

25 (3) Develop recommendations for the most efficient
26 and effective delivery of 911 services in Alabama over both
27 the long- and short-term.

1 (4) Study the charges levied by each
2 telecommunications provider to each communications district
3 for both data base and network charges.

4 (5) Develop legislation necessary to implement its
5 long-term 911 plan.

6 (6) Report its findings, recommendations, and
7 proposed legislation to the Legislature prior to the last day
8 of the 2013 Regular Session.

9 (b) The commission shall remain in place until
10 disbanded by the Legislature and shall submit reports
11 detailing the progress in the implementation of the long-term
12 plan at such intervals as it deems appropriate.

13 (c) The commission shall be comprised of the
14 following members:

15 (1) Three members of the House of Representatives,
16 to be appointed by the Speaker of the House of
17 Representatives.

18 (2) Three members of the Senate, to be appointed by
19 the President Pro Tempore of the Senate.

20 (3) Three members to be appointed by the Governor,
21 who shall include a representative of the districts and the
22 State 911 Coordinator.

23 (d) The membership of the commission shall be
24 inclusive and reflect the racial, gender, geographic,
25 urban/rural, and economic diversity of the state.

1 (e) The chair and vice chair of the commission shall
2 be elected at the first meeting by the members of the
3 commission.

4 (f) Upon request of the chair, the Secretary of the
5 Senate and the Clerk of the House of Representatives shall
6 provide necessary clerical assistance for the work of the
7 commission.

8 (g) Each legislative member of the commission shall
9 be entitled to his or her regular legislative compensation,
10 his or her per diem, and travel expenses for each day he or
11 she attends a meeting of the commission. Upon requisitions
12 signed by the chair of the commission, these payments shall be
13 paid out of any funds appropriated to the use of the
14 Legislature by means of warrants drawn by the Comptroller on
15 the State Treasury. Notwithstanding the foregoing, no member
16 shall receive additional legislative compensation or per diem
17 when the Legislature is in session or if a member is being
18 paid any other payments on the same dates for attendance on
19 other state business.

20 (h) The Department of Examiners of Public Accounts
21 shall gather and report to the Permanent Oversight Commission
22 the information necessary to evaluate 911 emergency
23 communications funding across the State of Alabama. Each
24 communications district established pursuant to Section
25 11-98-2 and the Commercial Mobile Radio Service Emergency
26 Telephone Services Board and the statewide 911 Board, unless
27 exempted by the Department of Examiners of Public Accounts for

1 good cause, shall provide at least the information specified
2 following to the Department of Examiners of Public Accounts no
3 later than 180 days after the effective date of the act adding
4 this section.

5 (1) For wireline 911 and for fiscal years ending
6 2009, 2010, and 2011, the information provided by
7 communications districts shall include:

8 a. 911 rates in effect for residence telephone
9 service and for business telephone service in the
10 communications district for each fiscal year.

11 b. 911 revenues collected by the communications
12 district by month for each fiscal year.

13 c. The amount of any funding provided to the
14 communications district by a county or municipality in which
15 the communications district resides by month for each fiscal
16 year.

17 d. The amount of revenues received by the
18 communications district from the Commercial Mobile Radio
19 Service Emergency Telephone Services Board by month for each
20 fiscal year.

21 e. The amount of any direct grants from federal or
22 state government and any state matches for federal, state,
23 local, or private grants for each fiscal year.

24 f. Gifts or other amounts not otherwise reported in
25 this section.

26 g. Amounts held in any savings or investment
27 accounts or reserve or escrow accounts by fiscal year.

1 h. Each district shall identify and specify in
2 detail how the 911 funds received by each district were spent
3 in each fiscal year. The Department of Examiners of Public
4 Accounts shall identify any areas of noncompliance with this
5 chapter.

6 i. Monthly charges paid to each telecommunications
7 service provider for both data base and network charges.

8 j. Each communications district that fails to
9 provide the information required by this section to the
10 Department of Examiners of Public Accounts by the deadline
11 specified in this subsection, unless exempted by the
12 Department of Examiners of Public Accounts for good cause,
13 shall not be eligible to receive distributions from the
14 Commercial Mobile Radio Service Emergency Telephone Services
15 Board after the deadline.

