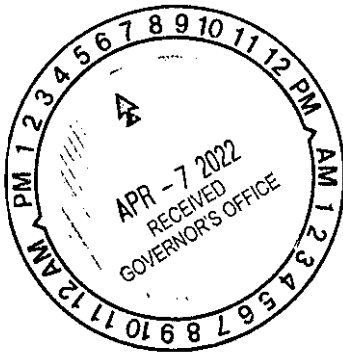


ACT #2022 - 387

1 HB414
2 217281-6
3 By Representatives Oliver, Hurst, Lipscomb, Sorrells, Smith,
4 Robertson, Wood (D), Fincher, Isbell, Dismukes, Marques and
5 Stringer
6 RFD: Public Safety and Homeland Security
7 First Read: 24-FEB-22



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ENROLLED, An Act,
Relating to the statewide 911 Board; to amend
Sections 11-98-1, 11-98-4.1, and 11-98-11, Code of Alabama
1975, to authorize the board to provide for the certification
of public safety telecommunicators; to require a public safety
telecommunicator at a Public Safety Answering Point (PSAP) to
remain on an emergency call until the person is connected with
the appropriate provider of emergency services; to require a
communications district to provide a reasonable alternative
method for responding to emergency calls; and to provide
certification requirements for public safety
telecommunicators.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-98-1, 11-98-4.1, and
11-98-11, Code of Alabama 1975, are amended to read as
follows:

"§11-98-1.

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

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

1 means an enhanced 911 service capability that enables
2 identification of the subscriber.

3 "(2) CALL or 911 CALL. Any request for public safety
4 assistance that the PSAP is equipped to receive, without
5 regard to the media used to make that request; provided,
6 however, that the term may appear in conjunction with specific
7 media, including voice call, video call, text call, or
8 data-only call, when the specific media is of importance.

9 ~~"(2)~~ (3) CMRS. Commercial mobile radio service under
10 Sections 3(27) and 332(d) of the Federal Telecommunications
11 Act of 1996, 47 U.S.C. § 151 et seq., and Omnibus Budget
12 Reconciliation Act of 1993, Pub. L. 103-66, Aug. 10, 1993, 107
13 Stat. 312. The term includes the term wireless and service
14 provider by any wireless real time two-way voice communication
15 device, including radio-telephone communications used in
16 cellular telephone service, personal communication service, or
17 the functional or competitive equivalent of a radio-telephone
18 communications line used in cellular telephone service, a
19 personal communication service, or a network radio access
20 line. The term does not include service whose customers do not
21 have access to 911 or to an enhanced 911-like service, to a
22 communications channel suitable only for data transmission, to
23 a wireless roaming service or other non-local radio access
24 line service, or to a private telecommunications system.

1 "~~(3)~~ (4) CMRS CONNECTION. Each mobile telephone
2 number assigned to a CMRS subscriber with a place of primary
3 use in Alabama.

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

6 "~~(5)~~ (6) 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 district within its respective jurisdiction in accordance with
10 this chapter.

11 "~~(6)~~ (7) 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 "~~(7)~~ (8) DISTRICT. A communication district created
17 pursuant to this chapter.

18 "~~(13)~~ ~~PUBLIC SAFETY AGENCY~~ (9) EMERGENCY SERVICE
19 PROVIDER. An agency of the State of Alabama, or a ~~functional~~
20 ~~division of a~~ political subdivision thereof, that provides
21 fire fighting, rescue, natural or man-caused disaster, or
22 major emergency response, public safety telecommunication and
23 dispatch, law enforcement, ambulance, or emergency medical
24 services. The term also includes private ambulance services.

