

AN ACT

TO CREATE A STATE 911 DEPARTMENT, SINGLE 911 SURCHARGE AND
AN ENHANCED 911 FUND

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 18 of chapter 6A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line __, the words “statewide emergency telecommunications board” and inserting in place thereof the following words:- state 911 department.

SECTION 2. Said chapter 6A is hereby amended by striking out section 18A, as so appearing, and inserting in place thereof the following section:-

Section 18A. As used in this section, in sections 18B to 18J, inclusive, of this chapter, and in section 14A of chapter 166, the following words shall have the following meanings:

“Automatic number identification”, an enhanced 911 service capability that allows for the automatic display of a telephone number used to place or route a 911 call.

“Automatic location identification”, an enhanced 911 service capability that allows for the automatic display of information relating to the geographical location of the communication device used to place a 911 call.

“Commission”, the state 911 commission.

“Communication services” includes any of the following: (a) the transmission, conveyance, or routing of real-time, two-way voice communications to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other medium or method, regardless of the protocol used; (b) the ability to provide two-way voice communication on the public switched network; (c) wireless enhanced 911 service; (d) wireline enhanced 911 service; (e) interconnected VoIP service; (f) IP-enabled service; or (g) prepaid wireless service.

“Communication Service Provider”, an entity that provides communication services to a subscriber.

“Customer premises equipment”, enhanced 911 call processing equipment located at a public safety answering point.

“Department”, the state 911 department.

“Director”, the executive director of the state 911 department.

“End user”, a person who uses communication services.

“Enhanced 911 fund”, the fund established and set up on the books of the commonwealth under section 35GG or chapter 10 of the General Laws.

“Enhanced 911 service provider”, any entity that provides one or more of the following 911 elements: network, database, or public safety answering point customer premises equipment.

“Enhanced 911 service”, a service consisting of communication network, database, and equipment features provided for subscribers or end users of communication services enabling such subscribers or end users to reach a public safety answering point by dialing the digits 911, or by other means approved by the department, that directs calls to appropriate public safety answering points based on selective routing and also provides the capability for automatic number identification and automatic location identification.

“Enhanced 911 network features”, the components of enhanced 911 service that provide selective routing, automatic number identification and automatic location identification.

“Enhanced 911 systems”, a distinct entity or geographical segment in which enhanced 911 service is provided, consisting of network routing elements serving as a control office and trunking connecting all central offices within a geographical segment, and including public safety answering points and network used to deliver location data to public safety answering points from a data base.

“FCC”, the Federal Communications Commission.

“FCC Order”, all orders issued by the FCC pursuant to the proceeding entitled “Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems” (CC Docket No. 94-102; RM 8143), or any successor proceeding, including all other criteria established therein, regarding the delivery of wireless enhanced 911 service by a wireless carrier, and all orders issued by the

FCC pursuant to the proceeding entitled “In the Matter of IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers”(WC Docket No 05-196), or any successor proceeding, including all other criteria established therein, regarding the delivery of enhanced 911 service by an IP-enabled service provider.

“Governmental body” shall include any governmental body as defined in section 11A of chapter 30A or section 23A or chapter 39 of the General Laws.

“Interconnected VoIP”, voice over the internet protocol services as defined by the FCC in 47 CFR 9.3.

“IP-enabled services”, services or applications making use of Internet Protocol (“IP”) including, but not limited to, voice over IP and other services and applications provided through wireline, cable, wireless, or satellite facilities or any other facility that may be provided in the future that are capable of connecting users dialing or entering the digits 911, or by other means approved by the department, to public safety answering points.

“Local exchange service”, telephone exchange lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information.

“Municipality”, any city or town in the commonwealth.

“Network components”, any software or hardware for a control switch, other switch modification, trunking or any components of the computer storage system or database used for selective routing of 911 calls, automatic number identification and automatic location identification, including a public safety answering point.

“Next generation 911”, an enhanced 911 system that incorporates the handling of all 911 calls and messages, including those using IP-enabled services or other advanced communications technologies in the infrastructure of the 911 system itself.

“Prepaid wireless telephone service”, wireless service that is activated in advance by payment for a finite dollar amount of service or minutes that terminates either upon use by a customer and delivery by the wireless provider of an agreed-upon amount of service or minutes, unless the customer makes additional payments.

“Prepaid wireless telephone service provider”, an entity providing prepaid wireless telephone service at retail or wholesale.

“Public safety department”, a functional division of a municipality or the state that provides fire fighting, law enforcement, ambulance, medical or other emergency services.

“Private safety department”, an entity, except for a municipality or a public safety department, that provides emergency police, fire, ambulance or medical services.

“Public safety answering point”, a facility assigned the responsibility of receiving 911 calls and, as appropriate, directly dispatching emergency response services or transferring or relaying emergency 911 calls to other public or private safety agencies or other public safety answering points.

A “primary public safety answering point” is equipped with automatic number identification and automatic location identification displays, and is the first point of reception of a 911 call. It serves the municipality in which it may be located.

A “secondary public safety answering point” is equipped with automatic number identification and automatic location identification displays. It receives 911 calls only when they are transferred from the primary public safety answering point or on an alternative routing basis when calls cannot be completed to the primary public safety answering point.

A “limited secondary public safety answering point” is equipped, at a minimum, with automatic number identification and automatic location identification displays or printout capability. It receives 911 calls only when they are transferred from the primary public safety answering point. Data sent to a limited secondary public safety answering point cannot be re-routed to another location and may not necessarily be transmitted simultaneously with the voice call.

A “ringing public safety answering point” is equipped for receipt of voice communications only, and may not operate 24 hours each day. It receives 911 calls that are transferred from the primary public safety answering point.

A “regional public safety answering point” is operated by or on behalf of two or more municipalities or governmental bodies, or combination thereof, approved by the department, for the operation of enhanced 911 call taking and call transfer activities. A regional public safety answering point may also be engaged in, by agreement, the dispatching or control of public safety

resources serving some or all of the municipalities or governmental bodies that comprise the regional public safety answering point, including where services are provided by a private safety department. If the regional public safety answering point serves all such municipalities or governmental bodies for the operation of enhanced 911 call taking and call transfer activities and dispatch services including where dispatch services are provided by a private safety department, then it shall be considered a regional emergency communication center for the purposes of section 18B of this chapter. The regional public safety answering point shall be equipped with automatic number identification and automatic location identification displays, as approved by the department, and is the first point of reception of a 911 call.

