

1 HB312  
2 131713-3  
3 By Representative Millican  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 22-MAR-11

1 ENGROSSED

2  
3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 Relating to E-911 services, to amend Sections  
9 11-98-1, 11-98-2, 11-98-4, 11-98-5, 11-98-6, 11-98-7, and  
10 11-98-9, Code of Alabama 1975; to add Sections 11-98-4.1,  
11 11-98-5.2, 11-98-5.3, 11-98-13, 11-98-13.1, and 11-98-14 to  
12 the Code of Alabama 1975, to create a single, statewide  
13 emergency service charge applicable to all voice services  
14 provided within the state; to create a statewide 911 Board,  
15 which shall replace and supersede the existing Commercial  
16 Mobile Radio Service (CMRS) Board and which would be  
17 responsible for establishing and collecting an emergency  
18 telephone service charge; to distribute the funds collected  
19 from the service charge to communications districts and CMRS  
20 providers; to establish a Permanent Oversight Commission and  
21 to provide for the membership and duties of the commission;  
22 and to repeal Sections 11-98-5.1, 11-98-7.1, and 11-98-8, Code  
23 of Alabama 1975.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 11-98-1, 11-98-2, and 11-98-4,  
26 Code of Alabama 1975, are amended to read as follows:

27 "§11-98-1.

1           "(a) As used in this chapter, the following words  
2 and terms have the following meanings, unless the context  
3 clearly indicates otherwise:

4           "(1) AUTOMATIC NUMBER IDENTIFICATION. An enhanced  
5 911 service capability that enables the automatic display of  
6 the 10-digit telephone number used to place a 911 call. The  
7 term includes pseudo-automatic number identification, which  
8 means an enhanced 911 service capability that enables  
9 identification of the subscriber.

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

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

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

6                   ~~"(1)"~~(5) CREATING AUTHORITY. The municipal governing  
7 body of any municipality or the governing body of any county  
8 that, by passage of a resolution or ordinance, creates a  
9 ~~communication~~ district within its respective jurisdiction in  
10 accordance with this chapter.

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

16                   ~~"(2)"~~(7) DISTRICT. ~~The~~ A communication district  
17 created pursuant to this chapter.

18                   ~~"(3) E911. Enhanced universal emergency number~~  
19 ~~service or enhanced 911 service which is a telephone exchange~~  
20 ~~communications service whereby a public safety answering point~~  
21 ~~(PSAP) designated by the customer may receive telephone calls~~  
22 ~~dialed to the telephone number 911. E911 service includes~~  
23 ~~lines, facilities, and equipment necessary for answering,~~  
24 ~~transferring, and dispatching public emergency telephone calls~~  
25 ~~originated by persons within the serving area who dial 911 but~~  
26 ~~E911 service 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~~  
2 ~~consistent with tariffs filed with and approved by the Alabama~~  
3 ~~Public Service Commission.~~

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

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

10 "(8) ENHANCED 911, E-911, or E-911 SYSTEM. An  
11 emergency telephone system that directs 911 calls to  
12 appropriate public safety answering points by selective  
13 routing based on the geographical location from which the call  
14 originated, that provides the capability for automatic number  
15 identification, and the features that the Federal  
16 Communications Commission may require in the future. Such  
17 system may include lines, facilities, and equipment necessary  
18 for answering, transferring, and dispatching public emergency  
19 telephone calls originated by persons within the service area  
20 who dial 911 but does not include dial tone first which may be  
21 made available by the service provider based on the ability to  
22 recover the costs associated with its implementation and, to  
23 the extent required by law, consistent with tariffs with and  
24 approved by the Alabama Public Service Commission.

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

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

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

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

12           "a. The residential street address or the primary  
13          business street address of the customer.

14           "b. Within the licensed service areas of the CMRS  
15          provider.

16          ~~"(6)(13)~~ PUBLIC SAFETY AGENCY. An agency of the  
17          State of Alabama, or a functional division of a political  
18          subdivision, that provides fire fighting, rescue, natural or  
19          man-caused disaster, or major emergency response, law  
20          enforcement, ambulance, or emergency medical services.

21          ~~"(7) SERVICE SUPPLIER. Any person providing exchange~~  
22          ~~telephone service to any service user throughout the county or~~  
23          ~~municipality.~~

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

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

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

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

12           "(15) STATEWIDE 911 CHARGE. The Statewide 911 Charge  
13           created pursuant to Section 11-98-5.

14           "(16) SUBSCRIBER. A person who purchases a voice  
15           communications service and is able to receive it or use it  
16           periodically over time.

17           "(17) TECHNICAL PROPRIETARY INFORMATION. Technology  
18           descriptions, technical information, or trade secrets,  
19           including the term trade secrets as defined by the Alabama  
20           Trade Secrets Act of 1987, Chapter 27 of Title 8, and the  
21           actual or developmental costs thereof which are developed,  
22           produced, or received internally by a voice communications  
23           service provider or by its employees, directors, officers, or  
24           agents.

25           "(18) VOICE COMMUNICATIONS SERVICE. Any of the  
26           following:

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

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

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

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

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

15           "(b) The terms department, prepaid retail,  
16 transaction, prepaid wireless telephone service, and prepaid  
17 wireless consumer shall have those meanings ascribed to them  
18 in Section 11-98-5.3.

19           "§11-98-2.

20           "The creating authority may by ordinance or  
21 resolution, as may be appropriate, create within its  
22 respective jurisdiction ~~communications~~ districts composed of  
23 the territory lying wholly within the municipality or of any  
24 part or all of the territory lying wholly within the county.  
25 The districts shall be political and legal subdivisions of the  
26 state, with power to sue and be sued in their corporate names  
27 and to incur debt and issue bonds. The bonds shall be



1 negotiable instruments and shall be solely the obligations of  
2 the district and not the State of Alabama. The bonds and the  
3 income thereof shall be exempt from all taxation in the State  
4 of Alabama. The bonds shall be payable out of the income,  
5 revenues, and receipts of the district. The bonds shall be  
6 authorized and issued by resolution or ordinance of the  
7 creating authority of the district and shall be of such  
8 series, bear such date or dates, mature at such time or times,  
9 not to exceed 30 years from issuance, bear interest at such  
10 rate or rates, be in such denominations, be in such form,  
11 without coupon or fully registered without coupon, carry such  
12 registration and exchangeability privileges, be payable in  
13 such medium of payment and at such place or places, be subject  
14 to such terms of redemption, and be entitled to the priorities  
15 on the income, revenues, and receipts of the district as the  
16 resolution or ordinance may provide.

17 "All bonds shall contain a recital that they are  
18 issued pursuant to this chapter, which recitals shall be  
19 conclusive that they have been duly authorized pursuant to  
20 this chapter.

21 "§11-98-4.

