

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 20 day of May, 2020, and filed with the agency secretary on the 20 day of May, 2020.

AGENCY NAME: Alabama 9-1-1 Board

Amendment New Repeal (Mark appropriate space)

Rule No. 585-X-4-.09

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Additional Distributions To Emergency Communication Districts From The
Rule Title: Cost Recovery Fund.

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes to section (6). The word 'annually' was struck and is indicated by a strike-through.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVIII,
ISSUE NO. 6, AAM, DATED March 31, 2020.

Statutory Rulemaking Authority: Code of Alabama 1975, Sections 11-98-1, 11-98-4.1, 11-98-5.2, and 11-98-6, as amended

(Date Filed)
(For LRS Use Only)

REC'D & FILED

MAY 20 2020

Kang J. Fisher
Certifying Officer or his or her
Deputy

LEGISLATIVE SVC AGENCY

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

RULES AND REGULATIONS OF THE ALABAMA 9-1-1 BOARD

CHAPTER 585-X-4

COLLECTION AND DISBURSEMENT OF SERVICE CHARGES

**585-X-4-.09 Additional Distributions To Emergency
Communication Districts From The Cost Recovery Fund.**

(1) The Board recognizes that it is of utmost importance that each Emergency Communication District (ECD) validly formed and operating within the State of Alabama as of September 30, 2011, at a minimum, be made whole, as contemplated by the passage of Act 2012-293 and adoption of the statewide 911 charges heretofore made.

(2) The Board acknowledges that under the current funding mechanism that some ECDs may not be made whole by the current base distribution amount and per capita distribution. Under Section 11-98-5(f) Code of Ala. 1975, as amended, in the event the Board determines that revenues allocated to reimbursement of CMRS providers for cost recovery is sufficient, then in that event, the Board may, at its discretion, distribute those excess revenues for the benefit of the ECDs currently existing and operating within the state.

(3) In the event an ECD is not made whole by virtue of its base distribution amount and per capita distribution, and if there are funds available in the Cost Recovery Fund over and above amounts sufficient to reimburse providers for cost recovery, then and in that event, the Board may make such ECD whole by use of funds from the Cost Recovery Fund.

(4) If, after payments to ECDs in order for them to be made whole and payment of cost reimbursement to CMRS providers, there are funds available in the Cost Recovery Fund, then and in that event, the Board shall make payments to all vendors for costs related to the implementation-deployment and operation of the next generation statewide 9-1-1 call-delivery network voice and data network.

(5) If possible, after payments to ECDs in order for them to be made whole, payment of cost reimbursement to CMRS providers, and payments of costs related to the implementation and operation of the next generation

statewide 9-1-1 call delivery network deployment and operation of a statewide 9-1-1 voice and data system, the Cost Recovery Fund shall at all times maintain a minimum balance equal to ~~ninety (90)~~ one hundred and eighty (180) days operational and administrative costs of the board, which includes payments to all vendors and costs related to the deployment and operation of a statewide 9-1-1 voice and data system implementation of the next generation statewide 9-1-1 call delivery network.

(6) If possible, after payments to ECDs in order for them to be made whole, payment of cost reimbursement to CMRS providers, payments of cost related to the implementation and operation of the next generation statewide 9-1-1 call delivery network, and the Cost Recovery Fund has a minimum of 180 days of operational and administrative costs of the Board as stated in Paragraph 5, then the Board may, in its discretion, set aside an amount ~~annually~~ from the Cost Recovery Fund to fund the Board's advisory, training, and grant programs as contemplated by Sec. 11-98-4.1 Code of Alabama, 1975, as amended, and Rules 585-X-2-.07 and 585-X-2-.08.

~~(6)~~(7) If after compliance with (3), (4), (5), and (6) above, the Board will review the balance in the Cost Recovery Fund beginning in November 2018 and at least annually thereafter, to determine if there are additional funds that may be distributed to the ECDs. If the Board determines there are additional funds for distribution, then any distribution the Board makes from the Cost Recovery Fund shall be done on the following basis:

~~(7)~~(a) One half (1/2) of the total amount the Board determines that may be distributed to the ECDs shall be made to each ECD formed and validly operating as of September 30, 2011 and which is currently existing and operating within the state ~~which is still a validly formed and operating ECD as of September 30 of the preceding fiscal year~~, based on the distribution formula used when calculating the per capita distribution amount due a particular ECD.

(b) One half (1/2) of the total amount the Board determines that may be distributed to the ECDs shall be made in equal parts to each ECD

which was formed and operating as of September 11, 2011 and which is currently existing and operating within the state~~still a validly formed and operating ECD as of September 30 of the preceding.~~

(8) In the event two or more ECDs have consolidated during the preceding fiscal year or consolidated before a Board decision regarding additional distributions to ECDs in November, then if a distribution is made, the distribution that an ECD would have received prior to consolidation shall be made to the consolidated, surviving ECD.

Author: James T. Sasser

Statutory Authority: Code of Ala. 1975, §§11-98-1; 11-98-4.1; 11-98-5, 11-98-5.2, 11-98-6, as amended.

History: New Rule: Filed May 16, 2018; effective June 30, 2018. **Amended:** Filed March 11, 2020; effective July 13, 2020