“Regional emergency communication center”, a facility operated by or on behalf of two or more municipalities or governmental bodies, or combination thereof, as approved by the department, who enter into an agreement for the establishment and provision of regional dispatch and coordination of emergency services for all such municipalities or governmental bodies, including but not limited to a regional public safety answering point that provides enhanced 911 service, and police, fire protection, and emergency medical services dispatch, including where such services are provided by a private safety department. The regional public safety answering point portion of the center shall be equipped with automatic number identification and automatic location identification displays, as approved by the department, and is the first point of reception of a 911 call.

“Regional secondary public safety answering point”, a facility operated by or on behalf of three or more municipalities or governmental bodies, or a combination thereof, approved by the department, who enter into an agreement for the establishment and provision of regional dispatch and coordination of either or any combination of police, fire protection, or emergency medical services. A regional secondary public safety answering point is equipped with automatic number identification and automatic location identification displays. It receives 911 calls only when they are transferred from a primary or regional public safety answering point or on an alternative routing basis when calls cannot be completed to the primary or regional public safety answering point.

“Retail”, sales by a prepaid wireless telephone service provider directly to the end user or to a non-prepaid wireless telephone service provider through a voluntary contractual relationship in which the service is sold directly to the end user on behalf of the prepaid wireless telephone service provider.

“Selective routing”, the method to direct 911 calls to the appropriate public safety answering point using a call routing database derived from the geographical location from which the call originated.

“State police”, the Massachusetts department of state police.

“Subscriber”, a person who uses communication services.

“Telephone company”, a person, firm, corporation, association or joint stock association or company, as defined in chapter 159 of the General Laws, furnishing or rendering local telephone exchange service.

“VoIP or Voice over Internet Protocol”, a type of IP-enabled service that allows for the two-way real time transmission of voice communications that also has access to the public switched network.

“Wholesale”, sales by the prepaid wireless telephone service provider to a non-prepaid wireless telephone service provider who sells service on behalf of the prepaid wireless telephone service provider.

“Wireless carrier”, a commercial mobile radio service, as defined in 47 U.S.C. section 332(d), including resellers and prepaid providers of wireless services.

“Wireless enhanced 911 service”, the service required to be provided by wireless carriers pursuant to the FCC Order.

“Wireless state police public safety answering point”, a state police facility assigned the responsibility of primarily or entirely receiving wireless 911 calls and, as appropriate, directly dispatching emergency response services or transferring or relaying emergency 911 calls to other public or private safety departments or other public safety answering points.

“Wireline carrier”, an incumbent local exchange carrier or local exchange carrier operating in the commonwealth, or a telephone company as defined in this section, or any other person, corporation or entity that provides local exchange service.

“Wireline enhanced 911 service”, service provided by a wireline carrier that connects a subscriber dialing or entering the digits 911 to a public safety answering point.

SECTION 3. Said chapter 6A is hereby amended by striking out section 18B, as so

appearing, and inserting in place thereof the following section:-

Section 18B. (a) There shall be, within the executive office of public safety and security, a state 911 department. The secretary of public safety and security shall, with the advice of the commission, appoint and, subject to appropriation or funds otherwise available from other sources, fix the salary of an executive director of the department. Said director shall be responsible for administering, directing and managing the affairs and business of the department, and for the appointment and supervision of all personnel at the department. The director shall not be subject to the provisions of section 9A of chapter 30 or the provisions of chapter 31, but shall be classified in accordance with section 45 of said chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The executive director may appoint such other employees, including experts and consultants, as he deems necessary, subject to appropriation or available funds, to carry out the department's responsibilities.

(b) There shall be, within the executive office of public safety and security, a state 911 commission to provide strategic oversight and guidance to the department and advise the department in all matters regarding enhanced 911 service in the commonwealth. The commission shall consist of the secretary of public safety and security, who shall serve as chairperson of the commission; the chief information officer of the information technology division; the colonel of state police; the state fire marshal; the police commissioner of the city of the Boston; the director of the Massachusetts Office on Disability; the commissioner of the Massachusetts Commission for the Deaf and Hard of Hearing; and 6 members to be appointed by the governor, 1 of whom shall be a sitting police chief and a nominated representative of the Massachusetts Chiefs of Police Association, 1 of whom shall be a sitting police chief and a nominated representative of the Massachusetts Major City Chiefs Association, 2 of whom shall be sitting fire chiefs and nominated representatives of the Massachusetts Fire Chiefs Association, 1 of whom shall be a nominated representative of the Massachusetts Emergency Medical Care Advisory Board, and 1 of whom shall be a manager or supervisor of a public safety answering point and a nominated representative of the Massachusetts Communication Supervisors Association. One of the governor's appointees shall be elected annually by the commission as its vice chairperson. Members of the commission shall be appointed for terms of 3 years with no limit on the number of terms they may serve. Members shall hold office until a successor is appointed and no member shall serve beyond the time he ceases to hold the office or employment that made him eligible for appointment to the commission. The commission shall

meet at least twice annually, and at other times as necessary. A meeting of the commission may be called by its chairperson, the vice chairperson or 3 of its members. A quorum for the transaction of business shall consist of 7 members. Members of the commission shall receive no compensation, but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. The commission shall review and approve by a majority vote of those members present the annual budget of the department and all material changes to that budget. All formulas, percentages, guidelines or other mechanisms used to distribute the grants described in section 18B of this chapter, and all major contracts for enhanced 911 services that the department proposes to enter into shall be approved by a majority vote of those members present. The commission shall review and approve by a majority vote of those members present all regulations and standards proposed by the department.

(c) The department shall coordinate and effect the implementation of enhanced 911 service, and administer such service in the commonwealth. The department, with the commission's approval, shall promulgate rules and regulations for the administration of such service in accordance with chapter 30A, including technical and operational standards for the establishment of public safety answering points which utilize enhanced 911 service features in accordance with section 14A of chapter 166 and sections 18A to 18J of this chapter. Cities and towns shall comply with such standards in the design, implementation and operation of public safety answering points. The department may inspect each public safety answering point that utilizes enhanced 911 network features to determine if it meets the requirements of said section and all other technical and operational standards required by law. In implementing wireless enhanced 911 service and enhanced 911 for IP-enabled services, the department shall promulgate rules and regulations consistent with the provisions required by the FCC.