22 "(a) When any district is created, the creating  
23 authority may appoint a board of commissioners composed of  
24 seven members to govern its affairs, and shall fix the  
25 domicile of the board of commissioners at any point within the  
26 district. In the case of county districts, after the  
27 expiration of the terms of the members of the board of

1 commissioners holding office on May 23, 2000, there may be at  
2 least one member of the board of commissioners from each  
3 county commission district if the number of the county  
4 commission does not exceed seven, unless a resolution dated  
5 before January 1, 2000, was passed by a county commission  
6 establishing an appointment process different from this  
7 section or as otherwise provided by the enactment of a local  
8 act after May 23, 2000. The members of the board of  
9 commissioners shall be qualified electors of the district, two  
10 of whom shall be appointed for terms of two years, three for  
11 terms of three years, and two for terms of four years, dating  
12 from the date of the adoption of the resolution or ordinance  
13 creating the district. Thereafter, all appointments of the  
14 members shall be for terms of four years.

15 "(b) The board of commissioners shall have complete  
16 and sole authority to appoint a chairman and any other  
17 officers it may deem necessary from among the membership of  
18 the board of commissioners.

19 "(c) A majority of the board of commissioners  
20 membership shall constitute a quorum and all official action  
21 of the board of commissioners shall require a quorum.

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

26 "(e) In lieu of appointing a board of commissioners,  
27 the governing body of the creating authority may serve as the

1 board of commissioners of the district, in which case it shall  
2 assume all the powers and duties of the board of commissioners  
3 as provided in this chapter.

4 "(f) In addition to other authority and powers  
5 necessary to establish, operate, maintain, and replace an  
6 emergency communication system, the board of commissioners  
7 shall have the following authority:

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

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

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

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

20 "(5) To provide for such liability and hazard  
21 insurance as the board of commissioners may deem advisable to  
22 include inclusion and continuation, or both, of district  
23 employees in state, county, municipal, or self-funded  
24 liability insurance programs.

25 "(6) To enter into contracts or agreements with  
26 public or private safety agencies for dispatch services when

1 such terms, conditions, and charges are mutually agreed upon,  
2 unless otherwise provided by local law.

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

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

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

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

13 "(3) The name of the corporation.

14 "(4) That the governing body is the board of  
15 commissioners.

16 "(h) Any other provisions of this chapter  
17 notwithstanding, the board of commissioners shall present to  
18 the creating authority for approval the acquisition,  
19 disposition, or improvements to real property.

20 "(i) In addition to the provisions of subdivision  
21 (5) of subsection (f), each employee or official of the  
22 district who receives funds or is involved in the disbursement  
23 of funds in any manner shall be bonded in an amount not less  
24 than the amount of total funds received by the district in the  
25 prior fiscal year. The bonds shall be paid for by the  
26 district, and a copy shall be on file at the offices of the

1 district and at the office of the judge of probate of the  
2 county in which the district is incorporated."

3 Section 2. Section 11-98-4.1 is added to the Code of  
4 Alabama 1975, to read as follows:

5 §11-98-4.1.

6 (a) There is created a statewide 911 Board comprised  
7 of 13 members that shall reflect the racial, gender,  
8 geographic, urban/rural, and economic diversity of the state.  
9 The 911 Board shall be created effective July 1, 2011, and  
10 until the effective date of the statewide 911 charge pursuant  
11 to Section 11-98-5, with the cooperation of the CMRS Board,  
12 shall plan for the implementation of the statewide 911 charge  
13 and the distribution of the revenues as provided herein. The  
14 reasonable administrative expenses incurred by the 911 Board  
15 prior to the implementation of the statewide 911 charge may be  
16 deducted from the existing CMRS Fund. Upon the effective date  
17 of the new statewide 911 charge, the 911 Board shall replace  
18 and supersede the CMRS Board formerly created pursuant to this  
19 chapter, and the CMRS Fund shall be incorporated into, and  
20 considered part of, the 911 Fund.

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

24 (1) Seven members recommended by the Alabama  
25 Association of 911 Districts ~~which shall include: a.~~  
26 initially, one from each of the seven congressional districts,  
27 with each district representative recommended selected by vote

1 of the Alabama Association of 911 Districts members from that  
2 congressional district. The initial appointments shall  
3 include, the three district representatives on the CMRS Board  
4 who shall serve through March 31, 2013; ~~and b.~~ and a member  
5 from the first, third, fifth, and seventh Congressional  
6 Districts as provided herein. Following the March 31, 2013,  
7 expiration of the terms of the district representatives drawn  
8 from the CMRS Board, the Governor shall appoint a member  
9 recommended by the Association of 911 Districts from each of  
10 the second, fourth, and sixth Congressional Districts, it  
11 being the intent of this section that each of the seven  
12 district representatives on the board be from a different  
13 Congressional District, as such districts exist on the  
14 effective date of the act adding this section.

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

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

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

23 (c) For purposes of the initial board appointments,  
24 (1) five members of the board shall be appointed for a  
25 four-year term; (2) four members for a three-year term; (3)  
26 the three members of the CMRS Board who are appointed pursuant  
27 to Section 11-98-4.1(b)(1) to terms ending on March 31, 2013;

1 and (4) the remaining member for a two-year term. Thereafter,  
2 board members shall serve staggered terms of four years. In  
3 the event of a vacancy, a vacancy shall be filled for the  
4 balance of the unexpired term in the same manner as the  
5 original appointment. Any vacancy occurring on the 911 Board,  
6 whether for an expired or unexpired term, shall be filled by  
7 appointment as soon as practicable after a vacancy occurs,  
8 whether for an expired or unexpired term.

9 (d) For all terms expiring after July 1, 2014,  
10 appointments made by the Governor shall be subject to  
11 confirmation by the Senate as provided in this subsection.  
12 Appointments made at times when the Senate is not in session  
13 shall be effective immediately ad interim and shall serve  
14 until the Senate acts on the appointment as provided herein.  
15 Any appointment made by the Governor while the Senate is in  
16 session shall be submitted to the Senate not later than the  
17 third legislative day following the date of the appointment.  
18 Any appointment made while the Senate is not in session shall  
19 be submitted not later than the third legislative day  
20 following the reconvening of the Legislature. In the event the  
21 Senate fails or refuses to act on the appointment, the person  
22 whose name was submitted shall continue to serve until action  
23 is taken on the appointment by the Senate.

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

26 (1) To develop a 911 State Plan. In fulfilling this  
27 duty, the 911 Board shall monitor trends in voice

1 communications service technology and in enhanced 911 service  
2 technology, investigate and incorporate Geographical  
3 Information Systems (GIS) mapping and other resources into the  
4 plan, and formulate recommended strategies for the efficient  
5 and effective delivery of enhanced 911 service. In addition,  
6 the board, in conjunction with the Permanent Oversight  
7 Commission and utilizing the information developed by the  
8 Department of Examiners of Public Accounts pursuant to Section  
9 11-98-13.1, shall study the operational and financial  
10 condition of the current 911 systems within the State of  
11 Alabama and publish a report detailing the same; study the  
12 rates charged for wireline 911 services and make adjustments  
13 to the rates as provided in this chapter; recommend a  
14 long-term plan for the most efficient and effective delivery  
15 of 911 services in Alabama over both the long- and short-term;  
16 recommend any legislation necessary to implement the long-term  
17 plan; and report its recommendations to the Oversight  
18 Commission no later than February 1, 2013.

