

**SENATE BILL NO. 97****IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - FIRST SESSION****BY SENATOR PEARCE**

**Introduced: 2/5/93**  
**Referred: L&C, JUD, FIN**

**A BILL****FOR AN ACT ENTITLED**

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

5 (1) the elderly, the young, and victims of crime are often at risk, unable to  
 6 assist themselves, and are frequently unable to explain directions to the location of an  
 7 emergency situation;

8 (2) the basic 911 telephone emergency number is currently available in some  
 9 communities in the state, but an enhanced 911 system is currently available to only a limited  
 10 number of Alaskans;

11 (3) an enhanced 911 telephone emergency system provides

12 (A) expansion of the benefits of the basic 911 emergency telephone  
 13 number;

14 (B) faster response time, which minimizes the loss of life and property;

- 1 (C) automatic routing to the appropriate emergency response unit;  
2 (D) immediate visual display of the location and telephone number of  
3 the caller; and  
4 (E) curtailment of abuses of the emergency system by documenting  
5 callers;

6 (4) more communities in the state could make efficient use of the enhanced  
7 911 telephone emergency system if the communities had adequate funding available.

8 (b) It is the purpose of this legislation to

9 (1) establish broad protections for acquiring, establishing, operating, and  
10 maintaining enhanced 911 systems;

11 (2) establish methods for the payment of costs associated with those activities;  
12 and

13 (3) enable the development, installation, and operation of enhanced 911  
14 emergency reporting systems to be operated under local governmental management and  
15 control.

16 \* Sec. 2. AS 09.25.120 is amended to read:

17 Sec. 09.25.120. PUBLIC RECORDS; EXCEPTIONS; CERTIFIED COPIES.

18 (a) Every person has a right to inspect a public record in the state, including public  
19 records in recorders' offices except

20 (1) records of vital statistics and adoption proceedings, which shall be  
21 treated in the manner required by AS 18.50;

22 (2) records pertaining to juveniles;

23 (3) medical and related public health records;

24 (4) records required to be kept confidential by a federal law or  
25 regulation or by state law;

26 (5) to the extent the records are required to be kept confidential under  
27 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure  
28 or retain federal assistance;

29 (6) records or information compiled for law enforcement purposes, but  
30 only to the extent that the production of the law enforcement records or information

31 (A) could reasonably be expected to interfere with enforcement

- 1 proceedings; [.]
- 2 (B) would deprive a person of a right to a fair trial or an
- 3 impartial adjudication; [.]
- 4 (C) could reasonably be expected to constitute an unwarranted
- 5 invasion of the personal privacy of a suspect, defendant, victim, or witness; [.]
- 6 (D) could reasonably be expected to disclose the identity of a
- 7 confidential source; [.]
- 8 (E) would disclose confidential techniques and procedures for
- 9 law enforcement investigations or prosecutions; [.]
- 10 (F) would disclose guidelines for law enforcement investigations
- 11 or prosecutions if the disclosure could reasonably be expected to risk
- 12 circumvention of the law; [.] or
- 13 (G) could reasonably be expected to endanger the life or
- 14 physical safety of an individual; or

15 **(7) records or information provided in the course of an enhanced**

16 **911 call including a recording of the call.**

17 **(b)** Every public officer having the custody of records not included in the

18 exceptions **set out in (a) of this section** shall permit the inspection, and give on

19 demand and on payment of the fees under AS 09.25.110 - 09.25.115 a certified copy

20 of the record, and the copy shall in all cases be evidence of the original.

21 **(c)** Recorders shall

22 **(1)** permit memoranda, transcripts, and copies of the public records in

23 their offices to be made by photography or otherwise for the purpose of examining

24 titles to real estate described in the public records, making abstracts of title or

25 guaranteeing or insuring the titles of the real estate, or building and maintaining title

26 and abstract plants; and

27 **(2)** shall furnish proper and reasonable facilities to persons having

28 lawful occasion for access to the public records for those purposes, subject to

29 reasonable rules and regulations, in conformity to the direction of the court, as are

30 necessary for the protection of the records and to prevent interference with the regular

31 discharge of the duties of the recorders and their employees.

