

SENATE BILL NO. 477

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Introduced: 5/11/92
Referred: CRA, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to enhanced 911 emergency reporting systems; and providing for an
2 effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that an enhanced 911 telephone
5 emergency system provides

6 (1) expansion of the benefits of the basic 911 emergency telephone number;

7 (2) faster response time, which minimizes the loss of life and property;

8 (3) automatic routing to the appropriate emergency response unit;

9 (4) immediate visual display of the location and telephone number of the caller; and

10 (5) curtailment of abuses of the emergency system by documenting callers.

11 (b) It is the purpose of this legislation to establish methods for the payment of costs associated
12 with establishing and maintaining enhanced 911 emergency systems.

13 * Sec. 2. AS 42.30 is amended by adding new sections to read:

14 ARTICLE 6. ENHANCED 911 SYSTEMS.

1 **Sec. 42.30.400. ENHANCED EMERGENCY REPORTING SYSTEMS.** (a) A
2 municipality may purchase, lease, install, and maintain equipment to establish an enhanced 911
3 system at public safety answering points. In a municipality in which the local exchange
4 telephone company has not provided for enhanced 911 system capability in its network, the
5 municipality may also develop network capability and an enhanced 911 system database.

6 (b) If an enhanced 911 system is to be provided for an area that is included in whole or
7 in part in the jurisdiction of more than one municipality that is the primary provider of
8 emergency fire fighting, law enforcement, ambulance, medical, or other emergency services, only
9 those municipalities that enter into the agreement for the necessary equipment are included in the
10 system. Two or more municipalities may enter into a contract to establish a separate legal entity
11 to provide for the enhanced 911 system.

12 (c) A municipality that intends to implement an enhanced 911 system shall promptly
13 notify the commission, the department, and each local exchange telephone company providing
14 service in the area to be covered by the system of

15 (1) its election to participate in the enhanced 911 fund;

16 (2) the intended boundaries of the enhanced 911 service area; and

17 (3) the expected cost to the municipality of purchasing, leasing, installing, and
18 maintaining the equipment necessary to provide the enhanced services.

19 **Sec. 42.30.410. 911 EMERGENCY SURCHARGE.** (a) A 911 emergency surcharge of
20 50 cents per month is imposed on local exchange access lines in municipalities participating in
21 the enhanced 911 fund. A municipality that receives money from the fund may spend the money
22 only on the enhanced 911 equipment costs and associated installation and maintenance costs
23 necessary to provide enhanced 911 services. The municipality shall separately account for money
24 received from the fund.

25 (b) A local exchange telephone company providing service in a participating municipality
26 shall bill and collect the 911 emergency surcharge from its local exchange service customers.

27 (c) A customer that has more than 100 local exchange access lines from a local exchange
28 telephone company in the state is liable for the surcharge only on 100 local exchange access
29 lines.

30 (d) A local exchange telephone company that has collected the 911 emergency surcharge
31 shall remit the amounts collected to the department each month, no later than 60 days after the

1 end of the month in which the amount was collected. From each remittance made in a timely
2 manner under this subsection, the local exchange telephone company is entitled to deduct and
3 retain, as the cost of administration for collecting the 911 emergency surcharge, the greater of
4 one percent of the amount collected or \$50.

5 (e) The department shall administer and enforce collection of the 911 emergency
6 surcharge. The department may, at its own expense, require an annual audit of a local exchange
7 telephone company's books and records concerning the collection and remittance of the 911
8 emergency surcharge.

9 Sec. 42.30.420. LOCAL 911 SURCHARGE. (a) A municipality served by a local
10 exchange telephone company that has not provided for enhanced 911 system capability in its
11 network may, by resolution or ordinance, elect to provide an enhanced 911 emergency system
12 and may impose a local 911 surcharge, in an amount to be determined by the municipality but
13 not to exceed 50 cents per month per local exchange access line, on all local exchange access
14 lines in the area to be served by the system. The municipality may use the local 911 surcharge
15 to pay the cost of providing the network and database capability for enhanced 911 service.

16 (b) A local exchange telephone company providing service in a municipality that has
17 imposed a local 911 surcharge shall bill and collect the local 911 surcharge from customers in
18 the designated 911 service area.

19 (c) A customer that has more than 100 local exchange access lines from a local exchange
20 telephone company in the municipality is liable for the surcharge only on 100 local exchange
21 access lines.

22 (d) A local exchange telephone company that has collected the local 911 surcharge shall
23 remit the amounts collected to the municipality each month, no later than 60 days after the end
24 of the month in which the amount was collected. From each remittance made in a timely manner
25 under this subsection, the local exchange telephone company is entitled to deduct and retain one
26 percent of the collected amount as the cost of administration for collecting the local 911
27 surcharge.

28 (e) The municipality may, at its own expense, require an annual audit of a local exchange
29 telephone company's books and records concerning the collection and remittance of the local 911
30 surcharge.

31 Sec. 42.30.430. COLLECTION AND ADMINISTRATION OF 911 SURCHARGES. (a)

1 A local exchange telephone company shall include the 911 surcharges, stated separately and
2 included in the total amount owed, in the bills delivered to its customers. The 911 surcharges
3 may not be considered as revenue of the local exchange telephone company.