1 "~~(8)~~ (10) ENHANCED 911, E-911, or E-911 SYSTEM. An
2 emergency telephone system that directs 911 calls to
3 appropriate public safety answering points by selective
4 routing based on the geographical location from which the call
5 originated, that provides the capability for automatic number
6 identification, and the features that the Federal
7 Communications Commission may require in the future. Such
8 system may include lines, facilities, and equipment necessary
9 for answering, transferring, and dispatching public emergency
10 telephone calls originated by persons within the service area
11 who dial 911, but does not include dial tone first which may
12 be made available by the service provider based on the ability
13 to recover the costs associated with its implementation and,
14 to the extent required by law, consistent with tariffs with
15 and approved by the Alabama Public Service Commission.

16 "~~(9)~~ (11) 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 "(12) FIRST RESPONDER. An individual who rapidly
20 receives and responds to emergency situations to protect life
21 and property. The term includes law enforcement officers, fire
22 fighters, rescue squads, emergency medical service providers,
23 public safety telecommunicators, and any other emergency
24 management providers responding to an emergency situation.

1 "~~(10)~~ (13) OTHER ORIGINATING SERVICE PROVIDER. An
2 entity 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)~~ (14) PHASE II ENHANCED 911. An enhanced 911
6 system that identifies the location of all 911 calls by
7 longitude and latitude in conformance with accuracy
8 requirements established by the Federal Communications
9 Commission.

10 "~~(12)~~ (15) PLACE OF PRIMARY USE. The street address
11 representative of where the customer's use of the mobile
12 telecommunications service primarily occurs, which must be:

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

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

17 "(16) PUBLIC SAFETY ANSWERING POINT or PSAP. An
18 entity responsible for receiving 911 calls and processing
19 those calls according to a specific operational policy.

20 "(17) PUBLIC SAFETY TELECOMMUNICATOR. A person
21 employed by a public safety answering point or emergency
22 service provider as a public safety dispatcher or 911 operator
23 whose duties and responsibilities include both of the
24 following:

1 "a. Answering, receiving, transferring, and
2 dispatching functions related to 911 calls and texts.

3 "b. Dispatching first responders to the scene of an
4 emergency.

5 "~~(14)~~ (18) STATEWIDE 911 BOARD or 911 BOARD. The
6 statewide 911 Board established pursuant to Section 11-98-4.1.

7 "~~(15)~~ (19) STATEWIDE 911 CHARGE. The statewide 911
8 charge created pursuant to Section 11-98-5.

9 "~~(16)~~ (20) SUBSCRIBER. A person who purchases or
10 subscribes to a voice communications service and is able to
11 receive it or use it periodically over time; provided,
12 however, that for purposes of the imposition and collection of
13 the statewide 911 charge the term subscriber shall not include
14 the State of Alabama, the counties within the state,
15 incorporated municipalities of the State of Alabama, county
16 and city school boards, independent school boards, and all
17 educational institutions and agencies of the State of Alabama,
18 the counties within the state, or any incorporated
19 municipalities of the State of Alabama.

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

1 service provider or by its employees, directors, officers, or
2 agents.

3 "~~(18)~~ (22) VOICE COMMUNICATIONS SERVICE. Any of the
4 following:

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

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

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

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

16 "~~(19)~~ (23) VOICE COMMUNICATIONS SERVICE PROVIDER. An
17 entity that provides voice communications service to a
18 subscriber in the State of Alabama.

19 "(b) The terms department, prepaid retail,
20 transaction, prepaid wireless telephone service, and prepaid
21 wireless consumer shall have those meanings ascribed to them
22 in Section 11-98-5.3.

23 "§11-98-4.1.

24 "(a) There is created a statewide 911 Board. The
25 board shall be comprised of 13 members ~~that shall reflect the~~

1 ~~racial, gender, geographic, urban/rural, and economic~~
2 ~~diversity of the state.~~ All appointing authorities shall
3 coordinate their appointments ~~so that diversity of gender,~~
4 ~~race, and geographical areas is reflective of the makeup of~~
5 ~~this state~~ to assure the board membership is inclusive and
6 reflects the racial, gender, geographic, urban, rural, and
7 economic diversity of the state. The 911 Board shall be
8 created effective July 1, 2012, and until the effective date
9 of the statewide 911 charge pursuant to Section 11-98-5, with
10 cooperation of the CMRS Board, shall plan for the
11 implementation of the statewide 911 charge and the
12 distribution of the revenues as provided herein. The
13 reasonable administrative expenses incurred by the 911 Board
14 prior to the implementation of the statewide 911 charge may be
15 deducted from the existing CMRS Fund. Upon the effective date
16 of the new statewide 911 charge, the 911 Board shall replace
17 and supersede the CMRS Board formerly created pursuant to this
18 chapter, and the CMRS Fund shall be incorporated into, and
19 considered part of, the 911 Fund.

