

ALASKA STATE LEGISLATURE
SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 20, 2018

3:31 p.m.

MEMBERS PRESENT

Senator Click Bishop, Chair
Senator Anna MacKinnon
Senator Lyman Hoffman
Senator Bert Stedman
Senator Berta Gardner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 215

"An Act relating to multi-line telephone systems."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 215

SHORT TITLE: ENHANCED 911:MULTI-LINE TELEPHONE SYSTEMS

SPONSOR(S): JUDICIARY

03/07/18	(S)	READ THE FIRST TIME - REFERRALS
03/07/18	(S)	CRA
03/20/18	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

JORDAN SHILLING, staff to Senator Coghill
Alaska State Legislature
Juneau, Alaska
Juneau, Alaska

POSITION STATEMENT: Commented on SB 215 for Senator Coghill,
Chair, Senate Judiciary Committee.

DAVID GIBBS
Emergency Operations Director

Fairbanks North Star Borough
Fairbanks, Alaska
POSITION STATEMENT: Supported SB 215.

JILL DOLAN, North Star Borough Attorney
Fairbanks North Star Borough
Fairbanks, Alaska
POSITION STATEMENT: Commented on SB 215.

KATHIE WASSERMAN, Executive Director
Alaska Municipal League (AML)
Juneau, Alaska
POSITION STATEMENT: Supported SB 215

ACTION NARRATIVE

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CHAIR CLICK BISHOP called the Senate Community and Regional Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators MacKinnon, Stedman, Hoffman, Gardner, and Chair Bishop.

SB 215-ENHANCED 911:MULTI-LINE TELEPHONE SYSTEMS

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CHAIR BISHOP announced consideration of SB 215.

JORDAN SHILLING, staff to Senator Coghill, Alaska State Legislature, Juneau, Alaska, said SB 215 was introduced by the Senate Judiciary Committee. It relates to multi-line telephone systems (MLTS) that are used in places like large hotels or legislatures.

If a municipality chooses to adopt the ordinance that is in SB 215 it ensures that when a person-in-need calls 911 that their exact physical location information travels along with them to the dispatch office so that first responders aren't delayed.

MR. SHILLING explained that a large number of end-users use MLTS that do not have the same level of enhanced 911 capabilities that small businesses and residential phone systems have, which aren't multi-line telephone systems. Tragedies can occur when emergency callers are unable to provide the specific location within a large building or complex, either because the caller is unaware of his exact location or he is unable to convey his physical location for whatever reason.

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He displayed an overhead picture of the University of Alaska Fairbanks (UAF) campus that uses an MLTS that does not have enhanced 911 (E911) capabilities. So, if a call were to be made on West Ridge up on a hill on the other side of campus from the third floor, room 307, it would appear to the dispatch office that the call is actually being made from a mile away at the central phone system location, an example of a situation this bill would hope to ameliorate if the Fairbanks municipality were to adopt an ordinance requiring these systems have E911 capabilities.

MR. SHILLING summarized that SB 215 gives municipalities the option by ordinance to require (by January 1, 2019) future MLTS operators to provide an automatic location information (ALI) record for every telephone that is capable of dialing 911. The phone system must also allow callers to call 911 without dialing a prefix ahead of time, as some phone systems require dialing 9 to get out of the building and some existing MLTS operations still require someone to enter a prefix before dialing 911. This bill would, again, allow the exact physical location information to travel with the call and it would also require the phone system to not have that prefix issue.

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He said some municipalities may not choose to adopt these ordinances, but a provision requires any MLTS that does not have the E911 capabilities to have signage near the phone indicating the limitations of that phone system.

CHAIR BISHOP asked for a sectional analysis.

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MR. SHILLING explained that SB 215 has two sections:

Section 1, AS 29.35.134 - Multi-line telephone systems
- Says a municipality may, by ordinance, require a multi-line telephone system (MLTS) that is installed or upgraded after January 1, 2019, to comply with the requirements contained in section 2, and repeals ineffective existing MLTS statutes.

Section 2, AS 29.35.134 - Multi-line telephone systems
- Says an operator of an MLTS phone system that is required by ordinance to comply with these sections shall ensure that the system allows a caller to call

911 without dialing a prefix, and that the system automatically provides the dispatching agency with the exact physical location of the call. An MLTS operator must comply with these requirements soon after an installation or an upgrade.

An operator of an MLTS that is not required to comply by ordinance and that does not allow for direct 911 dialing shall post signage notifying the public of the limitations of their phone system.

Includes definitions for "multi-line telephone system" and "multi-line telephone system operator".

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SENATOR HOFFMAN asked why a municipality would not want to opt in. Is there a detrimental cost, perhaps? On the other hand, if all municipalities opt in, why have the bill?