(d) The number of public safety answering points and enhanced 911 answering positions at primary and regional public safety answering points shall be determined by the department according to a formula that takes into account cost, call volume, population, efficiency and the public safety needs of cities and towns. Applications for secondary public safety answering points shall be reviewed and approved by the department. The customer premises equipment, installation and operation costs of secondary public safety answering points shall be the responsibility of the applicant. Network development, operation and maintenance for secondary public safety answering points shall be provided by the department. Applications for regional secondary public safety answering points shall be

reviewed and approved by the department. The customer premises equipment and installation of such equipment shall be provided by the department from the development grant set forth in subsection (h)(5) of this section in accordance with guidelines to be established by the department with the commission's approval. Network development, operation and maintenance for regional secondary public safety answering points shall be provided by the department.

(e) The department shall disburse funds from the enhanced 911 fund for prudently-incurred expenses associated with: the lease, purchase, upgrade or modification of primary and regional public safety answering point customer premises equipment and the maintenance of such equipment; network development, operation and maintenance; database development, operation, and maintenance; training of 911 telecommunicators regarding the receipt and use of enhanced 911 service information; education of consumers regarding the operation, limitation, role and responsible use of enhanced 911 service; grants associated with enhanced 911 service as set forth in subsection (h) of this section and any other grant approved by the department associated with providing enhanced 911 service in the commonwealth; the recurring and nonrecurring costs of communication services providers in providing enhanced 911 service in the commonwealth to the extent required by federal or Massachusetts law or regulation or federal or Massachusetts agency decision or order; and other expenses incurred by the state 911 department in administering and operating the enhanced 911 system in the commonwealth.

(f) The department, with the commission's approval, shall establish: performance measure standards for the enhanced 911 service provider for network, database, and customer premises equipment and associated maintenance services; service level standards for communication services providers for providing enhanced 911 service in the commonwealth including but not limited to standards for the provision of enhanced 911 access for the disabled community; certification requirements for enhanced 911 telecommunicators, including but not limited to emergency medical dispatch and quality assurance of emergency medical dispatch programs; and guidelines for developing and administering any grant authorized in subsection (h) of this section, or any other grant associated with providing enhanced 911 service in the commonwealth approved by the commission, and the department of telecommunications and cable upon the petition of the department, including but not limited to provisions requiring municipalities to provide documentation of expenditures. The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of the date the department files its petition; provided however that the request for approval shall

be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 day time frame. The department shall initiate a voluntary program in which municipalities may contribute address information to support the enhanced 911 database.

(g) The department shall review and assess the technological and operational capability and financial feasibility of wireless 911 calls being routed to and handled directly by the public safety answering point in which the caller is located, and if such capability exists, the department shall establish standards, with the commission's approval, by which such public safety answering points may receive wireless calls. The department shall review and assess new communications technologies that may include but are not limited to wireless, video, broadband, and IP-based applications that may serve as the next generation 911 technology platforms.

(h) The department shall develop and administer grant programs to assist public safety answering points and regional emergency communication centers in providing enhanced 911 service, and to foster the development of regional public safety answering points, regional secondary public safety answering points, and regional emergency communication centers. The following grant programs shall be funded by the department as specified, and the department may add necessary personnel to develop and administer such grant programs.

(1) The Public Safety Answering Point and Regional Emergency Communication Center Training Grant shall reimburse primary, regional and regional secondary public safety answering points and regional emergency communication centers for allowable expenses related to the training and certification of enhanced 911 telecommunicators. Funds shall be disbursed according to a formula that weighs both population served and 911 call volume, unless a different formula is approved by the commission. Five percent of the total surcharge revenues of the previous fiscal year shall be allocated to this grant, unless such percentage is otherwise increased by the approval of the commission for the purposes of this grant. Any such increase to a level of 7.5 percent or more shall also be approved by the department of telecommunications and cable, upon petition of the department. The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of the date the department files its petition; provided however that the request for approval shall be deemed approved if the department of telecommunications and cable does

not issue its decision within such 90 day time frame. The department, with commission approval, may decrease such percentage in any fiscal year for budgetary reasons, but to a level no less than 3.75 percent of the total surcharge revenues of the previous fiscal year.

(2) The Public Safety Answering Point and Regional Emergency Communication Center Support Grant shall reimburse primary, regional and regional secondary public safety answering points and regional emergency communication centers for allowable expenses related to enhanced 911 telecommunicator personnel costs, and the acquisition and maintenance of heat, ventilation and air-conditioning equipment and other environmental control equipment, computer-aided dispatch systems, console furniture, dispatcher chairs, radio consoles, and fire alarm receipt and alert equipment associated with providing enhanced 911 service. In addition, the grant shall reimburse regional public safety answering points and regional emergency communication centers for allowable expenses related to the acquisition and maintenance of public safety radio systems. Also, the grant shall reimburse regional secondary public safety answering points for allowable expenses related to customer premises equipment maintenance. Further, the grant shall reimburse primary, regional, and regional secondary public safety answering points and regional emergency communication centers for any other equipment and related maintenance associated with providing enhanced 911 service as approved by the department. Funds shall be disbursed according to a formula that weighs both population served and 911 call volume, unless a different formula is approved by the commission. Twenty-five percent of the total surcharge revenues of the previous fiscal year shall be allocated to this grant, unless such percentage is otherwise increased by the approval of the commission for the purposes of this grant. Any such increase to a level of 31.25 percent or more shall also be approved by the department of telecommunications and cable, upon petition of the department. The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of date the department files its petition; provided however that the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 day time frame. The department, with commission approval, may decrease such percentage in any fiscal year for budgetary reasons, but to a level no less than 18.75 percent of the total surcharge revenues of the previous fiscal year. In the guidelines administering this grant, the department may include provisions to increase the allocation of funds to

primary public safety answering points provided under this grant that dispatch police, fire and emergency medical dispatch services, taking into account where any such services are provided by a private safety department. In addition, in such guidelines the department may include provisions to increase the allocation of funds to regional secondary public safety answering points that dispatch any combination of regional police, fire or emergency medical services.

