

**HOUSE BILL NO. 186**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE MEYER**

**Introduced: 3/15/01**

**Referred: Community and Regional Affairs, Labor and Commerce**

**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.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 LEGISLATIVE FINDINGS. The legislature finds that, under Federal  
6 Communications Commission proceedings entitled "Revision of the Commission's Rules to  
7 Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems" (CC Docket No. 94  
8 - 102; RM - 8143), implementation and operation of an enhanced 911 service for wireless  
9 telephones would require tracking of calls similar to that provided for wireline calls, as well  
10 as allow for cost recovery by the wireless telephone companies for the service.

11 \* **Sec. 2.** AS 29.35.131(a) is amended to read:

12 (a) A municipality may, by resolution or ordinance, elect to provide an  
13 enhanced 911 system at public safety answering points, may purchase or lease the  
14 enhanced 911 equipment or service required to establish or maintain an enhanced 911  
15 system at public safety answering points from a local exchange telephone company or

1 other qualified vendor, and may impose **an enhanced** [A] 911 surcharge, in an amount  
 2 to be determined by the municipality, on all local exchange access lines **that provide**  
 3 **telephone service to wireline telephones** in the area to be served by the enhanced  
 4 911 system. **A municipality that provides services under an enhanced 911 system**  
 5 **may also by resolution or ordinance impose an enhanced 911 surcharge on each**  
 6 **wireless telephone number that is billed to an address within the enhanced 911**  
 7 **service area.** For a municipality with a population of 100,000 or more, **an enhanced**  
 8 **911** [THE] surcharge may not exceed 50 cents per month **for each wireless telephone**  
 9 **number or 50 cents per month for each** [PER] local exchange access line **for**  
 10 **wireline telephones.** For a municipality with fewer than 100,000 people, **an**  
 11 **enhanced 911** [THE] surcharge may not exceed 75 cents per month **for each wireless**  
 12 **telephone number or 75 cents per month for each** [PER] local exchange access line  
 13 **for wireline telephones.** **An enhanced 911 service area** [THE AREA SERVED BY  
 14 A SYSTEM] may be all of a city, all of a unified municipality, or all or part of the area  
 15 within a borough and may include the extraterritorial jurisdiction of a municipality in  
 16 accordance with AS 29.35.020. The governing body of a municipality shall review **an**  
 17 **enhanced** [THE] 911 surcharge annually to determine whether the current level of the  
 18 surcharge is adequate, excessive, or insufficient to meet anticipated enhanced 911  
 19 system needs. The municipality may only use the **enhanced 911** surcharge for the  
 20 enhanced 911 system.

21 \* **Sec. 3.** AS 29.35.131(b) is amended to read:

22 (b) A local exchange telephone company providing service in a municipality  
 23 that has imposed **an enhanced** [A] 911 surcharge shall bill **each month** and collect  
 24 the surcharge from customers in the **enhanced** [DESIGNATED] 911 service area. **A**  
 25 **wireless telephone company that provides telephone service to wireless telephone**  
 26 **customers with billing addresses within the enhanced 911 service area shall**  
 27 **impose an enhanced 911 surcharge each month and collect the surcharge from**  
 28 **customers in the enhanced 911 service area.** A local exchange telephone customer  
 29 may not be subject to more than one **enhanced** 911 surcharge on a local exchange  
 30 access line **for a wireline telephone.** **A wireless telephone customer may not be**  
 31 **subject to more than one enhanced 911 surcharge for each wireless telephone**

1        **number**. A customer that has more than 100 local exchange access lines from a local  
 2        exchange telephone company in the municipality is liable for the **enhanced** 911  
 3        surcharge only on 100 local exchange access lines.

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

5                (c) A local exchange telephone company **or wireless telephone company**  
 6        shall include the **appropriate enhanced** 911 surcharge, stated separately and included  
 7        in the total amount owed, in the bills delivered to its customers. The Regulatory  
 8        Commission of Alaska may not consider the **enhanced** 911 surcharge as revenue of  
 9        the [LOCAL EXCHANGE] telephone company and has no jurisdiction over an  
 10       enhanced 911 system. A [LOCAL EXCHANGE SERVICE] customer is liable for  
 11       payment of the **enhanced** 911 surcharge in the amounts billed by the [LOCAL  
 12       EXCHANGE] telephone company until the amounts have been paid to the telephone  
 13       company.

14       \* **Sec. 5.** AS 29.35.131(d) is amended to read:

15                (d) A local exchange telephone company **or wireless telephone company** that  
 16        has collected the **enhanced** 911 surcharge shall remit the amounts collected to the  
 17        municipality no later than 60 days after the end of the month in which the amount was  
 18        collected. From each remittance made in a timely manner under this subsection, the  
 19        [LOCAL EXCHANGE] telephone company is entitled to deduct and retain the greater  
 20        of one percent of the collected amount or \$150 as the cost of administration for  
 21        collecting the **enhanced** 911 surcharge.

22       \* **Sec. 6.** AS 29.35.131(e) is amended to read:

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

1 [EMERGENCY] surcharges, together with the names and addresses of those  
 2 customers who carry a balance that can be determined by the **telephone** company to  
 3 be for the nonpayment of the **enhanced** 911 [EMERGENCY] surcharges. The  
 4 [LOCAL EXCHANGE] telephone company is not liable for uncollected amounts.

5 \* **Sec. 7.** AS 29.35.131(f) is amended to read:

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

9 \* **Sec. 8.** AS 29.35.133(a) is amended to read:

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

19 \* **Sec. 9.** AS 29.35.137(1) is amended to read:

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

25 \* **Sec. 10.** AS 29.35.137(3) is amended to read:

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

1 system and its facilities and to dispatch the calls generated by the system; an  
2 enhanced 911 system for wireless telephones is the same system as that used for  
3 wireline telephones and not the service required by the Federal Communications  
4 Commission proceeding entitled "Revision of the Commission's Rules to Ensure  
5 Compatibility with Enhanced 9-1-1 Emergency Calling Systems" (CC Docket No.  
6 94 - 102; RM - 8143), or any successor proceedings or rules adopted by the  
7 Federal Communications Commission in the proceedings;

8 \* **Sec. 11.** AS 29.35.137 is amended by adding new paragraphs to read:

9 (9) "wireless telephone" means a telephone that is not a wireline  
10 telephone and includes cellular and mobile telephones; each wireless telephone  
11 number is considered to be a separate wireless telephone;

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

15 (11) "wireline telephone" means a telephone that uses a local exchange  
16 access line.