

HB

461

ALASKA STATE LEGISLATURE

Representative Bruce Weyhrauch

HOUSE DISTRICT 4



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

April 30, 2004

Letter of Intent

It is the intent of the House State Affairs Committee that a Statewide "911" Coordinator be established to coordinate and facilitate the implementation and operation of enhanced 911 emergency communications systems throughout the state and enable the receipt of federal funds.

A handwritten signature in cursive script that reads "Bruce Weyhrauch".

Representative Bruce Weyhrauch
Chair, House State Affairs Committee

STATE OF ALASKA



Interim:

119 North Cushman, Rm. 205
Fairbanks, Alaska 99701
(907) 456-7423
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Session:

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REPRESENTATIVE JIM HOLM DISTRICT 9

MEMO

To: Representative Berkowitz
CC: House State Affairs Committee

Date: 4/29/04

RE: HB 461, EMERGENCY SERVICES DISPATCH/911 SURCHARGE

From: Matthew Rudig, Staff to Rep. Holm

This is a response to a couple of your questions regarding HB 461 that you heard in the House State Affairs committee on Thursday April 9th.

1. The question about residential consumers covering the costs of business in the case of multi-line, per-billing address situation.

The sponsor believes that, in the "Z" version of HB 461, this concern is alleviated. It is the intent of the language added to pg. 4, line 27 that residential phone users who have multiple lines in their households, would only get one surcharge per billing address. For commercial use, the business would pay for the surcharge on all existing lines. The sponsor feels that this is the fairest way to handle this issue, and it is one of the key differences between the "Z" version and CSHB 461(CRA).

2. The question of what emergency service dispatch is and the definition.

In the present "Z" version of the bill, page 4, line 16, it defines the surcharge as something that can only pay "for the actual labor and equipment used to provide emergency services dispatch..." and then lists the exceptions of what that surcharge cannot pay for. The sponsor believes that emergency services dispatch would be everything else involved in the Enhanced 9-1-1 dispatch.

You may also note that in current statute, AS 29.35.137 there are many definitions of enhanced 9-1-1 equipment, service areas, systems, and access lines. It is the sponsor's understanding that these current statutes adequately cover the surcharge we are trying to cover.

If you have further questions to this memorandum, I would be more than happy to discuss them in more detail and work out any possible solutions. Thank you very much for your time in this matter.

23-LS1633Z
Cook
4/28/04

CS FOR HOUSE BILL NO. 461()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE HOLM

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to enhanced 911 surcharges and to 911 and emergency services**
2 **dispatch systems."**

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

4 *** Section 1. AS 09.50.250 is amended to read:**

5 **Sec. 09.50.250. Actionable claims against the state.** A person or corporation
6 having a contract, quasi-contract, or tort claim against the state may bring an action
7 against the state. A person who may present the claim under AS 44.77 may not bring
8 an action under this section except as set out in AS 44.77.040(c). A person who may
9 bring an action under AS 36.30.560 - 36.30.695 may not bring an action under this
10 section except as set out in AS 36.30.685. However, an action may not be brought if
11 the claim

12 (1) is an action for tort, and is based upon an act or omission of an
13 employee of the state, exercising due care, in the execution of a statute or regulation,
14 whether or not the statute or regulation is valid; or is an action for tort, and based upon

1 the exercise or performance or the failure to exercise or perform a discretionary
2 function or duty on the part of a state agency or an employee of the state, whether or
3 not the discretion involved is abused;

4 (2) is for damages caused by the imposition or establishment of a
5 quarantine by the state;

6 (3) arises out of assault, battery, false imprisonment, false arrest,
7 malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or
8 interference with contract rights;

9 (4) arises out of the use of an ignition interlock device certified under
10 AS 33.05.020(c); [OR]

11 (5) arises out of injury, illness, or death of a seaman that occurs or
12 manifests itself during or in the course of, or arises out of, employment with the state;
13 AS 23.30 provides the exclusive remedy for such a claim, and no action may be
14 brought against the state, its vessels, or its employees under the Jones Act (46 U.S.C.
15 688), in admiralty, or under the general maritime law; or

16 (6) is based on the exercise or performance of a duty in connection
17 with an emergency services dispatch system or an enhanced 911 system,
18 including providing, maintaining, or operating any toll-free, statewide default
19 public safety answering point, and is not based on an intentional act or omission
20 amounting to misconduct or on an act or omission amounting to gross negligence.