16 (2) For wireless 911 and for fiscal years ending
17 2009, 2010, and 2011, the information provided by the
18 Commercial Mobile Radio Service Emergency Telephone Services
19 Board shall include:

20 a. 911 revenues received by month for each fiscal
21 year segregated between postpaid wireless service and prepaid
22 wireless service.

23 b. 911 revenues disbursed to each communications
24 district by month by fiscal year.

25 c. Amounts of any direct grants from federal or
26 state government and any state matches for federal, state,
27 local, or private grants for each fiscal year.

1 d. Gifts or other amounts not otherwise reported in
2 this section.

3 e. Amounts held in any savings or investment
4 accounts or reserve or escrow accounts by fiscal year.

5 f. The amount of funds retained by the board for
6 operation of the board and identify how the funds retained
7 were spent in each fiscal year.

8 g. The amount of funds that were escrowed for the
9 purpose of reimbursing wireless carriers for cost recovery or
10 implementation for Phase I and Phase II 911 implementation
11 costs and the amounts paid to the wireless carriers for cost
12 recovery in each fiscal year segregated by Phase I and Phase
13 II.

14 (i) The Commercial Mobile Radio Service Emergency
15 Telephone Services Board and the statewide 911 Board shall
16 track monthly wireless 911 prepaid revenue following
17 implementation of the prepaid 911 point-of-sale mechanism
18 specified in Section 11-98-5.3 and shall file a monthly report
19 with the Permanent Oversight Commission detailing and
20 comparing prepaid 911 revenues received in the 2012 fiscal
21 year to the prepaid revenues received in the 2011 fiscal year.
22 The first monthly report shall be filed with the commission no
23 later than 60 days following implementation of the
24 point-of-sale system and on a monthly basis thereafter.

25 (j) The Department of Examiners of Public Accounts
26 shall promulgate rules and a common financial reporting format
27 to establish annual reporting requirements applicable to all

1 communications districts and the Commercial Mobile Radio
2 Service Emergency Telephone Services Board or statewide 911
3 Board that the committee shall need to monitor 911 surcharge
4 rates, 911 revenues, and the use of 911 funds on an ongoing
5 annual basis. The Department of Examiners of Public Accounts
6 shall gather and report to the commission the information
7 necessary to evaluate 911 emergency communications funding
8 across the State of Alabama on an ongoing basis.

9 (k) The annual reports of the communications
10 districts and the Commercial Mobile Radio Service Emergency
11 Telephone Services Board and any reports developed by the
12 commission shall be posted no later than 60 days following the
13 end of the fiscal year on a website to be determined by the
14 Department of Examiners of Public Accounts.

15 (l) To assist in the development of the long-term
16 plan for 911 in the state, the statewide 911 Board and
17 Permanent Oversight Commission may solicit input from members
18 of the 911 districts in the state, from members of the
19 communications industry operating in the state, and, if deemed
20 necessary, from 911 experts outside the state.

21 §11-98-14.

22 The 911 Board shall be subject to the Alabama Sunset
23 Law, Chapter 20, Title 41, as an enumerated agency as provided
24 in Section 41-20-3, and shall have a termination date of
25 October 1, 2016, and every four years thereafter, unless
26 continued pursuant to the Alabama Sunset Law.

1 Section 3. Sections 11-98-5.1, 11-98-7.1, and
2 11-98-8, Code of Alabama 1975, are repealed.

3 Section 4. Sections 11-98-4.1, 11-98-5.2,
4 11-98-13.1, and 11-98-14, Code of Alabama 1975, shall become
5 effective immediately following the passage and approval of
6 this act by the Governor, or its otherwise becoming law.

7 Section 11-98-5.3, Code of Alabama 1975, shall become
8 effective on the first day of the fourth month following the
9 passage and approval of this act by the Governor, or its
10 otherwise becoming law. The remaining provisions of this act
11 shall become effective on October 1, 2013.