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

23 " (1) Seven members recommended by the Alabama
24 Association of 911 Districts, one from each of the seven
25 congressional districts, with each district representative

1 recommended selected by vote of the Alabama Association of 911
 2 Districts members from that congressional district. The
 3 initial appointments shall include the three district
 4 representatives on the CMRS Board who shall serve through
 5 March 31, 2014, and a member from the first, third, fifth, and
 6 seventh congressional districts as provided herein. Following
 7 the March 31, 2014, expiration of the terms of the district
 8 representatives drawn from the CMRS Board, the Governor shall
 9 appoint a member recommended by the Association of 911
 10 Districts from each of the second, fourth, and sixth
 11 congressional districts, it being the intent of this section
 12 that each of the seven district representatives on the board
 13 be from a different congressional district, as such districts
 14 exist on May 8, 2012.

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)

1 the three members of the CMRS Board who are appointed pursuant
2 to subdivision (1) of subsection (b) to terms ending on March
3 31, 2014; and (4) the remaining member for a two-year term.
4 Thereafter, board members shall serve staggered terms of four
5 years. In the event of a vacancy, the vacancy shall be filled
6 for the balance of the unexpired term in the same manner as
7 the original appointment. Any vacancy occurring on the 911
8 Board, whether for an expired or unexpired term, shall be
9 filled by appointment as soon as practicable after the vacancy
10 occurs, whether for an expired or unexpired term.

11 "(d) For all terms expiring after June 1, 2014, the
12 governmental entities or industry groups identified in
13 subsection (b) shall recommend at least two different persons
14 for each board position for which they are charged with making
15 a recommendation, with the Governor appointing a member from
16 among such recommended candidates. For all terms expiring
17 after July 1, 2015, appointments made by the Governor shall be
18 subject to confirmation by the Senate as provided in this
19 subsection. Appointments made at times when the Senate is not
20 in session shall be effective immediately ad interim and shall
21 serve until the Senate acts on the appointment as provided
22 herein. Any appointment made while the Senate is not in
23 session shall be submitted to the Senate not later than the
24 third legislative day following the reconvening of the
25 Legislature. In the event the Senate fails or refuses to act

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

4 "(e) The statewide 911 Board shall have the
5 following powers and duties:

6 "(1) To develop and publish a 911 Annual Report. In
7 fulfilling this duty, the 911 Board shall monitor trends in
8 voice communications service technology and in enhanced 911
9 service technology, investigate, and incorporate Geographical
10 Information Systems (GIS) mapping and other resources into the
11 report, and include recommended strategies for the efficient
12 and effective delivery of enhanced 911 service. In addition,
13 the board shall study the rates charged for 911 services and
14 make adjustments to the rates as provided in this chapter;
15 recommend any statutory changes necessary to ensure the most
16 efficient and effective delivery of 911 services in Alabama
17 over both the long- and short-term; and provide a copy of its
18 911 Annual Report to members of the boards of the districts in
19 the state through the Alabama Association of 911 Districts.

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

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

24 "(4) To establish policies and procedures, adopted
25 in accordance with the Alabama Administrative Procedure Act,

1 to fund advisory services, grants, and training for districts
2 and to provide funds in accordance with these policies and
3 procedures to the extent funds are available.

4 "(5) To make and enter into contracts and agreements
5 necessary or incidental to the performance of its powers and
6 duties under this chapter and to use revenue available to the
7 911 Board under Section 11-98-5 for administrative expenses to
8 pay its obligations under the contracts and agreements.