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

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

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



1           (5) To make and enter into contracts and agreements  
2 necessary or incidental to the performance of its powers and  
3 duties under this chapter and to use revenue available to the  
4 911 Board under Section 11-98-5 for administrative expenses to  
5 pay its obligations under the contracts and agreements.

6           (6) To accept gifts, grants, or other money for the  
7 911 Fund.

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

11           (8) To adopt rules in accordance with the Alabama  
12 Administrative Procedure Act to implement this chapter; to  
13 establish the statewide 911 charge; and, in response to  
14 technological changes, apply, collect, and remit the statewide  
15 911 charge, without duplication, to service connections of  
16 other originating service providers, subject to the provisions  
17 applicable to voice communications service providers under  
18 this chapter. This authority does not include the regulation  
19 of any enhanced 911 service, such as the establishment of  
20 technical standards.

21           (9) To take other necessary and proper action to  
22 implement this chapter.

23           Section 3. Section 11-98-5, Code of Alabama 1975, is  
24 amended to read as follows:

25           "§11-98-5.

26           "~~(a) (1) The board of commissioners of the district~~  
27 ~~may, when so authorized by a vote of a majority of the persons~~

1 ~~voting within the district, in accordance with law, levy an~~  
2 ~~emergency telephone service charge in an amount not to exceed~~  
3 ~~five percent of the maximum tariff rate charged by any service~~  
4 ~~supplier in the district, except that in counties with~~  
5 ~~populations of less than 25,000 as determined by the most~~  
6 ~~recent population census, the board of commissioners may, when~~  
7 ~~so authorized by a vote of a majority of the persons voting~~  
8 ~~within the district, in accordance with law, levy an emergency~~  
9 ~~telephone service charge in an amount not to exceed two~~  
10 ~~dollars (\$2). The governing body of the municipality or county~~  
11 ~~may, upon its own initiative, call the special election. Any~~  
12 ~~service charge shall have uniform application and shall be~~  
13 ~~imposed throughout the entire district, to the greatest extent~~  
14 ~~possible, in conformity with availability of such service in~~  
15 ~~any area of the district. The district shall have service on~~  
16 ~~line no later than 36 months from the start of collections or~~  
17 ~~suspend all collections until the district provides the~~  
18 ~~service and shall refund all collections made during this 36~~  
19 ~~month period of time.~~

20 ~~"(2) On and after January 1, 1992, the board of~~  
21 ~~commissioners, once so authorized by a vote of a majority of~~  
22 ~~the persons voting in the district to levy an emergency~~  
23 ~~telephone service charge, may implement any rate of the~~  
24 ~~emergency telephone service charge permitted under this~~  
25 ~~section, as it may be amended from time to time, without~~  
26 ~~further authorization.~~

1           ~~"(b) If the proceeds generated by an emergency~~  
2     ~~telephone service charge exceed the amount of moneys necessary~~  
3     ~~to fund the district, the board of commissioners shall, by~~  
4     ~~ordinance or resolution, as provided in this chapter, reduce~~  
5     ~~the service charge rate to an amount adequate to fund the~~  
6     ~~district. In lieu of reducing the service charge rate, the~~  
7     ~~board of commissioners may suspend the service charge, if the~~  
8     ~~revenues generated therefrom exceed the district's needs. The~~  
9     ~~board of commissioners may, by resolution or ordinance,~~  
10    ~~reestablish the original emergency telephone service charge~~  
11    ~~rate, or lift the suspension thereof, if the amount of moneys~~  
12    ~~generated is not adequate to fund the district.~~

13           ~~"(c) An emergency telephone service charge shall be~~  
14    ~~imposed only upon the amount received from the tariff rate for~~  
15    ~~exchange access lines. If there is no separate exchange access~~  
16    ~~charge stated in the service supplier's tariffs, the board of~~  
17    ~~commissioners shall determine a uniform percentage not in~~  
18    ~~excess of 85 percent of the tariff rate for basic exchange~~  
19    ~~telephone service that shall be deemed to be the equivalent of~~  
20    ~~tariff rate exchange access lines, until the service supplier~~  
21    ~~establishes the tariff rate. No service charge shall be~~  
22    ~~imposed upon more than 100 exchange access facilities per~~  
23    ~~person, per location. Every billed service user shall be~~  
24    ~~liable for any service charge imposed under this subsection~~  
25    ~~until it has been paid to the service supplier. The duty of~~  
26    ~~the service supplier to collect the service charge shall~~  
27    ~~commence upon the date of its implementation, which shall be~~

1 ~~specified in the resolution calling the election. That~~  
2 ~~emergency telephone service charge shall be added to and may~~  
3 ~~be stated separately in the billing by the service supplier to~~  
4 ~~the service user.~~

5 ~~"(d) The service supplier shall have no obligation~~  
6 ~~to take any legal action to enforce the collection of any~~  
7 ~~emergency telephone service charge. The service supplier shall~~  
8 ~~quarterly provide the board of commissioners with a list of~~  
9 ~~the amount uncollected, together with the names and addresses~~  
10 ~~of those service users who carry a balance that can be~~  
11 ~~determined by the service supplier to be nonpayment of the~~  
12 ~~service charge. The service charge shall be collected at the~~  
13 ~~same time as the tariff rate according to the regular billing~~  
14 ~~practice of the service supplier. Good faith compliance by the~~  
15 ~~service supplier shall constitute a complete defense to any~~  
16 ~~legal action or claim that may result from the service~~  
17 ~~supplier's determination of nonpayment or the identification~~  
18 ~~of service users, or both.~~

19 ~~"(e) The amounts collected by the service supplier~~  
20 ~~attributable to any emergency telephone service charge shall~~  
21 ~~be due monthly. The amount of service charge collected in one~~  
22 ~~calendar month by the service supplier shall be remitted to~~  
23 ~~the district no later than 30 days after the close of a~~  
24 ~~calendar month. On or before the thirtieth day after the close~~  
25 ~~of a calendar month, a return, in the form the board of~~  
26 ~~commissioners and the service supplier agree upon, shall be~~  
27 ~~filed with the district, together with a remittance of the~~

1 ~~amount of service charge collected payable to the district.~~  
2 ~~The service supplier shall maintain records of the amount of~~  
3 ~~the service charge collected for a period of at least two~~  
4 ~~years from the date of collection. The board of commissioners~~  
5 ~~may, at its expense, require an annual audit of the service~~  
6 ~~supplier's books and records with respect to the collection~~  
7 ~~and remittance of the service charge. From the gross receipts~~  
8 ~~to be remitted to the district, the service supplier shall be~~  
9 ~~entitled to retain an administrative fee in an amount equal to~~  
10 ~~one percent.~~

11 ~~"(f) In order to provide additional funding or~~  
12 ~~additional real or personal property for the district, the~~  
13 ~~district or county or municipal governing body may receive~~  
14 ~~federal, state, county, or municipal real or personal property~~  
15 ~~and funds, as well as real or personal property and funds from~~  
16 ~~private sources, and may expend the funds or use the property~~  
17 ~~for the purposes of this chapter.~~

18 ~~"(g) With the agreement of the service supplier and~~  
19 ~~the creating authority, two or more communication districts,~~  
20 ~~or cities, or counties, or a city and a county in another~~  
21 ~~communication district may agree to cooperate, to the extent~~  
22 ~~practicable, to provide funding and service to their~~  
23 ~~respective areas, and a single board of commissioners of not~~  
24 ~~more than seven members may be appointed to conduct the~~  
25 ~~affairs of the entities involved.~~

26 ~~"(h) A district may expend available funds to~~  
27 ~~establish a common address and location identification program~~

1 and to establish the emergency service number data base to  
2 facilitate efficient operation of the system. The governing  
3 body and the E-911 board of the county or city affected shall  
4 jointly be responsible for purchasing and installing the  
5 necessary signs to properly identify all roads and streets in  
6 the district.

