

CS FOR SENATE BILL NO. 97(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/24/93
Referred: JUD, FIN

Sponsor(s): SENATOR PEARCE

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 09.65.070(d) is amended to read:
2 **(d) No action for damages may be brought against a municipality or any of its**
3 **agents, officers, or employees if the claim**
4 **(1) is based on a failure of the municipality, or its agents, officers, or**
5 **employees, when the municipality is neither owner nor lessee of the property involved,**
6 **(A) to inspect property for a violation of any statute, regulation**
7 **or ordinance, or a hazard to health or safety;**
8 **(B) to discover a violation of any statute, regulation, or**
9 **ordinance, or a hazard to health or safety if an inspection of property is made;**
10 **or**
11 **(C) to abate a violation of any statute, regulation or ordinance,**
12 **or a hazard to health or safety discovered on property inspected;**
13 **(2) is based upon the exercise or performance or the failure to exercise**
14 **or perform a discretionary function or duty by a municipality or its agents, officers,**
15 **or employees, whether or not the discretion involved is abused;**
16 **(3) is based upon the grant, issuance, refusal, suspension, delay or**
17 **denial of a license, permit, appeal, approval, exception, variance, or other entitlement,**
18 **or a rezoning;**
19 **(4) is based on the exercise or performance during the course of**
20 **gratuitous extension of municipal services on an extraterritorial basis; or**
21 **(5) is based upon the exercise or performance of a duty or function**
22 **upon the request of, or by the terms of an agreement or contract with, the state to meet**
23 **emergency public safety requirements;**
24 **(6) is based on the exercise or performance of a duty in connection**
25 **with an enhanced 911 emergency system.**
26 * **Sec. 4.** AS 29.10.200 is amended by adding a new paragraph to read:
27 **(51) AS 29.35.131 (enhanced 911 system).**
28 * **Sec. 5.** AS 29.35 is amended by adding new sections to read:
29 **Sec. 29.35.131. 911 SURCHARGE. (a) A municipality may, by resolution**
30 **or ordinance, elect to provide an enhanced 911 system at public safety answering**
31 **points, may purchase or lease the enhanced 911 equipment or service required to**

1 establish or maintain an enhanced 911 system at public safety answering points from
2 a local exchange telephone company or other qualified vendor, and may impose a 911
3 surcharge, in an amount to be determined by the municipality, on all local exchange
4 access lines in the area to be served by the enhanced 911 system. For a municipality
5 with a population of 100,000 or more, the surcharge may not exceed 50 cents per
6 month per local exchange access line. For a municipality with fewer than 100,000
7 people, the surcharge may not exceed 75 cents per month per local exchange access
8 line. The area served by a system may be all of a city, all of a unified municipality,
9 or all or part of the area within a borough. The governing body of a municipality shall
10 review the 911 surcharge annually to determine whether the current level of the
11 surcharge is adequate, excessive, or insufficient to meet anticipated enhanced 911
12 system needs. The municipality may only use the surcharge for the enhanced 911
13 system.

14 (b) A local exchange telephone company providing service in a municipality
15 that has imposed a 911 surcharge shall bill and collect the surcharge from customers
16 in the designated 911 service area. A local exchange telephone customer may not be
17 subject to more than one 911 surcharge on a local exchange access line. A customer
18 that has more than 100 local exchange access lines from a local exchange telephone
19 company in the municipality is liable for the 911 surcharge only on 100 local exchange
20 access lines.

21 (c) A local exchange telephone company shall include the 911 surcharge,
22 stated separately and included in the total amount owed, in the bills delivered to its
23 customers. The Alaska Public Utilities Commission may not consider the 911
24 surcharge as revenue of the local exchange telephone company and has no jurisdiction
25 over an enhanced 911 system. A local exchange service customer is liable for
26 payment of the 911 surcharge in the amounts billed by the local exchange telephone
27 company until the amounts have been paid to the telephone company.