(3) The Wireless State Police Public Safety Answering Point Grant shall reimburse the wireless state police public safety answering points for allowable expenses related to enhanced 911 telecommunicator personnel costs, training and certification of enhanced 911 telecommunicators, and the acquisition and maintenance of heat, ventilation and air-conditioning equipment, computer-aided dispatch systems, console furniture, dispatcher chairs, radio consoles, and fire alarming receipt and alert equipment associated with providing enhanced 911 service. The grant shall also reimburse such public safety answering points for any other equipment and related maintenance associated with providing enhanced 911 service as approved by the department. Four percent of the total surcharge revenues of the previous fiscal year shall be allocated to this grant, unless such percentage is otherwise increased by the approval of the commission for the purposes of this grant. Any such increase to a level of 6 percent or more shall also be approved by the department of telecommunications and cable, upon the petition of the department. The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of the date of the filing of the petition; provided however that the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 day time frame. The department, with commission approval, may decrease such percentage in any fiscal year for budgetary reasons, but to a level no less than 3 percent of the total surcharge revenues of the previous fiscal year.

(4) The Regional Public Safety Answering Point and Regional Emergency Communication Center Incentive Grant shall provide regional public safety answering points and regional emergency communication centers with funds in addition to amounts allocated as part of the Public Safety Answering Point and Regional Emergency Communication Center Support Grant to be used for reimbursement of expenses specified in the Support Grant for regional public safety answering points and regional emergency

communication centers in the following amounts: (i) for regional public safety answering points serving 2 municipalities, $\frac{1}{2}$ of 1 percent of the total surcharge revenues of the previous fiscal year; (ii) for regional public safety answering points serving 3 to 9 municipalities, 1 percent of the total surcharge revenues of the previous fiscal year; (iii) for regional public safety answering points serving 10 or more municipalities, $1\frac{1}{2}$ percent of the total surcharge revenues of the previous fiscal year; and (iv) for regional emergency communication centers, 2 percent of the total surcharge revenues of the previous fiscal year. The percentages in each category may be adjusted by the commission to ensure a proper allocation of incentive funds as more regional public safety answering points and regional emergency communication centers are added. Any such adjustments that increase the initial total allocation of the incentive grant by 10 percent or more shall be approved by the department of telecommunications and cable, upon the petition of the department. The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of the date of the filing of the petition; provided however that the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 day time frame.

(5) The Regional and Regional Secondary Public Safety Answering Point, and Regional Emergency Communication Center Development Grant shall support the development and startup of regional and regional secondary public safety answering points, and regional emergency communication centers, including the expansion or upgrade of existing regional and regional secondary public safety answering points, to maximize effective emergency 911 and dispatch services as well as regional interoperability. The eligibility for, criteria, amount, and allocation of funding shall be contained in guidelines established by the department with commission approval. The grant shall reimburse allowable expenses related to such development and startup, or expansion or upgrade. Any subsequent adjustments that increase the initial funding allocated to this grant by 10 percent or more shall be approved by the department of telecommunications and cable, upon the petition of the department. The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of the date of the filing of the petition; provided however that the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 day time frame.

(i) The department shall file a written annual report to the governor and shall file a copy thereof with the state secretary, the clerk of the house of representatives and the clerk of the senate.

(j) The department is hereby authorized to enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision of federal, state, county, or municipal government and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities or staff assistance in connection with its work. Such funds shall be deposited with the state treasurer and credited to the enhanced 911 fund.

(k) No provision of this section shall be construed or interpreted to alter the regulation of providers of telecommunications services under chapter 159.

(l) The department shall work with the Massachusetts Office on Disability, the Massachusetts Commission for the Deaf and Hard of Hearing, the disability community and with cities and towns to ensure that communication services providers are aware of the availability and use of adaptive technology, and to ensure that enhanced 911 service is accessible to people with disabilities.

SECTION 4. Said chapter 6A is hereby amended by striking out section 18C, as so appearing, and inserting in place thereof the following section:-

Section 18C. (a) Each public safety answering point shall be capable of transmitting a request for law enforcement, fire fighting, medical, ambulance or other emergency services to a public or private safety department that provides the requested services.

(b) Each primary and regional public safety answering point shall be equipped with a system approved by the department for the processing of requests for emergency services from people with disabilities.

(c) Except as approved by the department, no person shall permit an automatic alarm or other alerting device to dial the numbers 911 automatically or provide a prerecorded message in order to access emergency services directly.

(d) A public safety department or private safety department that receives a request for emergency service outside of its jurisdiction shall promptly forward the request

to the public safety answering point or public safety department responsible for that geographical area. Any emergency unit dispatched to a location outside its jurisdiction in the commonwealth in response to such request shall render service to the requesting party until relieved by the public safety department responsible for that geographical area.

(e) Municipalities may enter into written cooperative agreements to carry out the provisions of subsections (a), (b), and (d).

SECTION 5. Said chapter 6A is hereby amended by striking out section 18D, as so appearing, and inserting in place thereof the following section:-

Section 18D. (a) Each municipality in the commonwealth shall establish, staff, and operate, in conjunction with one or more other municipalities or governmental bodies, as determined by the department with the approval of the commission, or by itself, a public safety answering point on a 24 hour a day, 7 days a week basis, in a manner and according to a schedule to be approved by the department.

(b) The department shall review each proposed municipal or regional plan to determine if it meets the requirements of law, and the technical and operational standards established by the department. The department shall require primary and regional public safety answering points to display automatic number identification, automatic location identification and may require other enhanced 911 features that are or may become available and set forth in the department's regulations, standards and guidelines for administration of statewide E911 services. The primary and regional public safety answering point shall be designed according to the plan as specified in subsection (c).

(c) The department shall develop and maintain a statewide plan for the implementation and maintenance of enhanced 911 service including next generation 911 and IP-enabled 911 services, and if the technological and operational capability and financial feasibility exists, the transfer of 911 wireless calls to primary and regional public safety answering points. Such plan shall include the following:

(1) A division of the commonwealth into geographical segments. An enhanced 911 system shall be established for each municipality, or by groups of municipalities, or by other governmental bodies, or groups of

other governmental bodies, or by a combination of municipalities or governmental bodies, as specified and approved by the department.

(2) An implementation schedule, developed after consultation with communication services providers for the sequence of converting to enhanced 911 systems or next generation 911 systems.