4 (b) A local exchange service customer is liable for payment of the 911 surcharges in the
5 amounts billed by the local exchange telephone company until the amounts have been paid to the
6 telephone company.

7 (c) A local exchange telephone company is not obligated to take legal action to enforce
8 collection of the 911 surcharges. The company shall annually provide the department with a list
9 of the amounts due for the nonpayment of 911 emergency surcharges, together with the names
10 and addresses of those customers who carry a balance that can be determined by the company
11 to be for the nonpayment of the 911 emergency surcharges. In the case of local 911 surcharges
12 imposed by a municipality under AS 42.30.420, the company shall provide the information to the
13 municipality. The company is not liable for uncollected amounts.

14 Sec. 42.30.440. ENHANCED 911 FUND. (a) There is created in the general fund the
15 enhanced 911 fund, to be administered by the department. Subject to appropriation by the
16 legislature, the fund consists of money collected by the department for the 911 emergency
17 surcharge.

18 (b) The enhanced 911 fund shall reimburse municipalities that choose to participate in
19 the fund for the cost of purchasing or leasing equipment necessary to provide enhanced 911
20 emergency services in a designated 911 service area.

21 (c) The department shall report to the legislature each year as to the status of the fund
22 and whether the current level of the 911 emergency surcharge is adequate, excessive, or
23 insufficient to meet anticipated needs.

24 Sec. 42.30.450. IMMUNITY. (a) 911 systems are within the governmental powers and
25 authority of the municipality or state agency. Except for intentional acts or wilful or wanton
26 negligence, the state, a municipality, an equipment supplier, local exchange telephone company,
27 or mobile telephone company, including a cellular service company, and their employees and
28 agents, are immune from liability that might otherwise be incurred in the performance of
29 installing, training, maintaining, or providing 911 systems and transmitting 911 calls.

30 (b) In this section, "equipment supplier" means a person that provides or offers to provide
31 telecommunications equipment necessary for the establishment of enhanced 911 services.

1 **Sec. 42.30.460. PRIVATE LISTING SUBSCRIBERS.** Private listing subscribers waive
2 the privacy afforded by unlisted or unpublished telephone numbers to the extent that the name
3 and address associated with the telephone number may be furnished to the enhanced 911 system
4 for call routing or for automatic retrieval of location information in response to a call initiated
5 to 911.

6 **Sec. 42.30.490. DEFINITIONS.** In AS 42.30.400 - 42.30.490,

7 (1) "911 emergency surcharge" means a monthly, uniform charge assessed on
8 local exchange service customers under AS 42.30.410;

9 (2) "911 service area" or "enhanced 911 service area" means the area within a
10 municipality's jurisdiction that has been designed to receive enhanced 911 service;

11 (3) "911 surcharges" means the 911 emergency surcharge and the local 911
12 surcharge;

13 (4) "commission" means the Alaska Public Utilities Commission;

14 (5) "department" means the Department of Commerce and Economic
15 Development;

16 (6) "enhanced 911 system" means a telephone system consisting of network,
17 database, and on-premises equipment that uses the single three digit number, 911, for reporting
18 a police, fire, medical, or other emergency situation, enabling the users of a public telephone
19 system to reach a public safety answering point to report emergencies by dialing 911, and
20 includes the capability to

21 (A) selectively route incoming 911 calls to the appropriate public safety
22 answering point operating in a 911 service area; and

23 (B) automatically display the name, address, and telephone number of an
24 incoming 911 call on a video monitor at the appropriate public safety answering point;

25 (7) "enhanced 911 equipment" means the customer premises equipment directly
26 related to the operation of an enhanced 911 system, including automatic number identification
27 or automatic location identification controllers and display units, printers, cathode ray tubes, and
28 software associated with call detail recording;

29 (8) "fund" means the enhanced 911 fund created in AS 42.30.440;

30 (9) "local 911 surcharge" means the additional charge imposed by a municipality
31 served by a local exchange telephone company that has not otherwise provided for enhanced 911

1 capability in its network in order to provide funding for the municipality to pay for development
2 of the network and database;

3 (10) "local exchange access line" means a telephone line that connects a local
4 exchange service customer to the local switching office and has the capability of reaching local
5 public safety agencies, but does not include a line used by a carrier to provide interexchange
6 services;

7 (11) "local exchange service" means the transmission of two-way interactive
8 switched voice communications furnished by a telecommunications company within a local
9 exchange area, including access to enhanced 911 systems; in this paragraph, "local exchange
10 area" means a geographic area encompassing one or more political subdivisions as described in
11 maps, tariffs, or rate schedules filed with the commission, where local exchange rates apply;

12 (12) "local exchange telephone company" means a telephone utility certificated
13 to provide local exchange service;

14 (13) "public safety answering point" means a 24-hour local jurisdiction
15 communications facility that receives 911 service calls and directly dispatches emergency
16 response services or that relays calls to the appropriate public or private safety agency.

17 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).