MR. SHILLING said he couldn't envision all the reasons why a municipality may not want to opt in, but a cost is associated with having the system that can range from zero dollars to much higher and is reviewed in an accompanying document.

SENATOR HOFFMAN asked if it "shall" be required what the fiscal note would be.

MR. SHILLING replied right now the bill has a zero fiscal note even if a municipality chooses to adopt an MLTS requirement, so he thought it would remain zero if the "may" was changed to "shall". Ultimately, the cost is borne by the MLTS operator.

SENATOR HOFFMAN said this has been a nationwide issue and it seems like they are leaving it up to all the municipalities to do all the research and figure out what is best for them, and they may not have that expertise.

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SENATOR GARDNER remarked that facilities with IT staff could program existing phones to do what this bill allows municipalities to require and may not have a cost, but some places might have to hire somebody to come in. So, if the municipality passes the ordinance, it is imposing a cost on private companies and there might be some pushback. If the state requires it, then it is an unfunded state mandate.

MR. SHILLING responded to the extent that there is a cost, she was right; the cost is borne by the MLTS operator. But new MLTS phones have this feature built in and native to the software. The system that doesn't require a prefix before dialing 911 mirrors federal legislation and that President Trump just signed a bill that requires any new MLTS phone manufacturer who sells phones after the year 2020 not have that prefix problem.

SENATOR MACKINNON wondered at the status of state systems and she agreed with Senator Hoffman that there is an opportunity to consider using the system across the state of Alaska. But she thought there would be a cost to small business as well as the state.

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SENATOR GARDNER said she was assured today that the existing system in this building could be compliant. It's just a matter of plugging it in.

MR. SHILLING said he had tested the legislature's system to see if it sends along the exact physical location and it does.

SENATOR GARDNER said the bill doesn't require anyone to upgrade their system. It's just if they do upgrade the system, it has to be compliant.

SENATOR MACKINNON said she had looked at the statute, and because HB 215 would eliminate or reorganize quite a bit of language, she wondered if Mr. Shilling could tell her the specific differences in the compliance mechanism of this version of SB 215 than in the last version.

MR. SHILLING said the reason the existing statute is ineffective is because it leaves a lot of the specifics to the Regulatory Commission of Alaska (RCA) to promulgate in regulation. It also requires the RCA to become involved in some dispute resolution with respect to the requirement that these phone systems comply with "general accepted industry standards."

He explained that according to the Department of Law, because the RCA didn't have the authority to promulgate those regulations and to be involved in the dispute resolution process, the bill's sponsors have tried to take what would otherwise be accomplished in regulation and specify that in statute, itself, and take RCA out of the equation, which has been problematic and making these statutes ineffective for the last 13 years.

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SENATOR MACKINNON said she was looking for the reference to the RCA.

MR. SHILLING said it was on page 2, lines 3-5, of the bill.

DAVID GIBBS, Emergency Operations Director, Fairbanks North Star Borough, supported SB 215. He said the borough Assembly has identified requiring (enhanced) E911 information for multi-lined telephones as one of their legislative priorities. He said staff had prepared an excellent FAQ document, which is in the bill's packet.

He said MLTS are used in large buildings, complexes, and campuses which may have multiple facilities sharing a common telephone switch. In his community, UAF hotels, both borough and city governments, big box stores, and schools use MLTS.

MR. GIBBS explained the difference between wire line E911 and MLTS 911. Currently local exchange carriers are required to provide and maintain customer information, which includes a telephone number and the address where the telephone is located. They are required to provide that information to the 911 authority for the purposes of assisting in emergency responses. The local exchange carriers process service orders are processed daily, and the location information system is updated automatically. Currently, MLTS operators have no requirement to provide location information or even keep it current. So, what this bill does is extend the E911 requirement to MLTS.

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MR. GIBBS explained that the problem with facilities using multi-line telephone systems is that presently when a 911 call is placed, the address that is presented to the 911 telecommunicator is the location of the MLTS switch and not necessarily where the device from which the call was initiated and located.

As an example, the UAF has hundreds of thousands of telephone numbers and the associated addresses that resolve to the multi-line switch location at 1054 University Avenue. Also, as a matter of interest, telephones located at Poker Flats Rocket Facility about 30 miles away have the same address. So, there is a huge discrepancy in terms of the actual location of the caller. He said there are multiple examples of emergency responders being delayed because responders were either

dispatched to the wrong building or required to search a whole floor or building complex in an attempt to locate a caller that was requesting emergency services. Perhaps the customer of a large business complex in a large is unable to speak or unable to provide the telecommunicator with proper location information, which can seriously delay emergency responders.

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MR. GIBBS also said the very simple reason that all municipalities may not opt in to develop an ordinance to require an MLTS 911 is that not all communities are currently providing E911 service, so they may not have the facility to receive the information that might be delivered.

