

**CS FOR HOUSE BILL NO. 186(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/10/01

Referred: Rules

Sponsor(s): REPRESENTATIVE MEYER

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to a municipal enhanced 911 surcharge on wireless telephones."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** AS 29.35.131(a) is amended to read:

4 (a) A municipality may, by resolution or ordinance, elect to provide an  
5 enhanced 911 system at public safety answering points, may purchase or lease the  
6 enhanced 911 equipment or service required to establish or maintain an enhanced 911  
7 system at public safety answering points from a local exchange telephone company or  
8 other qualified vendor, and may impose **an enhanced** [A] 911 surcharge, in an amount  
9 to be determined by the municipality, on all local exchange access lines **that provide**  
10 **telephone service to wireline telephones** in the area to be served by the enhanced  
11 911 system. **A municipality that provides services under an enhanced 911 system**  
12 **may also by resolution or ordinance impose an enhanced 911 surcharge on each**  
13 **wireless telephone number that is billed to an address within the enhanced 911**  
14 **service area.** For a municipality with a population of 100,000 or more, **an enhanced**  
15 **911** [THE] surcharge may not exceed 50 cents per month **for each wireless telephone**

1 number or 50 cents per month for each [PER] local exchange access line for  
 2 wireline telephones. For a municipality with fewer than 100,000 people, an  
 3 enhanced 911 [THE] surcharge may not exceed 75 cents per month for each wireless  
 4 telephone number or 75 cents per month for each [PER] local exchange access line  
 5 for wireline telephones. An enhanced 911 service area [THE AREA SERVED BY  
 6 A SYSTEM] may be all of a city, all of a unified municipality, or all or part of the area  
 7 within a borough and may include the extraterritorial jurisdiction of a municipality in  
 8 accordance with AS 29.35.020. The governing body of a municipality shall review an  
 9 enhanced [THE] 911 surcharge annually to determine whether the current level of the  
 10 surcharge is adequate, excessive, or insufficient to meet anticipated enhanced 911  
 11 system needs. The municipality may only use the enhanced 911 surcharge for the  
 12 enhanced 911 system.

13 \* **Sec. 2.** AS 29.35.131(b) is amended to read:

14 (b) A local exchange telephone company providing service in a municipality  
 15 that has imposed an enhanced [A] 911 surcharge shall bill each month and collect  
 16 the surcharge from customers in the enhanced [DESIGNATED] 911 service area. A  
 17 wireless telephone company that provides telephone service to wireless telephone  
 18 customers with billing addresses within the enhanced 911 service area shall  
 19 impose an enhanced 911 surcharge each month and collect the surcharge from  
 20 customers in the enhanced 911 service area. A local exchange telephone customer  
 21 may not be subject to more than one enhanced 911 surcharge on a local exchange  
 22 access line for a wireline telephone. A wireless telephone customer may not be  
 23 subject to more than one enhanced 911 surcharge for each wireless telephone  
 24 number. A customer that has more than 100 local exchange access lines from a local  
 25 exchange telephone company in the municipality is liable for the enhanced 911  
 26 surcharge only on 100 local exchange access lines.

27 \* **Sec. 3.** AS 29.35.131(c) is amended to read:

28 (c) A local exchange telephone company or wireless telephone company  
 29 shall include the appropriate enhanced 911 surcharge, stated separately and included  
 30 in the total amount owed, in the bills delivered to its customers. The Regulatory  
 31 Commission of Alaska may not consider the enhanced 911 surcharge as revenue of

1 the [LOCAL EXCHANGE] telephone company and has no jurisdiction over an  
 2 enhanced 911 system. A [LOCAL EXCHANGE SERVICE] customer is liable for  
 3 payment of the **enhanced** 911 surcharge in the amounts billed by the [LOCAL  
 4 EXCHANGE] telephone company until the amounts have been paid to the telephone  
 5 company.