(3) A designation within each enhanced 911 system, of the municipalities and the public safety departments within such municipalities, to serve as the primary or regional public safety answering points. The department shall also evaluate the need for secondary and regional secondary public safety answering points in municipalities which have requested them. It shall be the responsibility of the department to make the final determination regarding the total number and location of such public safety answering points.

(4) The department shall, no later than September thirtieth of each year, review the existing configuration of primary, regional, regional secondary, limited secondary, and ringing public safety answering points and develop changes or recommendations for change by December 31 of each year.

SECTION 6. Said chapter 6A is hereby amended by striking out section 18E, as so appearing, and inserting in place thereof the following section:-

Section 18E. The attorney general may, at the request of the department or on his own initiative, institute civil proceedings against any municipality or other governmental body operating a public safety answering point, or any enhanced 911 provider or communication services provider, to enforce the provisions of the sections under this chapter.

SECTION 7. Section 18F of said chapter 6A is hereby repealed.

SECTION 8. Said chapter 6A is hereby amended by striking out section 18G, as so appearing, and inserting in place thereof the following section:-

Section 18G. The department shall require that each public safety answering point that possesses enhanced 911 service shall retain 911 recordings for a period of not less than 1 year.

SECTION 9. Said chapter 6A is hereby amended by striking out section 18H, as so

appearing, and inserting in place thereof the following section:-

Section 18H. (a) There shall be imposed on each subscriber or end user whose communication services are capable of accessing and utilizing an enhanced 911 system, a surcharge in the amount of 75 cents per month for expenses associated with services provided pursuant to sections 18A through 18J of this chapter and sections 14A and 15E of chapter 166. For wireline enhanced 911 service, the charge shall be imposed on each voice grade exchange telephone line of business and residence customers within the commonwealth; but the surcharge applicable to centrex service and ISDN primary rate interface service shall be based on an equivalency ratio provided to each private branch exchange trunk. For wireless enhanced 911 service, the charge shall be imposed per wireless mobile telephone number, based on the area code chosen by the subscriber or end user. With the approval of the department, a wireless carrier may impose this surcharge based on the subscriber's or end user's billing address. For interconnected VoIP service and IP-enabled service, the charge shall be imposed based on the subscriber's or end user's Massachusetts billing address. For prepaid wireless service, the prepaid wireless telephone service provider shall: (1) collect the wireless 911 fee on a monthly basis from each customer whose account balance is equal to or greater than the amount of the wireless 911 fee on the last day of the month for remittance to the state treasurer; (2) collect the wireless 911 fee, or make voluntary contractual arrangements with a retail seller of prepaid wireless telephone service to collect the wireless 911 fee and transfer those funds to the wireless telephone service provider for remittance to the state treasurer, from the customer at the point-of-sale for each 30-day increment of prepaid wireless telephone service that is purchased at the time of sale; or (3) collect the wireless 911 fee indirectly from customers by calculating the total wireless 911 fee owed by its customers and remitting that amount to the state treasurer; a prepaid wireless telephone service provider that elects the collection method specified in subparagraph (3) must calculate the total wireless 911 fee owed for the month by: (A) dividing its total intrastate prepaid wireless revenue for the month by the national Average Revenue Per User for prepaid wireless service, as defined by the relevant statutory agency; and (B) multiplying the result obtained under subparagraph (1) by the amount of the wireless 911 fee. For all other services not identified above, the surcharge shall be imposed based on the subscriber's Massachusetts billing address.

The surcharge shall be collected by the communication services provider and shall be shown on the subscriber's or end user's bill as "Disability Access/Enhanced 911 Service Surcharge", or the appropriate abbreviation. The surcharge shall not

be subject to sales or use tax. The subscriber or end user shall be liable for the surcharge imposed under this section.

(b) The department may petition the department of telecommunications and cable for an adjustment in the surcharge established in subsection (a) of this section. The department of telecommunications and cable shall be responsible for establishing the new surcharge, and all future surcharges, upon petition of the department. The department of telecommunications and cable, at its discretion but not more than once per calendar year, may investigate the prudence of the department's revenue and expenditures for the purpose of recalculating the surcharge, and may hire experts to assist in its investigation. The reasonable cost of the experts shall be charged to the enhanced 911 fund, but in no event shall such cost exceed \$200,000, which may be adjusted to reflect changes in the consumer price index. The department of telecommunications and cable shall conduct its review and issue a decision within 90 days of the date of the commencement of the investigation; provided however that the surcharge shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 day time frame. The department of telecommunications and cable shall promulgate rules that provide for the funding of prudently incurred expenses associated with services provided by sections 18A through 18J of this chapter, and sections 14A and 15E of chapter 166, by means of the surcharge. The department shall report annually to the department of telecommunications and cable on the financial condition of the enhanced 911 fund and on the department's assessment of new developments affecting the enhanced 911 system. Such report shall be submitted to the department of telecommunications and cable within 60 days of the end of each fiscal year. The department of telecommunications and cable shall annually report to the general court concerning the financial condition of the enhanced 911 fund.

(c) The department shall seek the approval of the department of telecommunications and cable for projected total expenditures that exceed total expenditures of the previous fiscal year by 10 percent or more. The department of telecommunications and cable may investigate the reasonableness of the expenditures and shall conduct its review and issue a decision within 90 days from the date the department files its request for approval; provided however that the request for approval shall be deemed approved if the department of telecommunications and cable does not issue its decision within such 90 day time frame. The department of telecommunications and cable shall notify the department of its intent to investigate within 20 days of the date the department

files its request of approval. The department's request for approval shall be deemed approved in the absence of the department of telecommunication and cable's notification to the department of its intent to investigate. If the department of telecommunication and cable notifies the department that it intends to investigate an expenditure, the department of telecommunications and cable may hire experts to assist in its investigation. The reasonable cost of the experts shall be charged to the enhanced 911 fund, but in no event shall such cost exceed \$200,000, which may be adjusted to reflect changes in the consumer price index.

(d) Each communication services provider shall remit the surcharge revenues collected from its subscribers or end users to the state treasurer for deposit in the enhanced 911 fund. The surcharge revenues shall be expended for the administration and programs of the department, including but not limited to, salaries, enhanced 911 training programs, enhanced 911 public education programs, the creation of, customer premises equipment for, and maintenance of primary and regional public safety answering points, the programs mandated by section 18B of this chapter and sections 14A and 15E of chapter 166, and for the implementation and administration of enhanced 911 service in the commonwealth.