21 * Sec. 2. AS 09.65.070(d) is amended to read:

22 (d) An action for damages may not be brought against a municipality or any of
23 its agents, officers, or employees if the claim is based on

24 (1) [IS BASED ON] a failure of the municipality, or its agents,
25 officers, or employees, when the municipality is neither owner nor lessee of the
26 property involved, to

27 (A) [TO] inspect property for a violation of any statute,
28 regulation, or ordinance, or a hazard to health or safety;

29 (B) [TO] discover a violation of any statute, regulation, or
30 ordinance, or a hazard to health or safety if an inspection of property is made;

31 or

1 (C) [TO] abate a violation of any statute, regulation, or
2 ordinance, or a hazard to health or safety discovered on property inspected;

3 (2) [IS BASED UPON] the exercise or performance or the failure to
4 exercise or perform a discretionary function or duty by a municipality or its agents,
5 officers, or employees, whether or not the discretion involved is abused;

6 (3) [IS BASED UPON] the grant, issuance, refusal, suspension, delay,
7 or denial of a license, permit, appeal, approval, exception, variance, or other
8 entitlement, or a rezoning;

9 (4) [IS BASED ON] the exercise or performance during the course of
10 gratuitous extension of municipal services on an extraterritorial basis;

11 (5) [IS BASED UPON] the exercise or performance of a duty or
12 function upon the request of, or by the terms of an agreement or contract with, the
13 state to meet emergency public safety requirements; or

14 (6) [IS BASED ON] the exercise or performance of a duty in
15 connection with an emergency services dispatch system or enhanced 911 emergency
16 system and is not based on an intentional act of misconduct or on an act of gross
17 negligence.

18 * Sec. 3. AS 29.10.200(37) is amended to read:

19 (37) AS 29.35.131 (emergency services dispatch system and
20 enhanced 911 system);

21 * Sec. 4. AS 29.35.131(a) is amended to read:

22 (a) A municipality may, by resolution or ordinance, elect to provide an
23 emergency services dispatch system or an enhanced 911 system at public safety
24 answering points, may purchase or lease the enhanced 911 equipment or service
25 required to establish or maintain an enhanced 911 system at public safety answering
26 points from a local exchange telephone company or other qualified vendor, and may
27 impose an enhanced 911 surcharge, in an amount to be determined by the
28 municipality, on all local exchange access lines that provide telephone service to
29 wireline telephones in the area to be served by the enhanced 911 system. A
30 municipality that provides services under an enhanced 911 system may also by
31 resolution or ordinance impose an enhanced 911 surcharge on each wireless telephone

1 number that is billed to an address within the enhanced 911 service area. The [FOR A
2 MUNICIPALITY WITH A POPULATION OF 100,000 OR MORE, AN] enhanced
3 911 surcharge may be imposed each [MAY NOT EXCEED 50 CENTS PER] month
4 for each wireless telephone number or each [50 CENTS PER] month for each local
5 exchange billing address [ACCESS LINE] for wireline telephones. [FOR A
6 MUNICIPALITY WITH FEWER THAN 100,000 PEOPLE, AN ENHANCED 911
7 SURCHARGE MAY NOT EXCEED 75 CENTS PER MONTH FOR EACH
8 WIRELESS TELEPHONE NUMBER OR 75 CENTS PER MONTH FOR EACH
9 LOCAL EXCHANGE ACCESS LINE FOR WIRELINE TELEPHONES.] An
10 enhanced service area may be all of a city, all of a unified municipality, or all or part
11 of the area within a borough and may include the extraterritorial jurisdiction of a
12 municipality in accordance with AS 29.35.020. The governing body of a municipality
13 shall review an enhanced 911 surcharge annually to determine whether the current
14 level of the surcharge is adequate, excessive, or insufficient to meet anticipated
15 enhanced 911 system needs. The municipality may [ONLY] use the enhanced 911
16 surcharge for the enhanced 911 system and for the actual labor and equipment
17 used to provide emergency services dispatch, but not for costs of providing the
18 medical, police, fire, rescue, or other emergency service, or for any other
19 purpose.