1     • **Sec. 3.** AS 42.30 is amended by adding new sections to read:

2   **ARTICLE 6. ENHANCED 911 SYSTEMS.**

3                     **Sec. 42.30.400. ENHANCED EMERGENCY REPORTING SYSTEMS. (a)**

4             **A municipality may purchase or lease the enhanced 911 equipment or service required**  
5             **to establish or maintain an enhanced 911 system at public safety answering points from**  
6             **a local exchange telephone company or other qualified vendor.**

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

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

- 17                                     **(1) its election to participate in the enhanced 911 fund;**  
18                                     **(2) the intended boundaries of the enhanced 911 service area; and**  
19                                     **(3) the expected cost to the municipality of purchasing, leasing,**  
20            **installing, operating, and maintaining the system.**

21                    **(d) The department shall adopt regulations to set out how a municipality that**  
22            **wishes to participate in or withdraw from an enhanced 911 system may do so.**

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

30                    **(b) A local exchange telephone company providing enhanced 911 service in**  
31            **a participating municipality shall bill and collect the 911 emergency surcharge from**

1 its local exchange service customers.

2 (c) A customer that has more than 100 local exchange access lines from a  
3 local exchange telephone company in the state is liable for the 911 emergency  
4 surcharge only on 100 local exchange access lines.

5 (d) A local exchange telephone company that has collected the 911 emergency  
6 surcharge shall remit the amounts collected to the department no later than 60 days  
7 after the end of the month in which the amount was collected. From each remittance  
8 made in a timely manner under this subsection, the local exchange telephone company  
9 is entitled to deduct and retain, as the cost of administration for collecting the 911  
10 emergency surcharge, the greater of one percent of the amount collected or \$150.

11 (e) The department shall administer and enforce collection of the 911  
12 emergency surcharge. The specific administrative duties of the department are limited  
13 to reviewing reimbursement requests for completeness and mathematical accuracy,  
14 investing the 911 emergency surcharge funds in the best interest of the public, and  
15 providing reimbursement to municipalities within 30 days after receipt of a request for  
16 reimbursement. The department may, at its own expense, require an annual audit of  
17 a local exchange telephone company's books and records concerning the collection and  
18 remittance of the 911 emergency surcharge.

19 Sec. 42.30.420. LOCAL 911 SURCHARGE. (a) A municipality that does not  
20 participate in the enhanced 911 fund may, by resolution or ordinance, elect to provide  
21 an enhanced 911 system and may impose a local 911 surcharge, in an amount to be  
22 determined by the municipality but not to exceed 50 cents per month per local  
23 exchange access line, on all local exchange access lines in the area to be served by the  
24 enhanced 911 system. The area served by a system may be a city, a unified  
25 municipality, or an area within a borough. The governing body of a municipality shall  
26 review the local 911 surcharge annually to determine whether the current level of the  
27 local 911 surcharge is adequate, excessive, or insufficient to meet anticipated enhanced  
28 911 system needs. The municipality may only use the local 911 surcharge for the  
29 enhanced 911 system.

30 (b) A local exchange telephone company providing service in a municipality  
31 that has imposed a local 911 surcharge shall bill and collect the local 911 surcharge

1 from customers in the designated 911 service area.

2 (c) A customer that has more than 100 local exchange access lines from a  
3 local exchange telephone company in the municipality is liable for the local 911  
4 surcharge only on 100 local exchange access lines.

5 (d) A local exchange telephone company that has collected the local 911  
6 surcharge shall remit the amounts collected to the municipality no later than 60 days  
7 after the end of the month in which the amount was collected. From each remittance  
8 made in a timely manner under this subsection, the local exchange telephone company  
9 is entitled to deduct and retain the greater of one percent of the collected amount or  
10 \$150 as the cost of administration for collecting the local 911 surcharge.

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

14 Sec. 42.30.430. COLLECTION AND ADMINISTRATION OF 911  
15 SURCHARGES. (a) A local exchange telephone company shall include the 911  
16 surcharges, stated separately and included in the total amount owed, in the bills  
17 delivered to its customers. The 911 surcharges may not be considered as revenue of  
18 the local exchange telephone company.

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

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

30 (d) A local exchange telephone customer may not be subject to more than one  
31 911 surcharge.

1           **Sec. 42.30.440. ENHANCED 911 FUND.** (a) The enhanced 911 fund is  
2 created in the general fund, to be administered by the department. Subject to  
3 appropriation by the legislature, the fund consists of money collected by the  
4 department from the 911 emergency surcharge.