(e) Each communication services provider shall submit to the department and the department of telecommunications and cable information on its business entity, including but not limited to, name, business address, contact person, and the telephone number, fax number, and e-mail address of such contact person. Each such provider shall update this information annually.

(f) Each communication services provider shall report to the department on a monthly basis the total surcharge revenues collected from its subscribers or end users during the preceding month, the total uncollected surcharge revenues from subscribers or end users during the preceding month, the total amount billed to the department for administration costs to cover the expenses of billing, collecting and remitting the surcharge during the preceding month, and the total amount billed to the department for non-recurring and recurring costs associated with any service, operation, administration or maintenance of enhanced 911 service during the preceding month. Notwithstanding any general or special law to the contrary, such monthly report shall not be a public record.

(g) The department shall examine call volumes of all primary, regional, and regional secondary public safety answering points, and the population changes of the municipalities they serve, and may use such information in determining the

disbursement of funds set forth in section 18B of this chapter.

SECTION 10. Section 18H1/2 of said chapter 6A is hereby repealed.

SECTION 11. Said chapter 6A is hereby amended by striking out section 18I, as so appearing, and inserting in place thereof the following section:-

Section 18I. Notwithstanding any general or special law to the contrary, a municipality or other governmental body may modify, change or alter communication equipment used in the municipality's or other governmental body's enhanced 911 system in order to permit the monitoring of emergency 911 communications by the fire department of the municipality or other governmental body at a secure location staffed at all times by fire department personnel fully trained in such monitoring. The emergency 911 communications shall be monitored in a manner that prevents any broadcast of them to the general public. The secure location used for monitoring emergency 911 communications shall be restricted to trained fire department personnel when such communications are being monitored. No such modification or change in a municipality's or other governmental body's wireline carrier equipment or enhanced 911 system shall cause any degradation of the state's 911 system.

SECTION 12. Said chapter 6A is hereby amended by inserting after section 18I the following section:-

Section 18J. Beginning July 1, 2009, any new or substantially renovated multi-line telephone system shall provide the same level of enhanced 911 service that is provided to others in the commonwealth. The department shall adopt regulations to implement this requirement. In the said regulations the department may exempt certain multi-line telephone systems from the above requirement based on such factors as costs and the public benefits of compliance, except that accessibility of such a system to people with disabilities may only be waived when the proponent of the waiver has shown it to be technologically infeasible or of excessive cost without benefit to the disability community. For the purposes of this section, a multi-line telephone system shall mean a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple end-use customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes: (1) network and premises based systems such as centrex, pbx, and hybrid

key telephone systems; and (2) systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.

SECTION 13. Chapter 269 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 14A the following section:-

Section 14B. As used in this section, the following words shall have the following meanings:

“Emergency response services provider”, a police department, fire department, emergency medical service provider, public safety answering point, public safety department, private safety department, or other public safety agency.

“Public safety answering point”, a facility assigned the responsibility of receiving 911 calls and, as appropriate, directly dispatching emergency response services or transferring or relaying emergency 911 calls to other public or private safety agencies or other public safety answering points.

“Silent call”, a call or other communication made to a public safety answering point in which the initiating party willfully does not provide information regarding his or her identity or location or the nature of the emergency. The initiating party shall not be considered to have provided any information that is automatically transmitted by a communication device or network upon connection with a public safety answering point, including, but not be limited to, automatic location information and automatic number information.

(a) Whoever willfully communicates with or otherwise causes a communication with a public safety answering point, either directly or indirectly, that (1) harasses or threatens one or more persons working with or for an emergency response services provider, or (2) knowingly communicates a false alarm or complaint or other false information, or (b) whoever willfully makes silent calls or, directly or indirectly, causes silent calls to be made to one or more public safety answering points for the purpose of causing the dispatch of an emergency response services provider when no emergency exists, shall be punished by imprisonment in a jail or house of correction for not more than 1 year, or by a fine of not more than 1,000 dollars, or by both such fine and imprisonment. Any person convicted of violating this section after one or more prior convictions shall be punished by imprisonment in a jail or house of correction for not more than 2 ½ years, or by a fine of not more than 5,000 dollars, or by both such fine and imprisonment.

(b) After any conviction under this section, the court shall conduct a hearing to ascertain the extent of costs incurred, and damages and financial loss sustained by any emergency response services provider as a result of the violation and shall, in all cases, order the person convicted of violating this section to make restitution to the emergency response services provider or providers for any such costs, damages or loss. Restitution shall be imposed in addition to any imprisonment or fine, and not in lieu thereof; however, the court shall consider the defendant's present and future ability to pay restitution in its determinations regarding a fine. In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant.

SECTION 14. Chapter 166 of the General Laws is hereby amended by striking out section 14A, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 14A. (a) In order to establish statewide enhanced 911 service, upon the written request of the state 911 department, established by section 18B of chapter 6A, hereinafter referred to as the department, each telephone company providing local exchange service in the state shall provide and maintain enhanced 911 service in compliance with a schedule established by the department after consultation with the phone company.

(b) Each municipality in the commonwealth shall be served by a primary or regional public safety answering point, that utilizes enhanced 911 network features in accordance with the implementation schedule established by the department under the provisions of section 18D of chapter 6A.

(c) No provision of law shall be construed to prohibit or discourage the formation of multidepartment, multijurisdictional or regional public safety answering points, or regional emergency communication centers. Any public safety answering point may serve the jurisdiction of more than one public department or a segment of the jurisdiction of a municipality.

(d) A telephone company shall forward to any public safety answering point or any other answering point equipped for enhanced 911 service, the telephone number and street address of any telephone used to place a 911 call. Subscriber information provided in accordance with this section shall be used only for the purpose of

responding to emergency calls or for use in any ensuing investigation or prosecution, including the investigation of false or intentionally misleading reports of incidents requiring emergency service. No telephone company, nor the agents of any telephone companies, shall be liable in any action to any person for releases of information as permitted in this section.

(e) As enhanced 911 service becomes available and where facilities are available, each telephone company and owner of a private coin telephone in the state shall convert each public coin or coinless telephone within areas served by such enhanced 911 service to dial tone first capability, which will allow a caller to dial 911 without first inserting a coin or paying any other charge. Each provider of public coin or coinless telephone shall provide access to enhanced 911 service, and prominently display instructions on how to use such system.