7 "(i) Funds generated from emergency telephone  
8 service charges shall be used to establish, operate, maintain,  
9 and replace an emergency communication system that may,  
10 without limitation, consist of the following:

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

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

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

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

24 "(a) A single, monthly statewide 911 charge shall be  
25 imposed on each active voice communications service connection  
26 in Alabama that is technically capable of accessing a 911  
27 system. For CMRS providers, the statewide 911 charge shall be

1 levied on each CMRS connection with a primary place of use in  
2 the State of Alabama. The statewide 911 charge is payable by  
3 the subscriber to the voice communications service provider.  
4 Except as otherwise provided in this chapter, the voice  
5 communications service provider shall list the statewide 911  
6 charge separately from other charges on the bill and the  
7 charge shall be collected according to the regular billing  
8 practice of the voice communications service provider. The  
9 statewide 911 charge collected under this section shall not be  
10 subject to taxes or charges levied on or by the voice  
11 communications service provider nor shall the charges and fees  
12 be considered revenue of the voice communications service  
13 provider for any purposes. Partial payments made by a  
14 subscriber are applied first to the amount owed for voice  
15 communications service. The 911 Board shall collect from each  
16 voice communications service provider the monthly statewide  
17 911 charges prescribed herein. The statewide 911 charge shall  
18 be developed by the 911 Board at an amount calculated to  
19 produce annual total revenues equal to the annual 911 fees  
20 collected by or on behalf of districts and governmental bodies  
21 as of September 30, 2011, plus an amount equal to any other  
22 taxpayer funding of E-911 systems by counties or  
23 municipalities in areas where no separate 911 fee is imposed.  
24 The statewide 911 charge shall be uniformly applied and shall  
25 be imposed throughout the state, and shall replace all other  
26 911 fees or 911 taxes. The 911 Board shall certify that the  
27 initial statewide 911 charge adopted herein is reasonably

1 calculated so as not to result in an increase in the fees or  
2 taxes paid by Alabama consumers to support 911 services on a  
3 statewide basis as of the date of its implementation. The  
4 board shall submit the recommended statewide 911 charge to the  
5 Permanent Oversight Commission for review and approval no  
6 later than March 1, 2012. The Permanent Oversight Commission  
7 may reject the recommended statewide 911 charge only upon a  
8 finding of non-compliance with this chapter by an affirmative  
9 vote of six of its members. Failure of the Permanent Oversight  
10 Commission to take such action within 30 days of submission  
11 shall result in the rate being deemed approved for  
12 implementation on October 1, 2012, without the need for  
13 further action. Should the Permanent Oversight Commission  
14 reject the recommended statewide 911 charge, it shall specify  
15 the basis for its rejection to the board, which shall give  
16 such findings due consideration and make any necessary changes  
17 to the rate within 30 days. The statewide 911 charge  
18 established by the board following such second review shall  
19 not be subject to further review by the Permanent Oversight  
20 Commission and shall take effect automatically on October 1,  
21 2012.

22 "(b) A voice communications service provider shall  
23 remit the statewide 911 charge collected by it under this  
24 section to the 911 Board, utilizing such electronic or paper  
25 reporting forms that may be adopted by the 911 Board by rule.  
26 The provider shall remit the collected charges by the end of  
27 the calendar month following the month the provider received



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

13 "(c) Subject to succeeding provisions of this  
14 subsection:

15 "(1) The 911 Board, from time to time, shall  
16 increase or decrease the rate of the statewide 911 charge so  
17 as to produce revenues in amounts sufficient, in the judgment  
18 of the 911 Board, to satisfy all requirements of this chapter.

19 "(2) The 911 Board, not later than October 1 in the  
20 year 2017 and each fifth year thereafter, shall compare the  
21 rate of growth, determined as a percentage, in the 911 Fund  
22 for the five-year period ending on such October 1, and the  
23 rate of growth, determined as a percentage, in the Consumer  
24 Price Index for Urban Consumers (CPI-U) for such five-year  
25 period and, if the rate of growth in the 911 Fund is less than  
26 the rate of growth in the CPI-U, shall increase the rate of

1 the statewide 911 charge by the amount equal to the difference  
2 between the two rates of growth.

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

21 "(d) A voice communications service provider has no  
22 obligation to take any legal action to enforce the collection  
23 of the statewide 911 charge billed to a subscriber. The 911  
24 Board may initiate a collection action, and reasonable costs  
25 and attorney's fees associated with that collection may be  
26 assessed against the subscriber. A voice communications  
27 service provider shall quarterly report to the 911 Board the

1 amount of the provider's uncollected service charges. The 911  
2 Board may request, to the extent permitted by federal and  
3 state privacy laws, the name, address, and telephone number of  
4 a subscriber who refuses to pay the statewide 911 charge.

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

7 "(f) At any time after October 1, 2013, should the  
8 911 Board determine that the revenues allocated to CMRS  
9 providers under Section 11-98-5.2(b) (7) for reimbursement to  
10 CMRS providers exceed those necessary to meet funding  
11 requirements, it may distribute any excess revenues in  
12 accordance with Section 11-98-5.2(b) (1).

13 Section 4. Sections 11-98-5.2 and 11-98.5.3 are  
14 added to the Code of Alabama 1975, to read as follows:

15 §11-98-5.2.

16 (a) Effective October 1, 2012, the 911 Fund shall be  
17 created as an insured interest-bearing account into which the  
18 911 Board shall deposit all revenues derived from the service  
19 charge levied on voice communications service providers under  
20 this chapter. The revenues deposited into the 911 Fund shall  
21 not be monies or property of the state and shall not be  
22 subject to appropriation by the Legislature. The 911 Board  
23 shall administer the fund and shall credit the 911 Fund all  
24 revenues received. The fund and revenues generated by the fund  
25 may only be used as provided in this chapter.

26 (b) Effective October 1, 2012, there shall first be  
27 deducted, no more than one time during each calendar month,

1 from the total amount of the statewide 911 charges paid over  
2 to the 911 Board during such month, a sum not to exceed one  
3 percent of the total amount, to be applied by the 911 Board  
4 exclusively for payment of administrative expenses theretofore  
5 incurred by it. The balance of the total amount of the  
6 statewide 911 charges paid over to the 911 Board during each  
7 calendar month shall be deposited into the 911 Fund and shall  
8 be apportioned and distributed in accordance with the  
9 succeeding provisions of this subsection.