28 (d) A local exchange telephone company that has collected the 911 surcharge
29 shall remit the amounts collected to the municipality no later than 60 days after the
30 end of the month in which the amount was collected. From each remittance made in
31 a timely manner under this subsection, the local exchange telephone company is

1 entitled to deduct and retain the greater of one percent of the collected amount or \$150
2 as the cost of administration for collecting the 911 surcharge.

3 (e) A local exchange telephone company is not obligated to take legal action
4 to enforce collection of the 911 surcharge. However, if a local exchange telephone
5 company is attempting to collect an unpaid debt from a local exchange service
6 customer, the telephone company shall also attempt to collect any unpaid 911
7 surcharge that the customer owes. If a customer pays a portion of a bill that includes
8 a 911 surcharge, the amount paid shall be prorated between the telephone company and
9 the 911 surcharge. The company shall annually provide the municipality with a list
10 of the amounts due for the nonpayment of 911 emergency surcharges, together with
11 the names and addresses of those customers who carry a balance that can be
12 determined by the company to be for the nonpayment of the 911 emergency
13 surcharges. The local exchange telephone company is not liable for uncollected
14 amounts.

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

18 (g) A village, as defined in AS 09.65.070(e), or a public corporation
19 established by a municipality has the powers granted to a municipality under this
20 section.

21 (h) This section applies to home rule and general law municipalities.

22 Sec. 29.35.133. IMMUNITY. (a) The establishment, funding, use, operation,
23 or maintenance of enhanced 911 systems and all activities associated with those actions
24 are specifically found to be within the ambit of AS 09.50.250(1) and
25 AS 09.65.070(d)(6). Except for intentional acts of misconduct or gross negligence, a
26 service supplier, local exchange telephone company, or mobile telephone company,
27 including a cellular service company, and their employees and agents, are also immune
28 from liability that might otherwise be incurred in the course of installing, training,
29 maintaining, or providing enhanced 911 systems or transmitting or receiving calls on
30 the system.

31 (b) An individual, telephone company, or employee of a telephone company

1 who operates or maintains an emergency 911 service is not liable for civil damages
2 as a result of an act, omission, failure of service, or incorrect information done or
3 given in good faith.

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

7 Sec. 29.35.135. WAIVER OF PRIVACY BY LOCAL EXCHANGE
8 TELEPHONE COMPANY SUBSCRIBERS. Local exchange telephone company
9 subscribers waive the privacy afforded by unlisted or unpublished telephone numbers
10 to the extent that the name and address associated with the telephone number may be
11 furnished to the enhanced 911 system for call routing or for automatic retrieval of
12 location information in response to a call initiated to the system.

13 Sec. 29.35.137. DEFINITIONS. In AS 29.35.131 - 29.35.137,

14 (1) "911 service area" or "enhanced 911 service area" means the area
15 within a municipality's jurisdiction that has been designated to receive enhanced 911
16 service; the designation of an area to receive an enhanced 911 system under
17 AS 42.30.420(a) does not designate the area as a "service area" for purposes of art. X,
18 sec. 5, Constitution of the State of Alaska;

19 (2) "enhanced 911 equipment" means the equipment dedicated to the
20 operation of, or use in, the establishment, operation, or maintenance of an enhanced
21 911 system, including customer premises equipment, automatic number identification
22 or automatic location identification controllers and display units, printers, cathode ray
23 tubes, recorders, software, and other essential communication equipment required by
24 the system;

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

31 (4) "local exchange access line" means a telephone line that connects

1 a local exchange service customer to the local exchange telephone company switching
2 office and has the capability of reaching local public safety agencies, but does not
3 include a line used by a carrier to provide interexchange services;

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

10 (6) "local exchange telephone company" means a telephone utility
11 certificated by the Alaska Public Utilities Commission to provide local exchange
12 service;

13 (7) "municipality" has the meaning given in AS 29.71.800 and includes
14 a public corporation established by a municipality and a village as that term is defined
15 in AS 09.65.070(e);

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

20 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).