20 * Sec. 5. AS 29.35.131(b) is amended to read:

21 (b) A local exchange telephone company providing service in a municipality
22 that has imposed an enhanced 911 surcharge shall bill each month and collect the
23 surcharge from customers in the enhanced 911 service area. A wireless telephone
24 company that provides telephone service to wireless telephone customers with billing
25 addresses within the enhanced 911 service area shall impose the [AN ENHANCED
26 911] surcharge each month and collect the surcharge from customers in the enhanced
27 911 service area. A residential local exchange telephone customer may not be subject
28 to more than one enhanced 911 surcharge on a local exchange billing address
29 [ACCESS LINE] for a wireline telephone. A wireless telephone customer may not be
30 subject to more than one enhanced 911 surcharge for each wireless telephone number.
31 [A CUSTOMER THAT HAS MORE THAN 100 LOCAL EXCHANGE ACCESS

1 LINES FROM A LOCAL EXCHANGE TELEPHONE COMPANY IN THE
2 MUNICIPALITY IS LIABLE FOR THE ENHANCED 911 SURCHARGE ONLY
3 ON 100 LOCAL EXCHANGE ACCESS LINES.]

4 * Sec. 6. AS 29.35.131(c) is amended to read:

5 (c) A local exchange telephone company or wireless telephone company shall
6 include the appropriate enhanced 911 surcharge, stated separately and included in the
7 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 the
9 telephone company [AND HAS NO JURISDICTION OVER AN ENHANCED 911
10 SYSTEM]. A customer is liable for payment of the enhanced 911 surcharge in the
11 amounts billed by the telephone company until the amounts have been paid to the
12 telephone company.

13 * Sec. 7. AS 29.35.131 is amended by adding new subsections to read:

14 (i) A municipality may by ordinance elect to impose a point-of-purchase 911
15 surcharge from prepaid wireless telephone accounts not to exceed one percent of the
16 purchase value. The surcharge must apply to initial purchases and to subsequent
17 purchases of air time. The retailer of the wireless account is responsible for remitting
18 the surcharge to the municipality.

19 (j) To enable each municipality to qualify for grant funding, the governor is
20 responsible for certifying the collection and use of all 911 surcharges.

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

22 (a) The establishment, funding, use, operation, or maintenance of enhanced
23 911 or emergency services dispatch systems and all activities associated with those
24 actions 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 wireless telephone company
27 and their employees and agents are also immune from tort liability that might
28 otherwise be incurred in the course of installing, training, maintaining, or providing
29 enhanced 911 systems or transmitting or receiving calls on the system.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB461CS-DPS-A STD-04-28-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept Affected: Public Safety
 Title Act relating to 911 Svcs and Emergency Svcs RDU Alaska State Troopers
 Component AST Detachment
 Sponsor Rep. Holm
 Requester (H) Community & Regional Affairs Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill, will allow municipalities to, by resolution or ordinance, elect to provide an emergency services dispatch system. It also establishes rates that municipalities can collect as a 911 surcharge which will be limited in use to the 911 system and for the actual labor and equipment used to provide emergency services dispatch, but not for costs of providing the medical, police, fire, rescue, or other emergency service, or for any other purpose.

This bill also amends the current statute to improve the immunity protection to municipalities that provide emergency services dispatch capabilities.

(continued)

Prepared by: Lt. Al Storey Phone 269-4532
 Division Alaska State Troopers Date/Time 4/28/04 5:35 PM
 Approved by: Commissioner William Tandeske Date 4/28/2004
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB461CS-DPS-ASTD-04-28-04

ANALYSIS CONTINUATION Page 2 of 2

Section 8 amends AS 42.05.295 to read: Routing 911 calls. Notwithstanding AS 42.05.711, to insure statewide access by all residents to 911 wireline services, traditional or enhanced, for areas where there is no local or regional public safety answering point, the state shall provide a toll-free, statewide default public safety answering point to which each local exchange telephone company must route all 911 calls originating from within its customer service base.