10 (1) There shall be distributed each month among all  
11 then existing districts, from the moneys then on deposit in  
12 the 911 Fund, an aggregate amount equal to the sum of a. 80  
13 percent of the portion of the statewide 911 charges remitted  
14 to the 911 Board with respect to the month by CMRS providers,  
15 plus b. 100 percent of the portion of the statewide 911  
16 charges remitted to the 911 Board with respect to the month by  
17 all voice communications service providers, not including any  
18 CMRS providers.

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

24 (3) The term base distribution amount, as used in  
25 this section with respect to any district and except as  
26 provided in subdivision (4), means the average dollar amount  
27 per annum of emergency telephone service charges, if any,

1 received by the district during the period of three  
2 consecutive fiscal years ending on September 30, 2011;  
3 provided, that, if at any time during the three-year period  
4 the district increased the rate of the emergency telephone  
5 service charge then levied by it, then the base distribution  
6 amount shall be the average dollar amount per annum of the  
7 service charges received by the district during the full  
8 fiscal year or years, as the case may be, in which the  
9 increased rate was in effect, provided further, that if the  
10 district first levied any such service charge, or if the  
11 district increased the rate of the charge, during the fiscal  
12 year ending on September 30, 2011, then the total dollar  
13 amount of the emergency telephone service charges with respect  
14 to the fiscal year shall be deemed to be the amount received  
15 by the district on an annualized basis. For any county or  
16 municipal district that was funding an E-911 system on  
17 September 30, 2011, without a separate 911 fee, the base  
18 amount shall be the product of: That amount determined by the  
19 board to be the county or municipality's funding of its E-911  
20 system for purposes of calculation of the initial statewide  
21 rate under Section 11-98-5(a), multiplied by a fraction, the  
22 numerator of which is the total wireline 911 fees paid to all  
23 districts as of September 30, 2011, and the denominator of  
24 which is the total wireline and wireless 911 fees determined  
25 by the board to have been paid to all districts and the CMRS  
26 Board for the same period.

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

1 of this subsection and which shall not extend to the approval  
2 or disapproval of any projects authorized by the district  
3 under existing law.

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

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

22 (6) Notwithstanding the preceding provisions of this  
23 subsection, there shall never be paid to any district, during  
24 any fiscal year, from the moneys deposited into the 911 Fund,  
25 an amount less than the sum of the total dollar amount of  
26 emergency telephone service charges, if any, received by the  
27 district during the fiscal year of the district ending on

1 September 30, 2011, and the amount received by the district  
2 during the fiscal year from the CMRS Fund as it existed during  
3 the fiscal year; provided, that if the district levied an  
4 emergency telephone service charge during only a portion of  
5 the fiscal year ending on September 30, 2011, then the dollar  
6 amount from those charges shall be the total dollar amount of  
7 the service charges received during the fiscal year, divided  
8 by the number of months, including fractional portions of a  
9 month or months, during which the service charge was in  
10 effect, multiplied by 12. For any county or municipal district  
11 that was funding an E-911 system on September 30, 2011,  
12 without a separate 911 fee, there shall never be paid from the  
13 moneys deposited into the 911 Fund, during any fiscal year, an  
14 amount less than the sum that amount determined by the board  
15 to be the county or municipality's funding of its E-911 system  
16 for purposes of calculation of the initial statewide rate  
17 under this section for the same period.

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



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

9 (c) Each CMRS provider wishing to participate in the  
10 payments provided in subsection (b) (7) for expenses related to  
11 providing Phase II Enhanced 911 shall certify to the 911 Board  
12 that it does not then collect a cost-recovery or other similar  
13 separate charge from its customers. CMRS providers failing to  
14 provide the certification by October 1 are ineligible to  
15 receive any payments until such certificate is provided to the  
16 911 Board. Any CMRS provider electing to collect cost-recovery  
17 or other similar separate charges at any time following its  
18 October 1 certification shall immediately notify the 911 Board  
19 and are ineligible to participate in the payments established  
20 in this subsection until ceasing the collection from its  
21 customers and providing the notice required herein. This  
22 requirement shall only apply to payments for expenses related  
23 to providing Phase II 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 Section 11-98-7(b)(1) and, upon its  
4 implementation, the replacement, statewide 911 charge to be  
5 established under subsection (a) of Section 11-98-5 shall be  
6 collected on prepaid wireless telephone service on each retail  
7 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 subsection (b)(1), a retail  
17 transaction that is effected in person by a prepaid wireless  
18 consumer at a business location of the seller shall be treated  
19 as occurring in this state if that business location is in  
20 this state, and any other retail transaction shall be treated  
21 as occurring in this state if the retail transaction is  
22 treated as occurring in this state for purposes of Chapter 23  
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 Section 11-98A-5,  
2 including all charges that the seller is deemed to collect  
3 where the amount of the charge has not been separately stated  
4 on an invoice, receipt, or other similar document provided to  
5 the prepaid wireless consumer by the seller.

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

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

25 (6) Prepaid wireless 911 charges collected by  
26 sellers shall be remitted to the department at the times and  
27 in the manner provided by Chapter 23 of Title 40. The

1 department shall establish registration and payment procedures  
2 that substantially coincide with the registration and payment  
3 procedures that apply to Chapter 23, Title 40.

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

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

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

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

26 (c) The enactment of this section does not  
27 constitute an expression as to the application of the CMRS

1 service charge to prepaid service before the adoption of this  
2 act.

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

5 "§11-98-6.

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

9 ~~"(1) AUTOMATIC NUMBER IDENTIFICATION or ANI. An~~  
10 ~~enhanced 911 service capability that enables the automatic~~  
11 ~~display of the 10-digit wireless telephone number used to~~  
12 ~~place a 911 call and includes pseudo-automatic number~~  
13 ~~identification or pseudo-ANI, which means an enhanced 911~~  
14 ~~service capability that enables the automatic display of the~~  
15 ~~number of the cell site and an identification of the CMRS~~  
16 ~~provider.~~

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

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

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

9 ~~"(4) COMMERCIAL MOBILE RADIO SERVICE PROVIDER or~~  
10 ~~CMRS PROVIDER. A person or entity who provides commercial~~  
11 ~~mobile radio service or CMRS service.~~

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

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

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

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

25 ~~"(9) DISTRIBUTION FORMULA. The percentage of the~~  
26 ~~total state population residing in an ECD, compared to the~~  
27 ~~total state population residing in all ECDs statewide, based~~

1 upon the latest census data or estimates compiled by or for  
2 the Alabama Department of Economic and Community Affairs.