SECTION 15. Said chapter 166 is hereby amended by striking out section 15E, as so appearing, and inserting in place thereof the following section:-

Section 15E. (a) As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:--

“Captioned telephone”, an amplified telecommunications device with a text display that permits the user to both listen to what is said over the telephone and simultaneously read captions of what the other person is saying allowing the hard of hearing person to utilize captioned telephone service.

“Captioned telephone service”, an enhanced voice carry over telecommunications relay service, a system which uses third party intervention to connect persons with a hearing disability but with some residual hearing to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing disability to communicate using voice communication services by wire or radio.

"Common carrier", as the term is used in chapters 159 and 166, and referring to a business in the commonwealth that is a provider of local exchange service, so-called, to 1,000 or more subscribers. For the purposes of this section, the term shall also include a municipal lighting plant or cooperative that operates a telecommunications system pursuant to section 47E of chapter 164.

“Communication services”, includes any of the following: (a) the transmission, conveyance, or routing of real-time, two-way voice communications to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other medium or method, regardless of the protocol used; (b) the ability to provide two-way voice communication on the public switched network; (c) wireless enhanced 911 service; (d) wireline enhanced 911 service; (e) interconnected VoIP service; (f) IP-enabled service; or (g) prepaid wireless service.

“Communication Service Provider”, an entity that provides communication services to a subscriber.

"Deaf", a severe to profound hearing loss, which, in the majority of circumstances, resulting in an inability to effectively use a conventional telephone without the assistance of a test telephone or other nonvoice terminal device.

“Department” the State 911 department.

"Disability", a physical, cognitive, sensory or mental impairment that substantially limits one or more major activity such as caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning and working, and results in an inability to use a telephone without the assistance of specialized telephone equipment.

"Hard of hearing", a hearing loss, which, in the majority of circumstances, results in an inability to effectively use a telephone without the assistance of a sound amplification control or telephone without the use of a hearing aid and a hearing aid compatible handset.

“Hearing carry over” or “HCO”, a form of telecommunications relay service, or TRS, where the person with the speech disability is able to listen to the other end user and, in reply, the third party speaks the text as typed by the person with the speech disability. The third party does not type any conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for hearing and the other for sending text telephone, or TTY, messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.

"Public coin and coinless telephone service", telephones operated by coin or credit card located in high volume traffic areas that return substantial revenue, including, but not limited to, police stations, hospitals, airports, bus terminals, train stations, libraries, social security, medicaid and medicare offices, and shopping centers.

"Semi-public coin and coinless telephone service", telephones operated by coin or credit card located in low volume traffic areas that return moderate revenue, including, but not limited to, convalescent homes, elderly housing complexes and small meeting houses.

"SCPE", specialized, customer-premises equipment, such as artificial larynxes, signaling devices, amplified handset, telephones, hands-free telephones, text telephones, memory telephones, direct telephone dialing, braille text telephones, captioned telephone, and other devices which provide access to telephone networks for people with a hearing, speech, vision, mobility or cognitive disability.

"SCPE distribution service", a system of administration and record keeping, as well as distribution, repair and replacement of SCPE units for certified subscribers.

"Text telephone" or "TTY", a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY supersedes the term "TDD" or "telecommunications device for the deaf," and TT.

"Telecommunications relay service" or "TRS", a telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. Such terms include services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to-speech services, and non-English relay services. TRS supersedes the terms "dual party relay system," "message relay services," and "TDD Relay."

"Voice carry over service", or "VCO", a form of TRS where the person with the hearing disability is able to speak directly to the other end user. The third party types the response back to the person with the hearing disability. The third party does not voice the conversation. Two-line VCO is a VCO service that allows TRS users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take place

between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

(b) The department shall provide and maintain a SCPE distribution service, and shall make such services available to any residential subscriber who is (i) certified by the Massachusetts commission on the deaf and hard of hearing as sufficiently deaf or hard of hearing to be in need of SCPE equipment, (ii) certified by the Massachusetts commission for the blind as sufficiently visually impaired to be in need of SCPE equipment, or (iii) certified by the Massachusetts rehabilitation commission as otherwise sufficiently disabled to be in need of SCPE equipment. Each commission may designate the department to administer the certification process required under this section. For the purposes of making this certification, the respective aforementioned commissions shall require a written verification of the alleged disabilities by a physician, certified audiologist or optometrist, or other medical professional qualified to verify the disability in question, and licensed to do business in the commonwealth. The department, upon the request of a certified subscriber, shall provide SCPE equipment to the requesting subscriber; provided, however that subject to the provisions of this subsection and subsection (c), the SCPE distribution service shall include the reasonable distribution and replacement of SCPE equipment free of charge, to certified subscribers. Such service shall be provided free of charge, or at reduced rates if the department of telecommunications and cable first certifies that said requesting subscriber is unable to afford said SCPE equipment at its full cost. Any reduced rate shall be in accordance with a rate schedule established by the department of telecommunications and cable.

(c) The department and the Massachusetts commission of the deaf and hard of hearing shall review such services specified in subsection (b) and make recommendations to the department of telecommunications and cable as to whether it conforms with the provisions herein. Said department of telecommunications and cable shall promulgate rules and regulations necessary to carry out the provisions of this section; provided, however, that prior to such implementation of such services pursuant to subsection (b) the department and the Massachusetts commission on the deaf and hard of hearing shall issue a request for proposals subject to the department of telecommunications and cable's review and approval seeking competitive bids from qualified vendors to provide the aforementioned services. Communications services providers shall be permitted to submit a competitive bid to provide the aforementioned services. In any rate proceeding conducted pursuant to chapter 159 of the General Laws in which a common carrier

seeks to reflect the costs for such services in rates said carrier shall submit to the department of telecommunications and cable such information about said requests for proposals so that the department of telecommunications and cable may determine said carrier is providing such services at a cost to said carrier that reflects the least cost to its ratepayers with due regard for standards of reliability and quality that are consistent with the public interest.

(d) The department shall encourage prospective vendors of telecommunications relay service to provide such service from a center located within the commonwealth using residents of the commonwealth as employees of said center. Preference in employment at said center shall be given to people with disabilities as defined by this section. Specialty types of TRS shall not be required to be provided from a telecommunications service center located in the commonwealth.