9 "(6) To accept gifts, grants, or other money for the
10 911 Fund.

11 "(7) To undertake its duties in a manner that is
12 competitively and technologically neutral as to all voice
13 communications service providers.

14 "(8) To administer the deployment and operation of a
15 statewide 911 voice and data system that utilizes emerging
16 communication technologies that are capable of connecting to a
17 911 system and delivering 911 and emergency information to
18 districts. The board shall use its available revenue to pay
19 obligations under the contracts and agreements for a statewide
20 911 voice and data system.

21 "(9) To establish a certification program to train
22 and certify public safety telecommunicators employed by a
23 primary PSAP receiving 911 calls, including establishing
24 minimum core competency topics and minimum number of training
25 hours, deciding whether a written examination is required, and

1 any necessary certification requirements, to the extent funds
 2 are available to cover all costs for the training established
 3 by the board. The board may establish rules for enforcement of
 4 those PSAPs that fail to participate in the certification
 5 program. Notwithstanding the foregoing, the training and
 6 certification requirements of this section shall not apply to
 7 any public safety telecommunicator employed by the state or an
 8 agency or department thereof.

9 ~~"(10) To establish penalties, including suspension~~
 10 ~~or revocation of certification, for violations of board rules.~~

11 ~~"(9) (11)~~ (10) To adopt rules in accordance with the
 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 the active service
 16 connections of other originating service providers that are
 17 technically capable of accessing a 911 system, subject to the
 18 provisions applicable to voice communications service
 19 providers under this chapter.

20 ~~"(10) (12)~~ (11) To take other necessary and proper
 21 action to implement this chapter.

22 "\$11-98-11.

23 "(a) The ~~emergency telephone~~ enhanced 911 system
 24 shall be designed to have the capability of utilizing at least

1 one of the following ~~four~~ methods in response to emergency
 2 calls:

3 "(1) Direct dispatch method, which is a ~~telephone~~
 4 service to a centralized dispatch center providing for the
 5 dispatch of an appropriate emergency service unit upon receipt
 6 of a ~~telephone~~ request for ~~such~~ services and a decision as to
 7 the proper action to be taken.

8 "(2) Relay method, which is a ~~telephone~~ service
 9 whereby pertinent information is noted by the recipient of a
 10 ~~telephone~~ request for emergency services, and is relayed to
 11 the appropriate public safety agencies emergency service
 12 providers or other providers of emergency services for
 13 dispatch of an emergency service unit.

14 "(3) Transfer method, which is a ~~telephone~~ service
 15 which receives ~~telephone~~ requests for emergency services and
 16 directly transfers ~~such~~ the requests to an appropriate ~~public~~
 17 ~~safety agency~~ emergency service provider or other provider of
 18 emergency services.

19 "(4) Referral method, which is a ~~telephone~~ service
 20 which, upon the receipt of a ~~telephone~~ request for emergency
 21 services, provides the requesting party with the telephone
 22 number or other contact information of the appropriate ~~public~~
 23 ~~safety agency~~ emergency service provider or other provider of
 24 emergency services.

1 "(b) (1) The board of commissioners of ~~the~~ each
2 district shall select the method or methods which it
3 determines to be the most feasible for the county or
4 municipality.

5 "(2) In addition to the method selected under
6 subdivision (1), the board of commissioners of each district
7 shall select one or more reasonable alternative methods to
8 respond to emergency calls in the district in the event the
9 primary method under subdivision (1) fails or is otherwise
10 rendered temporarily unavailable. The reasonable alternative
11 method authorized under this subdivision may include a method
12 not specifically enumerated under subsection (a).