This last provision, in essence, will require the State of Alaska to develop 911 procedures and implement processes to have Public Safety Answering Points (PSAP's) established, in areas where the 911 service is not currently present, so that all phones in Alaska will have 911 emergency services capability.

Currently the Alaska State Troopers (AST) have a number of formal and informal procedures established to insure that emergency calls for service are answered and responded to in a timely fashion. The AST work with local agencies as well as state and federal agencies to insure a proper response to calls for assistance. It is recognized that the needs of the state vary widely from region to region and that there is not a "one size fits all" solution to providing quality emergency services dispatch capabilities across the state. The needs for the western regions are different from the needs of southeast Alaska. Similarly, the needs for the North Slope Borough are different from the needs of smaller communities in south central Alaska.

In some locations, local police departments provide emergency services dispatch capabilities for the AST. This is especially true for the AST after normal duty hours. These call takers screen the calls and initiate an appropriate response. In other areas of the state, the AST may receive the calls directly, even after hours. Yet at other locales, request for emergency services may go to a larger centralized AST dispatch center such as Anchorage or Fairbanks.

This current system of receiving calls for emergency services is an ongoing effort to insure that no call goes unanswered and that responses are timely. The call takers are usually located close to the communities expected to need the services so that there is common shared knowledge about the locations between the call taker and the person placing the call.

The impact of the proposed provision, while laudable, could have immediate far-reaching fiscal implications as it applies to providing the capability that would be required. Many of the current AST dispatch centers are not equipped or manned in a way that could assume the additional duties of answering 911 calls originating from other parts of the state.

In locations where the AST works with the local agencies to provide the current call taking capability, it is believed that those agencies are also not equipped or manned in a way that would allow them to assume a much larger role as 911 call takers. It could certainly be expected that those agencies will ask for compensation for providing that service or increased compensation if they are already providing some call taker service.

This provision was brought forth at a late date in the legislative process. Because of the limited time that has been allowed to discuss the issue of how the PSAP's would be established, the equipment and personnel that would be required to properly operate these PSAP's, and the potential costs that will arise to connect the system to PSAP's, the AST have no viable way in which to determine the fiscal impact to the department. It is expected that the costs could be substantial as the department works to enhance currently existing processes, or moves to establish systems that do not currently exist. It could logically be expected that this would take a considerable amount of staff hours to plan, negotiate with other involved agencies, procure equipment if needed, hire additional dispatchers/call takers, and implement the effort on a statewide basis.

Also, while the legislature establishes procedures and rates that municipalities can follow to collect funds to help finance emergency services dispatch systems, there is no similar provision for the AST to receive funds to assist in providing the same service.

There is no question that a consistent process for accessing emergency services is desirable. A formal comprehensive plan addressing all aspect of the system, including specific goals and objectives is needed. The plan must include the areas of responsibility for all the involved agencies and the procedures to be followed. The plan must also include the expected costs for personnel and equipment. It should also reflect anticipated funding sources. Once the plan is completed, it can be implemented in a coordinated fashion with the end result being a properly managed emergency services dispatch capability that serves the needs of all communities.

Without such a plan, there is no viable means of determining the fiscal impact to the Alaska State Troopers.

The fiscal impact to the Department of Public Safety is indeterminate at this time.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Sec. 7. AS 29.35.133(a) is amended to read:

(a) No civil action for damages may be brought against the state or an incorporated unit of local government, or their employees, based on the establishment, funding, use, operation, or maintenance of an enhanced 911 or emergency services dispatch system or any toll-free, default public safety answering point, and all activities associated with these systems, which is not based on an intentional act of misconduct or on an act of gross negligence.

Post-It® Fax Note 7671		Date 4/29	# of pages ▶
To Home STA	From G. Owens		
Co./Dept.	Co		
Phone #	Phone #		
Fax # 465-2273	Fax #		

CS FOR HOUSE BILL NO. 461(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 4/28/04

Referred: State Affairs

Sponsor(s): REPRESENTATIVE HOLM

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to enhanced 911 surcharges and to 911 and emergency services
2 dispatch systems."