5           (b) The department shall use the enhanced 911 fund to reimburse  
6 municipalities that choose to participate in the enhanced 911 fund for the cost of  
7 purchasing or leasing equipment and providing services necessary to provide an  
8 enhanced 911 system in a 911 service area.

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

12           **Sec. 42.30.450. IMMUNITY.** (a) The establishment, funding, use, operation,  
13 or maintenance of enhanced 911 systems and all activities associated with those actions  
14 are specifically found to be within the ambit of AS 09.50.250(1) and  
15 AS 09.65.070(d)(5). Except for intentional acts of misconduct or gross negligence, a  
16 service supplier, local exchange telephone company, or mobile telephone company,  
17 including a cellular service company, and their employees and agents, are also immune  
18 from liability that might otherwise be incurred in the course of installing, training,  
19 maintaining, or providing enhanced 911 systems or transmitting or receiving calls on  
20 the system.

21           (b) An individual, telephone company, or employee of a telephone company  
22 who operates or maintains an emergency 911 service is not liable for civil damages  
23 as a result of an act, omission, failure of service, or incorrect information done or  
24 given in good faith.

25           (c) In this section, "service supplier" means a person that provides or offers  
26 to provide telecommunications equipment or services necessary for the establishment,  
27 maintenance, or operation of an enhanced 911 system.

28           **Sec. 42.30.460. WAIVER OF PRIVACY BY LOCAL EXCHANGE**  
29 **TELEPHONE COMPANY SUBSCRIBERS.** Local exchange telephone company  
30 subscribers waive the privacy afforded by unlisted or unpublished telephone numbers  
31 to the extent that the name and address associated with the telephone number may be

1 furnished to the enhanced 911 system for call routing or for automatic retrieval of  
2 location information in response to a call initiated to the system.

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

4 (1) "911 service area" or "enhanced 911 service area" means the area  
5 within a municipality's jurisdiction that has been designated to receive enhanced 911  
6 service; the designation of an area to receive an enhanced 911 system under  
7 AS 42.30.420(a) does not designate the area as a "service area" for purposes of art. 10,  
8 sec. 5, Constitution of the State of Alaska;

9 (2) "911 surcharges" means the 911 emergency surcharge assessed on  
10 local exchange service customers under AS 42.30.410 and the local 911 surcharge  
11 assessed under AS 42.30.420;

12 (3) "department" means the Department of Commerce and Economic  
13 Development;

14 (4) "enhanced 911 equipment" means the equipment dedicated to the  
15 operation of, or use in, the establishment, operation, or maintenance of an enhanced  
16 911 system, including customer premises equipment, automatic number identification  
17 or automatic location identification controllers and display units, printers, cathode ray  
18 tubes, recorders, and software required by the system;

19 (5) "enhanced 911 fund" means the fund created in AS 42.30.440;

20 (6) "enhanced 911 system" or "system" means a telephone system  
21 consisting of network, database, and enhanced 911 equipment that uses the single three  
22 digit number, 911, for reporting a police, fire, medical, or other emergency situation,  
23 and that enables the users of a public telephone system to reach a public safety  
24 answering point to report emergencies by dialing 911; an enhanced 911 system  
25 includes the personnel required to acquire, install, operate, and maintain the system;

26 (7) "local exchange access line" means a telephone line that connects  
27 a local exchange service customer to the local exchange telephone company switching  
28 office and has the capability of reaching local public safety agencies, but does not  
29 include a line used by a carrier to provide interexchange services;

30 (8) "local exchange service" means the transmission of two-way  
31 interactive switched voice communications furnished by a local exchange telephone

1 company within a local exchange area, including access to enhanced 911 systems; in  
2 this paragraph, "local exchange area" means a geographic area encompassing one or  
3 more political subdivisions as described in maps, tariffs, or rate schedules filed with  
4 the Alaska Public Utilities Commission, where local exchange rates apply;

5 (9) "local exchange telephone company" means a telephone utility  
6 certificated by the Alaska Public Utilities Commission to provide local exchange  
7 service;

8 (10) "municipality" has the meaning given in AS 01.10.060(4) and  
9 includes a public corporation established by a municipality and a village as that term  
10 is defined in AS 09.65.070(e)(2);

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

15 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).