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

5 ~~"(11) ENHANCED 911, E-911, ENHANCED E-911 SYSTEM, or~~  
6 ~~E-911 SYSTEM. An emergency telephone system that provides the~~  
7 ~~caller with emergency 911 system service, that directs~~  
8 ~~enhanced 911 calls to appropriate public safety answering~~  
9 ~~points by selective routing based on the geographical location~~  
10 ~~from which the call originated, and that provides the~~  
11 ~~capability for automatic number identification and the~~  
12 ~~features that the Federal Communications Commission (FCC) may~~  
13 ~~require in the future.~~

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

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

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

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

24 ~~"(16) PHASE II ENHANCED 911 SERVICE. An emergency~~  
25 ~~telephone system that provides the location of all 911 calls~~  
26 ~~by longitude and latitude in conformance with accuracy~~



1 ~~requirements established by the Federal Communications~~  
2 ~~Commission.~~

3 ~~"(17) PLACE OF PRIMARY USE. The street address~~  
4 ~~representative of where the customer's use of the mobile~~  
5 ~~telecommunications service primarily occur, which must be: a.~~  
6 ~~The residential street address or the primary business street~~  
7 ~~address of the customer; and b. within the licensed service~~  
8 ~~area of the CMRS provider.~~

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

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

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

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

24 "(1) Telephone communications equipment to be used  
25 in answering, transferring, and dispatching public emergency  
26 telephone calls originated by persons within the service area  
27 who dial 911.

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

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

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

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

12           "(b) A district or county or municipal governing  
13           body may receive federal, state, county, or municipal real or  
14           personal property and funds, as well as real or personal  
15           property and funds from private sources, and may expend the  
16           funds or use the property for the purposes of this chapter.

17           "(c) Subject to the remaining provisions of this  
18           chapter and the approval of the 911 Board and the creating  
19           authority, two or more districts, cities, or counties, or a  
20           city and a county in another district may agree to cooperate,  
21           to the extent practicable, to provide funding and service to  
22           their respective areas, and a single board of commissioners of  
23           not more than seven members may be appointed to conduct the  
24           affairs of the entities involved.

25           "(d) Subject to rules that may be adopted by the 911  
26           Board, a district may expend available funds to establish a  
27           common address and location identification program and to

1 establish the emergency service number data base to facilitate  
2 efficient operation of the system. The governing body and the  
3 E-911 board of each county or city affected shall be jointly  
4 responsible for purchasing and installing the necessary signs  
5 to properly identify all roads and streets in the district.

6 "(e) Beginning with fiscal year 2012, the Department  
7 of Examiners of Public Accounts shall audit each district on a  
8 biennial basis to ensure compliance with the requirements of  
9 this chapter regarding both revenues and expenditures.

10 "§11-98-7.

11 ~~"(a) There is created a Commercial Mobile Radio~~  
12 ~~Service (CMRS) Board, consisting of seven members who shall be~~  
13 ~~citizens of this state and shall reflect the racial, gender,~~  
14 ~~geographic, urban and rural, and economic diversity of the~~  
15 ~~state.~~

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

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

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

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

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

1                   ~~"a. One member of the House of Representatives~~  
2 ~~appointed by the Speaker of the House.~~

3                   ~~b. One member of the Senate appointed by the~~  
4 ~~Lieutenant Governor.~~

5                   ~~"(3) The term of each member shall be four years,~~  
6 ~~except that of the members first appointed, one representing~~  
7 ~~ECDs shall serve for three years and one representing CMRS~~  
8 ~~providers shall serve for three years, one representing ECDs~~  
9 ~~shall serve two years and one representing CMRS providers~~  
10 ~~shall serve two years. The Governor shall designate the term~~  
11 ~~which each of the members first appointed shall serve when he~~  
12 ~~or she makes appointments. The two legislative members shall~~  
13 ~~serve for the length of their elective service, but no more~~  
14 ~~than four years.~~

15                   ~~"(4) In the event of a vacancy, a vacancy shall be~~  
16 ~~filled for the balance of the unexpired term in the same~~  
17 ~~manner as the original appointment. Any vacancy occurring on~~  
18 ~~the board, whether for an expired or unexpired term, shall be~~  
19 ~~filled by appointment by the appointing authority as soon as~~  
20 ~~practicable after a vacancy occurs, whether for an expired or~~  
21 ~~unexpired term.~~

22                   ~~"(5) For all terms expiring after October 1, 2007,~~  
23 ~~appointments made by the Governor shall be subject to~~  
24 ~~confirmation by the Senate as provided in this subdivision.~~  
25 ~~Appointments made at times when the Senate is not in session~~  
26 ~~shall be effective immediately ad interim and shall serve~~  
27 ~~until the Senate acts on the appointment as provided herein.~~

1     ~~Any appointment made by the Governor while the Senate is in~~  
2     ~~session shall be submitted to the Senate not later than the~~  
3     ~~third legislative day following the date of the appointment.~~  
4     ~~Any appointment made while the Senate is not in session shall~~  
5     ~~be submitted not later than the third legislative day~~  
6     ~~following the reconvening of the Legislature. In the event the~~  
7     ~~Senate fails or refuses to act on the appointment, the person~~  
8     ~~whose name was submitted shall continue to serve until action~~  
9     ~~is taken on the appointment by the Senate.~~

10             ~~(b) The board shall have the following powers and~~  
11     ~~duties:~~

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

23             ~~"(2) To establish and maintain the CMRS Fund as an~~  
24     ~~insured, interest-bearing account into which the board shall~~  
25     ~~deposit all revenues derived from the CMRS service charge~~  
26     ~~levied on CMRS connections and collected pursuant to Section~~  
27     ~~11-98-8. The revenues deposited into the CMRS Fund shall not~~

1 ~~be moneys or property of the state and shall not be subject to~~  
2 ~~appropriation by the Legislature.~~

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

5 ~~"a. Out of the funds collected by the board and~~  
6 ~~after deduction of administrative expenses, 56 percent shall~~  
7 ~~be distributed to ECDs in accordance with the distribution~~  
8 ~~formula and may only be used for the lease, purchase, or~~  
9 ~~maintenance of wireless enhanced emergency telephone~~  
10 ~~equipment, including necessary computer hardware, software,~~  
11 ~~and data base provisioning, for incremental expenses directly~~  
12 ~~related to the FCC Order and the handling of wireless~~  
13 ~~emergency calls.~~

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

16 ~~"c. Twenty percent shall be deposited into a bank~~  
17 ~~account and shall be used solely for the purpose of payment of~~  
18 ~~the actual costs incurred by CMRS providers in complying with~~  
19 ~~the wireless E-911 service requirements established by the FCC~~  
20 ~~Order and any rules and regulations which are or may be~~  
21 ~~adopted by the FCC pursuant to the FCC Order, including, but~~  
22 ~~not limited to, costs and expenses incurred for designing,~~  
23 ~~upgrading, purchasing, leasing, programming, installing,~~  
24 ~~testing, or maintaining all necessary data, hardware, and~~  
25 ~~software required in order to provide the service as well as~~  
26 ~~the incremental costs of operating the service. Verified~~  
27 ~~itemized statements shall be presented to the board in~~

1 ~~connection with any request for payment by any CMRS provider~~  
2 ~~and shall be approved by a majority vote of the board prior to~~  
3 ~~any disbursement. Approval shall not be withheld or delayed~~  
4 ~~unreasonably. In no event shall any invoice be approved for~~  
5 ~~the payment of costs that are not related to compliance with~~  
6 ~~the wireless E-911 service requirements established by the FCC~~  
7 ~~Order and any rules and regulations which are or may be~~  
8 ~~adopted by the FCC pursuant to the FCC Order.~~

