

1 HB432  
2 128608-3  
3 By Representative Love  
4 RFD: Ways and Means Education  
5 First Read: 05-APR-11



1           "(c) The local exchange companies shall collect the  
2 surcharge from their customers and transfer the moneys col-  
3 lected to a ~~private~~ fund to be held separate from all other  
4 funds and used ~~solely~~ for the administration of this system  
5 and other purposes. The fund shall be known as the Dual Party  
6 Relay Fund and shall be administered as provided in subsec-  
7 tions (e), (f), and (g). In addition to using funds collected  
8 from this surcharge for the administration of this system, the  
9 Dual Party Relay Fund, through the Public Service Commission,  
10 shall have transferred from the Dual Party Relay Fund to the  
11 Education Trust Fund the amount of seven million five hundred  
12 thousand dollars (\$7,500,000) to the Education Trust Fund be-  
13 fore each of the following four dates:

14           October 15, 2011

15           January 15, 2012

16           April 15, 2012

17           July 15, 2012

18           The surcharge collected by the local exchange companies from  
19 their customers shall not be subject to the utility gross  
20 receipts tax levied under Sections 40-21-80 through 40-21-87  
21 or the utility use tax levied under Sections 40-21-100 through  
22 40-21-107, nor shall such collections be included in the gross  
23 receipts subject to tax under Section 40-21-58 or the

1 supervision and inspection fees under Sections 37-4-23 and 37-4-24.

2 "(d) The Alabama Public Service Commission shall be  
3 charged with implementation of the dual party relay system  
4 within the state and shall establish the procedures for its  
5 continuation.

6 Funds within the Dual Party Relay Fund shall be  
7 appropriated, budgeted and allotted in accordance with  
8 Sections 41-4-80 to 41-4-96 inclusive and 41-19-1 to 41-19-12,  
9 inclusive and only in amounts stipulated in general  
10 appropriation bills and other appropriation bills.

11 "(e) The Dual Party Relay Fund shall be governed by  
12 the Dual Party Relay Fund Board of Trustees. Those individuals  
13 serving as members of the governing committee of the Dual  
14 Party Relay Fund as of July 1, 2006, shall continue to serve  
15 as trustees. On behalf of the Dual Party Relay Fund, the  
16 trustees may select an administrator, service provider, and  
17 auditing firm, and may obtain other services and execute such  
18 other contracts as may be necessary to carry out their duties;  
19 provided, however, that such contracts shall not be considered  
20 public contracts or obligations of the State of Alabama and  
21 shall not be subject to the rules governing such contracts.  
22 All costs associated with the implementation of the system and  
23 the functions of the Dual Party Relay Fund and its board of  
24 trustees, including, without limitation, any insurance costs,  
25 shall be paid out of the Dual Party Relay Fund. The trustees  
26 shall not be paid for their service, but shall be reimbursed  
27 for their actual and reasonable expenses in carrying out their

1 duties. The trustees shall submit an annual report to the  
2 Alabama Public Service Commission regarding the condition of  
3 the fund, which shall include a copy of an annual audit.

4 "(f) As part of its administration of the dual party  
5 relay system, the trustees may authorize the funding of other  
6 telephone services to people who are deaf, hard of hearing,  
7 deaf/blind and speech impaired, including the provision of  
8 informational services to the blind; provided, however, that  
9 no existing service provided to the deaf or hearing impaired  
10 shall be terminated or curtailed as a result of any such  
11 additional program.

12 "(g) Absent negligence, wantonness, recklessness, or  
13 deliberate misconduct, a trustee shall not be subject to civil  
14 liability for any act or omission in carrying out his or her  
15 duties as a trustee. In addition, those trustees who are  
16 officials or employees of the Alabama Public Service  
17 Commission shall receive the benefit of any immunities that  
18 would normally apply to such official or employee in carrying  
19 out his or her official duties.

20 "(h) Nothing in this section shall invalidate  
21 contracts entered into prior to July 1, 2006, which contracts  
22 are hereby ratified and confirmed."

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

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Ways and Means  
Education..... . . . . . 05-APR-11

Read for the second time and placed  
on the calendar..... . . . . . 07-APR-11

Read for the third time and passed  
as amended..... . . . . . 12-APR-11

Yeas 61, Nays 34, Abstains 0

Greg Pappas  
Clerk