(e) The department and the Massachusetts commission of the deaf and hard of hearing shall review such services and make recommendations to the department of telecommunications and cable as to whether it conforms with the provisions herein. The department of telecommunications and cable shall promulgate rules and regulations necessary to carry out the provisions of this section; provided, however, that prior to such implementation of such services pursuant to subsection (d) the department and the Massachusetts commission on the deaf and hard of hearing shall issue a request for proposals subject to the department of telecommunications and cable's review and approval seeking competitive bids from qualified vendors to provide the aforementioned services. Communication services providers shall be permitted to submit a competitive bid to provide the aforementioned services. In any rate proceeding conducted pursuant to chapter 159 of the General Laws in which a common carrier seeks to reflect the costs for such services in rates said carrier shall submit to the department of telecommunications and cable such information about said requests for proposals so that the department of telecommunications and cable may determine said carrier is providing such services at a cost to said carrier that reflects the least cost to its ratepayers with due regard for standards of reliability and quality that are consistent with the public interest.

(f) The department of telecommunications and cable, in accordance with its certification by the FCC pursuant to 47 CFR 64.604 and 64.605(b), shall have general oversight over all aspects of the provision of the SCPE and TRS programs, unless such certification is not renewed or is revoked. Such oversight includes, but

is not limited to, authority over the rates, terms, and conditions, service quality, and enforcement of federal minimum standards for the provision of such services.

(g) Any person, firm, corporation or other entity that provides public coin or coinless telephone service or semi-public coin or coinless telephone service, shall provide and maintain its public or semi-public telephones with a minimum of 25 percent of its public or semi-public telephones with controls for sound amplification of incoming transmission consistent with Massachusetts Architectural Access Code, codified at 521 CMR 1.0 et.seq.

(h) There shall be an advisory committee on accessibility to communication services for disabled persons. Said advisory committee shall consist of the secretary of health and human services or his designee; the commissioner of the Massachusetts commission for the deaf and hard of hearing or his designee; the commissioner of the Massachusetts rehabilitation commission or his designee; the commissioner of the Massachusetts commission for the blind or his designee; the director of the Massachusetts office on disability or his designee; and 12 persons to be appointed by the governor, 2 of whom shall be persons who are deaf, 2 of whom shall be persons who are hard of hearing, and 2 who are blind, 2 with other significant vision impairments, 2 with impaired speech, and 2 with impaired mobility or motor skills. Each such member of the advisory committee shall serve for a term of 3 years. The chairperson of the advisory council shall be appointed by the governor and shall serve in this function for a term of 1 year. Said advisory council shall meet at least quarterly and shall make recommendations to the department and the department of telecommunications and cable on all matters of policy related to communication services and equipment for people with disabilities.

(i) The department and the department of telecommunications and cable shall each promulgate necessary regulations relative to the provisions of this section after consultation with the advisory committee on accessibility to telephone service for disabled persons.

SECTION 16. Section 35W of chapter 10 of the General Laws is hereby repealed.

SECTION 17. Section 35W1/2 of said chapter 10 is hereby repealed.

SECTION 18. Said chapter is hereby amended by inserting after section 35FF the following section:-

Section 35GG. (a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the enhanced 911 fund. There shall be credited to such fund all revenues received by the commonwealth from surcharges imposed under section 18H of chapter 6A; from appropriations; from gifts, grants, contributions and bequests of funds from any department, agency or subdivision of federal, state or municipal government, and any individual foundation, corporation, association or public authority; revenue derived from the investment of amounts credited to the fund; and any federal funds made available for emergency telecommunication services. The fund shall be used solely for the purposes described in sections 18A through 18J of said chapter 6A.

(b) Amounts credited to the fund shall be available for expenditure by the state 911 department, without further appropriation. The state 911 department shall report annually to the general court its planned expenditures for the next fiscal year; the uses to which the fund was used in the last fiscal year and the balance remaining in the fund; and the aggregate surcharges collected in the last fiscal year based upon monthly reports of communication services providers as required under subsection (f) of section 18H of chapter 6A. The report shall also include a request, if necessary, for appropriation for deposit in the fund.

SECTION 19. Notwithstanding any general or special law to the contrary, balances as of June 30, 2008 in the Wireless Enhanced 911 Fund as established by chapter 61 of the acts of 2002, and in the Wireline Enhanced 911 Fund as established by chapter 149 of the acts of 2004, shall be transferred and deposited into the Enhanced 911 Fund as established by section 18 of this act. All revenue remitted after June 30, 2008 from 911 surcharges in effect under sections 18H and 18H1/2 of chapter 6A through June 30, 2008 shall be deposited into the enhanced 911 fund established by section 18 of this act.

SECTION 20. Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations of the statewide emergency telecommunications board, as the transferor agency, to the state 911 department, as the transferee agency, as follows:

(a) Subject to appropriation, the employees of the statewide emergency telecommunications board, including those who immediately before the effective date of this act hold permanent appointment in positions classified under chapter

31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are hereby transferred to the state 911 department, without interruption of service within the meaning of said section 9A of said chapter 31, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws.

Notwithstanding any general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E.

Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension discharge layoff or abolition of position not prohibited before such date.

(b) All petitions, requests, investigations and other proceedings appropriately and duly brought before the statewide emergency telecommunications board or duly begun by the transferor agency and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the state 911 department.

(c) All orders, rules and regulations duly made and all approvals duly granted by the statewide emergency telecommunications board, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the state 911 department .

(d) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of the statewide emergency telecommunications board shall be transferred to the state 911 department.

(e) All duly existing contracts, leases and obligations of the statewide emergency telecommunications board shall continue in effect but shall be assumed by the state 911 department. No existing right or remedy of any character shall be lost, impaired or affected by this act.

(f) All references in any general or special law to the statewide emergency telecommunications board or the principal officer thereof shall be deemed to refer to the state 911 department or the principal officer thereof.

SECTION 21. Sections 1 through 14, sections 16 through 17, and section 20 of this Act shall become effective on July 1, 2008.

SECTION 22. Sections 18 and 19 of this act shall become effective on June 10, 2008.

SECTION 23. Section 15 of this act shall become effective on January 1, 2009.