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

1           ~~"e. In the event that there are wireless emergency~~  
2 ~~telephone services which cannot be efficiently performed at~~  
3 ~~the ECD level or there are expenses which cannot be properly~~  
4 ~~allocated at the ECD level, any ECD or CMRS provider may~~  
5 ~~submit invoices directly to the board and the board shall~~  
6 ~~determine the smallest practical unit basis for joint~~  
7 ~~implementation.~~

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

18           ~~"(5) To retain, upon majority vote of the members of~~  
19 ~~the board who are present and voting, an independent,~~  
20 ~~third-party auditor for the purposes of receiving,~~  
21 ~~maintaining, and verifying the accuracy of any and all~~  
22 ~~information, including all proprietary information, that is~~  
23 ~~required to be collected, or that may have been submitted to~~  
24 ~~the board by CMRS providers and ECDs, and the accuracy of the~~  
25 ~~collection of the CMRS service charge required to be~~  
26 ~~collected. An audit, if conducted pursuant to this~~



1 ~~subdivision, shall be conducted pursuant to Chapter 2A of~~  
2 ~~Title 40.~~

3 ~~"(6) To conduct a cost study on or before July 1,~~  
4 ~~1999, to be submitted to the Governor, the Lieutenant~~  
5 ~~Governor, and the Speaker of the House of Representatives for~~  
6 ~~the purpose of determining whether legislation should be~~  
7 ~~proposed during the 2000 Regular Session of the Alabama~~  
8 ~~Legislature to adjust the amount of the CMRS service charge to~~  
9 ~~reflect actual costs to be incurred by CMRS providers and ECDs~~  
10 ~~in order to comply with the wireless E-911 service~~  
11 ~~requirements established by the FCC Order and any rules and~~  
12 ~~regulations which are or may be adopted by the FCC pursuant to~~  
13 ~~the FCC Order.~~

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

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

18 ~~"(9) Neither the board nor any ECD shall require the~~  
19 ~~CMRS providers to select or to deploy particular commercial~~  
20 ~~solutions to meet the requirements of the FCC Order, provided~~  
21 ~~the solutions chosen are compatible with the operations of the~~  
22 ~~ECDs.~~

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

26 ~~"(d) The board shall serve without compensation,~~  
27 ~~provided, however, that members of the board shall be entitled~~

1 ~~to be reimbursed for actual expenses and travel costs~~  
2 ~~associated with their service.~~

3 ~~"(e) Nothing in this chapter shall be construed to~~  
4 ~~constitute the regulation of the entry of or rates charged by~~  
5 ~~CMRS providers for any service or feature which they provide~~  
6 ~~to their CMRS service customers, or to prohibit a CMRS~~  
7 ~~provider from charging a CMRS service customer for any service~~  
8 ~~or feature provided to the customer.~~

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

12 ~~"(g) The board shall be subject to the Alabama~~  
13 ~~Sunset Law under Chapter 20 of Title 41, shall be classified~~  
14 ~~an enumerated agency under Section 41-20-3, and shall~~  
15 ~~terminate on October 1, 2000, and every four years thereafter,~~  
16 ~~unless continued as therein provided. If continued, the board~~  
17 ~~shall be reviewed every four years thereafter and terminated~~  
18 ~~unless continued into law.~~

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

23 "(1) Invoices shall be sworn.

24 "(2) All costs and expenses must be commercially  
25 reasonable.

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

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

7           "(5) All invoices shall be supported by such  
8 reasonable supporting document required by the board and shall  
9 be subject to audit.

10           "(b) If the total amount of invoices submitted to  
11 the 911 Board and approved for payment in a month exceeds the  
12 amount available from the 911 Fund for reimbursements to CMRS  
13 providers, the amount payable to each CMRS provider shall be  
14 reduced proportionately so that the amount paid does not  
15 exceed the amount available for payment. The balance of the  
16 payment is deferred to the following month. A deferred payment  
17 accrues interest at a rate equal to the rate earned by the 911  
18 Fund until it is paid.

19           "§11-98-9.

20           "All technical proprietary information submitted to  
21 the board or to the independent third-party auditor as  
22 provided by Section ~~11-98-7(b)(5)~~ 11-98-13 shall be retained  
23 by the board and the auditor in confidence and shall be  
24 subject to review only by the Examiners of Public Accounts.  
25 Notwithstanding any other provision of the law, no technical  
26 proprietary information submitted shall be subject to subpoena  
27 or otherwise released to any person other than to the

1 submitting ~~CMRS~~ voice communication provider, the board, and  
2 the independent third-party auditor without the express  
3 permission of the administrator and the submitting ~~CMRS~~ voice  
4 communication provider. General information collected by the  
5 independent third-party auditor shall only be released or  
6 published in aggregate amounts which do not identify or allow  
7 identification of numbers of subscribers or revenues  
8 attributable to an individual ~~CMRS~~ voice communication  
9 provider. Notwithstanding any other provision of the law, no  
10 district, political subdivision, ~~CMRS~~ voice communication  
11 provider, ~~local exchange company,~~ or ~~their~~ its employees,  
12 directors, officers, or agents shall be liable for any damages  
13 in a civil action or subject to criminal prosecution resulting  
14 from death, injury, or loss to persons or property incurred by  
15 any person in connection with establishing, developing,  
16 implementing, maintaining, operating, and otherwise providing  
17 ~~wireless enhanced~~ 911 service in compliance with the  
18 requirements established by the ~~FCC Order 94-102 and any rules~~  
19 ~~and regulations which are or may be adopted by the FCC~~  
20 ~~pursuant to the order,~~ or other state or federal requirement,  
21 except in the case of willful or wanton misconduct."

22 Section 6. Sections 11-98-13 and 11-98-13.1 are  
23 added to the Code of Alabama 1975, to read as follows:

24 §11-98-13.

25 On a biennial basis, if not more frequently, the 911  
26 Board shall retain an independent, third-party auditor for the  
27 purposes of receiving, maintaining, and verifying the accuracy

1 of any and all information, including all proprietary  
2 information, that is required to be collected, or that may  
3 have been submitted to the board by voice communication  
4 providers and districts, and the accuracy of the collection of  
5 the 911 service charge required to be collected.

6 §11-98-13.1.

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

9 (1) Study the operational and financial condition of  
10 the current 911 systems within the State of Alabama and  
11 publish a report detailing the same.

12 (2) Study the rate charged for 911 services and make  
13 recommendations to the board regarding adjustments to the  
14 rate.

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

18 (4) Study the charges levied by each  
19 telecommunications provider to each communications district  
20 for both data base and network charges.

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

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

26 (b) The commission shall remain in place until  
27 disbanded by the Legislature and shall submit reports

1 detailing the progress in the implementation of the long-term  
2 plan at such intervals as it deems appropriate.

3 (c) The commission shall be comprised of the  
4 following members:

5 (1) Three members of the House of Representatives,  
6 to be appointed by the Speaker of the House of  
7 Representatives.

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

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

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

16 (e) The chair and vice chair of the commission shall  
17 be elected at the first meeting by the members of the  
18 commission.

19 (f) Upon request of the chair, the Secretary of the  
20 Senate and the Clerk of the House of Representatives shall  
21 provide necessary clerical assistance for the work of the  
22 commission.