13 "(c) Notwithstanding any other law to the contrary,
14 regardless of the method of response selected by the board of
15 commissioners pursuant to subsection (b), the 911 operator at
16 a Public Safety Answering Point (PSAP) who answers an
17 emergency call of 911 shall remain on the call with the person
18 commissioners pursuant to subsection (b), a PSAP shall require
19 911 operator who answers a 911 call at the PSAP to remaining
20 on the call with the person until the PSAP has connected the
21 person with the appropriate provider of emergency services."

22 "(d) Nothing in this chapter shall expand the
23 obligations of any CMRS, voice communications, or other
24 originating service provider to transmit, convey, or route a
25 voice call, video call, text call, data-only call, or any

1 other request for assistance to an emergency service provider
2 beyond the requirements set forth under federal law and valid
3 regulations of the Federal Communications Commission."

4 Section 2. ~~(a) Beginning on the effective date of~~
5 ~~this act, a person may not perform the duties of a public~~
6 ~~safety telecommunicator, as defined in Section 11-98-1, Code~~
7 ~~of Alabama 1975, unless the person is certified by the~~
8 ~~statewide 911 Board.~~

9 ~~(b) In order for an individual to be certified as a~~
10 ~~public safety telecommunicator, the individual shall do all of~~
11 ~~the following:~~

12 ~~(1) Complete the minimum basic training requirements~~
13 ~~established by the board pursuant to Section 11-98-4.1, Code~~
14 ~~of Alabama 1975.~~

15 ~~(2) Submit a certificate of completion of the~~
16 ~~approved training program to the board.~~

17 ~~(3) On an annual basis, complete a minimum number of~~
18 ~~hours of continuing education, and submit of proof thereof to~~
19 ~~the board.~~

20 ~~(4) Any other requirement set by the board by rule.~~

21 ~~(c) The requirements of subdivisions (b) (1) and~~
22 ~~(b) (2) do not apply to a person who performs the duties of a~~
23 ~~public safety telecommunicator as of June 30, 2022.~~

24 On or after the effective date of this act, an
25 individual performing the duties of a public safety

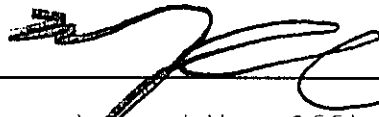
1 telecommunicator, as defined in Section 11-98-1, Code of
2 Alabama 1975, and employed by a primary PSAP receiving 911
3 calls, shall be certified under rules established by the
4 Statewide 911 Board. Individuals hired on or after the
5 effective date of this act shall have 180 days to be enrolled
6 in the certification process, but shall be allowed to perform
7 the duties of a public safety telecommunicator without
8 certification until the expiration of the 180-day period. Any
9 individual performing the duties of public safety
10 telecommunicator for a primary PSAP receiving 911 calls on or
11 before June 30, 2022, shall not be required to complete the
12 coursework to be certified under rules established by the
13 board.

14 Section 3. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.

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Mac McClatchey

Speaker of the House of Representatives



President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 15-MAR-22, as amended.

Jeff Woodard
Clerk

Senate	<u>06-APR-22</u>	Amended and Passed
House	<u>07-APR-22</u>	Concurred in Senate Amendment

APPROVED

4-14-2022

TIME

8:45 AM

Kay Ivey

GOVERNOR

Alabama Secretary Of State

Act Num....: 2022-387
Bill Num....: H-414

ENSOR

Oliver

PONSORS

- Hurst
- Lipscomb
- Sorrells
- Smith
- Robertson
- Wood (D)
- Fincher
- sbell
- Dismukes
- Marques
- Stringer

2-11-75

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 414

YEAS 10 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees

DATE:

3-15

2022

RD 1 RFD

JUDY

This Bill was referred to the Standing Committee of the Senate on

Judiciary

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) 1 w/sub 0 by a vote of

yeas 10 nays 0 abstain

this 30th day of March 2022

[Signature], Chairperson

DATE:

3-30

2020

RF

FAU AMO(1)

RD 2 CAL

DATE:

20

RE-REFERRED

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB

YEAS NAYS

PATRICK HARRIS,
Secretary

FURTHER SENATE ACTION (OVER)