SENATOR MACKINNON said that they have heard that one obstacle in the way of implementing the MLTS is the notion that the RCA is somehow a controlling entity and asked him to speak to that. When she reads AS 29.35.134, it says, "An MLTS operator is to be compliant with this section when using MLTS phone system with E911 generally accepted industry standards as defined by the RCA." It doesn't say they are monitoring it; it says whatever is adopted just needs to comply. Have regulations been adopted that make RCA in charge of this portion of Alaska state statute?

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JILL DOLAN, North Star Borough Attorney, Fairbanks North Star Borough, explained in 2005, after the MLTS legislation was enacted, the RCA opened a docket. The intention was for them to adopt regulations in order to implement this section. Some time after that, the Department of Law issued an opinion saying that the RCA didn't have the authority to do that.

The problem is two-fold: one is that the E911 system is operated in Alaska at the local level as a 911 service area, and the RCA typically regulates service providers and standards for them and has enforcement authority over them, as certificated entities. She didn't have a copy of that opinion, but she suspected that the reason was because the MLTS operator is not synonymous with a service provider that the RCA would ordinarily regulate.

This legislation is drafted to help cure that problem by proposing statutorily-driven standards, but a municipality must opt in by adopting the ordinance in order to enact them. It would be up to the municipality to enforce the standards, which wouldn't be through the RCA. Either there would be some type of requirement in code such as a citation or other type of minor offense-type process or they could seek assistance from the

State Superior Court in getting some type of an injunction for non-compliance.

SENATOR MACKINNON said the reason she is asking these questions is because of the zero fiscal note, which the RCA didn't adopt and because the Department of Law issued their opinion. Currently in Alaska, local law and local regulations are covering E911 services, except that now the state is being asked to actually take local guidance on E911 or federal guidance, place it into law, and then have no regulation. Was that correct? So, each city that passes a law in support of E911 and this compliance for MLTS may have inconsistent regulations across jurisdictions.

MS. DOLAN responded that the intent is to have consistent regulations throughout the state, which is why the standards are statutorily driven. The flexibility is whether or not a municipality participates in those standards. She clarified that they only have the authority to do an E911 system at the local level because that is the structure Alaska has set up. Local governments, through Title 29, have the authority to create E911 service areas and to require service providers to comply with their standards. Some states do it differently: for instance, having state 911 systems. Alaska doesn't do that, but there would be some level of consistency because the standards will be in law. It has a zero fiscal impact to the state because it is not charged with actually operating the E911 system or enforcing the standards that will be adopted at the local level.

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SENATOR MACKINNON said she would leave it at that but stated that local communities will adopt some kind of standards that are inconsistent with each other and businesses may or may not help in developing those regulations to comply with Alaska statute.

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SENATOR BISHOP referenced page 4, line 4, subsection (d) of SB 215 and asked for an example of where that language would apply.

MR. SHILLING answered that subsection (d) requires that an operator of an MLTS that is not required by ordinance to comply with all these requirements shall, at a minimum, have some signage indicating the limitations of the phone with respect to dialing 911. The signage language in the bill is specific and is an example of something that otherwise might be promulgated in regulation. But the bill is trying to provide consistency

statewide. It says: "The notice shall state that 911 services cannot be accessed by dialing 911 directly (prefix issue) and indicate how a caller may access 911 services through the telephone. The sign must be printed in contrasting colors and a bold font not smaller than 16 points."

SENATOR BISHOP asked him to stop there, and asked Ms. Dolan if this section is Americans with Disabilities Act (ADA) compliant and if the signage is required to be in Braille, as well.

MS. DOLAN replied that she hadn't looked at that issue. She added that other jurisdictions had enacted similar legislation. It is a good consideration to which she didn't know the answer.

MR. SHILLING said he would work with Ms. Dolan on language.

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SENATOR MACKINNON said she wondered about costs associated with ADA compliance and asked what the size of the sign has to be and commented that providing Braille would cost more.

MR. SHILLING responded that the size of the sign is left up to the operator of the MLTS.

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KATHIE WASSERMAN, Executive Director, Alaska Municipal League (AML), Juneau, Alaska, supported SB 215. It is a good tool that municipalities should be able to take advantage of if they have the technology to do so.

MS. WASSERMAN said about half of Alaska municipalities don't have regular 911 much less E911. Earlier, this bill was only an opt out situation, and her take was why would Anaktuvuk Pass have to go through all the trouble, money, time, and effort to opt out of something that wasn't even available to them technologically. Then it became an opt in, which seems a lot smarter.

SENATOR BISHOP, finding no further comments, closed public testimony on SB 215 and held the bill in committee.

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CHAIR BISHOP, finding no further business, adjourned the Senate Community and Regional Affairs Committee meeting at 4:09 p.m.