23 (g) Each legislative member of the commission shall  
24 be entitled to his or her regular legislative compensation,  
25 his or her per diem, and travel expenses for each day he or  
26 she attends a meeting of the commission. Upon requisitions  
27 signed by the chair of the commission, these payments shall be

1 paid out of any funds appropriated to the use of the  
2 Legislature by means of warrants drawn by the Comptroller on  
3 the State Treasury. Notwithstanding the foregoing, no member  
4 shall receive additional legislative compensation or per diem  
5 when the Legislature is in session or if a member is being  
6 paid any other payments on the same dates for attendance on  
7 other state business.

8 (h) The Department of Examiners of Public Accounts  
9 shall gather and report to the Permanent Oversight Commission  
10 the information necessary to evaluate 911 emergency  
11 communications funding across the State of Alabama. Each  
12 communications district established pursuant to Section  
13 11-98-2 and the Commercial Mobile Radio Service Emergency  
14 Telephone Services Board and the statewide 911 Board, unless  
15 exempted by the Department of Examiners of Public Accounts for  
16 good cause, shall provide at least the information specified  
17 following to the Department of Examiners of Public Accounts no  
18 later than 90 days following the end of the 2011 fiscal year.

19 (1) For wireline 911 and for fiscal years ending  
20 2009, 2010, and 2011, the information provided by  
21 communications districts shall include:

22 a. 911 rates in effect for residence telephone  
23 service and for business telephone service in the  
24 communications district for each fiscal year.

25 b. 911 revenues collected by the communications  
26 district by month for each fiscal year.

1           c. Amount of any funding provided to the  
2       communications district by a county or municipality in which  
3       the communications district resides by month for each fiscal  
4       year.

5           d. Amount of revenues received by the communications  
6       district from the Commercial Mobile Radio Service Emergency  
7       Telephone Services Board by month for each fiscal year.

8           e. Amount of any direct grants from federal or state  
9       government and any state matches for federal, state, local, or  
10      private grants for each fiscal year.

11          f. Gifts or other amounts not otherwise reported in  
12      this section.

13          g. Amounts held in any savings or investment  
14      accounts or reserve or escrow accounts by fiscal year.

15          h. Each district shall indentify and specify in  
16      detail how the 911 funds received by each district were spent  
17      in each fiscal year. The Department of Examiners of Public  
18      Accounts shall identify any areas of noncompliance with this  
19      chapter.

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

22          j. Each communications district that fails to  
23      provide the information required by this section to the  
24      Department of Examiner of Public Accounts by the deadline  
25      specified in this subsection, unless exempted by the  
26      Department of Examiners of Public Accounts for good cause,  
27      shall not be eligible to receive distributions from the



1 Commercial Mobile Radio Service Emergency Telephone Services  
2 Board after the deadline.

3 (2) For wireless 911 and for fiscal years ending  
4 2009, 2010, and 2011, the information provided by the  
5 Commercial Mobile Radio Service Emergency Telephone Services  
6 Board shall include:

7 a. 911 revenues received by month for each fiscal  
8 year segregated between postpaid wireless service and prepaid  
9 wireless service.

10 b. 911 revenues disbursed to each communications  
11 district by month by fiscal year.

12 c. Amounts of any direct grants from federal or  
13 state government and any state matches for federal, state,  
14 local, or private grants for each fiscal year.

15 d. Gifts or other amounts not otherwise reported in  
16 this section.

17 e. Amounts held in any savings or investment  
18 accounts or reserve or escrow accounts by fiscal year.

19 f. The amount of funds retained by the board for  
20 operation of the board and identify how the funds retained  
21 were spent in each fiscal year.

22 g. The amount of funds that were escrowed for the  
23 purpose of reimbursing wireless carriers for cost recovery or  
24 implementation for Phase I and Phase II 911 implementation  
25 costs and the amounts paid to the wireless carriers for cost  
26 recovery in each fiscal year segregated by Phase I and Phase  
27 II.

1                   (i) The Commercial Mobile Radio Service Emergency  
2 Telephone Services Board and the statewide 911 Board shall  
3 track monthly wireless 911 prepaid revenue following  
4 implementation of the prepaid 911 point-of-sale mechanism  
5 specified in Section 11-98-5.3 and shall file a monthly report  
6 with the Permanent Oversight Commission detailing and  
7 comparing prepaid 911 revenues received in the 2012 fiscal  
8 year to the prepaid revenues received in the 2011 fiscal year.  
9 The first monthly report shall be filed with the commission no  
10 later than 60 days following implementation of the  
11 point-of-sale system and on a monthly basis thereafter.

12                   (j) The Department of Examiners of Public Accounts  
13 shall promulgate rules and a common financial reporting format  
14 to establish annual reporting requirements applicable to all  
15 communications districts and the Commercial Mobile Radio  
16 Service Emergency Telephone Services Board or statewide 911  
17 Board that the committee shall need to monitor 911 surcharge  
18 rates, 911 revenues, and the use of 911 funds on an ongoing  
19 annual basis. The Department of Examiners of Public Accounts  
20 shall gather and report to the commission the information  
21 necessary to evaluate 911 emergency communications funding  
22 across the State of Alabama on an ongoing basis.

23                   (k) The annual reports of the communications  
24 districts and the Commercial Mobile Radio Service Emergency  
25 Telephone Services Board and any reports developed by the  
26 commission shall be posted no later than 60 days following the

1 end of the fiscal year on a website to be determined by the  
2 Department of Examiners of Public Accounts.

3 (1) To assist in the development of the long-term  
4 plan for 911 in the state, the statewide 911 Board and  
5 Permanent Oversight Commission may solicit input from members  
6 of the 911 districts in the state, from members of the  
7 communications industry operating in the state, and, if deemed  
8 necessary, from 911 experts outside the state.

9 Section 7. Section 11-98-14 is added to the Code of  
10 Alabama 1975, to read as follows:

11 §11-98-14.

12 The board shall be subject to the Alabama Sunset  
13 Law, Chapter 20, Title 41, as an enumerated agency as provided  
14 in Section 41-20-3, and shall have a termination date of  
15 October 1, 2015, and every four years thereafter, unless  
16 continued pursuant to the Alabama Sunset Law.

17 Section 8. Sections 11-98-5.1, 11-98-7.1, and  
18 11-98-8, Code of Alabama 1975, are repealed.

19 Section 9. Sections 11-98-4.1, 11-98-5.2,  
20 11-98-13.1, and 11-98-14, Code of Alabama 1975, shall become  
21 effective immediately following the passage and approval of  
22 this act by the Governor, or its otherwise becoming law.  
23 Section 11-98-5.3, Code of Alabama 1975, shall become  
24 effective on October 1, 2011. The remaining provisions of this  
25 act shall become effective on October 1, 2012.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Boards, Agencies  
and Commissions..... . 22-MAR-11

Read for the second time and placed  
on the calendar with 1 substitute  
and..... . 24-MAY-11

Read for the third time and passed  
as amended..... . 01-JUN-11

Yeas 84, Nays 13, Abstains 0

Greg Pappas  
Clerk