6 \* **Sec. 4.** AS 29.35.131(d) is amended to read:

7 (d) A local exchange telephone company **or wireless telephone company** that  
 8 has collected the **enhanced** 911 surcharge shall remit the amounts collected to the  
 9 municipality no later than 60 days after the end of the month in which the amount was  
 10 collected. From each remittance made in a timely manner under this subsection, the  
 11 [LOCAL EXCHANGE] telephone company is entitled to deduct and retain the greater  
 12 of one percent of the collected amount or \$150 as the cost of administration for  
 13 collecting the **enhanced** 911 surcharge. **In addition, a wireless telephone company**  
 14 **is entitled to full recovery of the recurring and nonrecurring costs associated with**  
 15 **implementation and operation of Phase I E911 service as allowed under Federal**  
 16 **Communications Commission proceedings entitled "Revision of the**  
 17 **Commission's Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency**  
 18 **Calling Systems" (CC Docket No. 94 - 102; RM - 8143).**

19 \* **Sec. 5.** AS 29.35.131(e) is amended to read:

20 (e) A local exchange telephone company **or wireless telephone company** is  
 21 not obligated to take legal action to enforce collection of the **enhanced** 911 surcharge.  
 22 However, if a [LOCAL EXCHANGE] telephone company is attempting to collect an  
 23 unpaid debt from a [LOCAL EXCHANGE SERVICE] customer, the telephone  
 24 company shall also attempt to collect any unpaid **enhanced** 911 surcharge that the  
 25 customer owes. If a customer pays a portion of a bill that includes **an enhanced** [A]  
 26 911 surcharge, the amount paid shall be prorated between the telephone company and  
 27 the **enhanced** 911 surcharge. The **telephone** company shall annually provide the  
 28 municipality with a list of the amounts due for the nonpayment of **enhanced** 911  
 29 [EMERGENCY] surcharges, together with the names and addresses of those  
 30 customers who carry a balance that can be determined by the **telephone** company to  
 31 be for the nonpayment of the **enhanced** 911 [EMERGENCY] surcharges. The

1 [LOCAL EXCHANGE] telephone company is not liable for uncollected amounts.

2 \* **Sec. 6.** AS 29.35.131(f) is amended to read:

3 (f) The municipality may, at its own expense, require an annual audit of a  
4 local exchange telephone company's or wireless telephone company's books and  
5 records concerning the collection and remittance of the **enhanced** 911 surcharge.

6 \* **Sec. 7.** AS 29.35.133(a) is amended to read:

7 (a) The establishment, funding, use, operation, or maintenance of enhanced  
8 911 systems and all activities associated with those actions are specifically found to be  
9 within the ambit of AS 09.50.250(1) and AS 09.65.070(d)(6). Except for intentional  
10 acts of misconduct or gross negligence, a service supplier, local exchange telephone  
11 company, or **wireless** [MOBILE] telephone company [, INCLUDING A CELLULAR  
12 SERVICE COMPANY,] and their employees and agents [,] are also immune from tort  
13 liability that might otherwise be incurred in the course of installing, training,  
14 maintaining, or providing enhanced 911 systems or transmitting or receiving calls on  
15 the system.

16 \* **Sec. 8.** AS 29.35.137(1) is amended to read:

17 (1) ["911 SERVICE AREA" OR] "enhanced 911 service area" means  
18 the area within a municipality's jurisdiction that has been designated to receive  
19 enhanced 911 service; the designation of an area to receive an enhanced 911 system  
20 under AS 29.35.131(a) does not designate the area as a "service area" for purposes of  
21 art. X, sec. 5, Constitution of the State of Alaska;

22 \* **Sec. 9.** AS 29.35.137(3) is amended to read:

23 (3) "enhanced 911 system" [OR "SYSTEM"] means a telephone  
24 system consisting of network, database, and enhanced 911 equipment that uses the  
25 single three digit number, 911, for reporting a police, fire, medical, or other  
26 emergency situation, and that enables the users of a public telephone system to reach a  
27 public safety answering point to report emergencies by dialing 911; an enhanced 911  
28 system includes the personnel required to acquire, install, operate, and maintain the  
29 system **and its facilities and to dispatch the calls generated by the system;**

30 \* **Sec. 10.** AS 29.35.137 is amended by adding new paragraphs to read:

31 (9) "wireless telephone" means a telephone that is not a wireline

1 telephone and includes cellular and mobile telephones; each wireless telephone  
2 number is considered to be a separate wireless telephone;

3 (10) "wireless telephone company" means a telephone utility that  
4 provides telephone service for wireless telephone customers who receive monthly or  
5 periodic bills sent to an address within a designated enhanced 911 service area;

6 (11) "wireline telephone" means a telephone that uses a local exchange  
7 access line.