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

4 * Section 1. AS 09.65.070(d) is amended to read:

5 (d) An action for damages may not be brought against a municipality or any of
6 its agents, officers, or employees if the claim is based on

7 (1) [IS BASED ON] a failure of the municipality, or its agents,
8 officers, or employees, when the municipality is neither owner nor lessee of the
9 property involved, to

10 (A) [TO] inspect property for a violation of any statute,
11 regulation, or ordinance, or a hazard to health or safety;

12 (B) [TO] discover a violation of any statute, regulation, or
13 ordinance, or a hazard to health or safety if an inspection of property is made;

14 or

1 (C) [TO] abate a violation of any statute, regulation, or
2 ordinance, or a hazard to health or safety discovered on property inspected;

3 (2) [IS BASED UPON] the exercise or performance or the failure to
4 exercise or perform a discretionary function or duty by a municipality or its agents,
5 officers, or employees, whether or not the discretion involved is abused;

6 (3) [IS BASED UPON] the grant, issuance, refusal, suspension, delay,
7 or denial of a license, permit, appeal, approval, exception, variance, or other
8 entitlement, or a rezoning;

9 (4) [IS BASED ON] the exercise or performance during the course of
10 gratuitous extension of municipal services on an extraterritorial basis;

11 (5) [IS BASED UPON] the exercise or performance of a duty or
12 function upon the request of, or by the terms of an agreement or contract with, the
13 state to meet emergency public safety requirements; or

14 (6) [IS BASED ON] the exercise or performance of a duty in
15 connection with an emergency services dispatch system or enhanced 911 emergency
16 system and is not based on an intentional act of misconduct or on an act of gross
17 negligence.

18 * Sec. 2. AS 29.10.200(37) is amended to read:

19 (37) AS 29.35.131 (emergency services dispatch system and
20 enhanced 911 system);

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

22 (a) A municipality may, by resolution or ordinance, elect to provide an
23 emergency services dispatch system or an enhanced 911 system at public safety
24 answering points, may purchase or lease the enhanced 911 equipment or service
25 required to establish or maintain an enhanced 911 system at public safety answering
26 points from a local exchange telephone company or other qualified vendor, and may
27 impose an enhanced 911 surcharge, in an amount to be determined by the
28 municipality, on all local exchange access lines that provide telephone service to
29 wireline telephones in the area to be served by the enhanced 911 system. A
30 municipality that provides services under an enhanced 911 system may also by
31 resolution or ordinance impose an enhanced 911 surcharge on each wireless telephone

1 number that is billed to an address within the enhanced 911 service area. An [FOR A
 2 MUNICIPALITY WITH A POPULATION OF 100,000 OR MORE, AN] enhanced
 3 911 surcharge may not exceed \$1 a [50 CENTS PER] month for each wireless
 4 telephone billing statement [NUMBER] or \$1 a [50 CENTS PER] month for each
 5 local exchange billing address [ACCESS LINE] for wireline telephones. [FOR A
 6 MUNICIPALITY WITH FEWER THAN 100,000 PEOPLE, AN ENHANCED 911
 7 SURCHARGE MAY NOT EXCEED 75 CENTS PER MONTH FOR EACH
 8 WIRELESS TELEPHONE NUMBER OR 75 CENTS PER MONTH FOR EACH
 9 LOCAL EXCHANGE ACCESS LINE FOR WIRELINE TELEPHONES.] An
 10 enhanced service area may be all of a city, all of a unified municipality, or all or part
 11 of the area within a borough and may include the extraterritorial jurisdiction of a
 12 municipality in accordance with AS 29.35.020. The governing body of a municipality
 13 shall review an enhanced 911 surcharge annually to determine whether the current
 14 level of the surcharge is adequate, excessive, or insufficient to meet anticipated
 15 enhanced 911 system needs. The municipality may [ONLY] use the enhanced 911
 16 surcharge for the enhanced 911 system and for the actual labor and equipment
 17 used to provide emergency services dispatch, but not for costs of providing the
 18 medical, police, fire, rescue, or other emergency service, or for any other
 19 purpose.

20 * Sec. 4. AS 29.35.131(b) is amended to read:

21 (b) A local exchange telephone company providing service in a municipality
 22 that has imposed an enhanced 911 surcharge shall bill each month and collect the
 23 surcharge from customers in the enhanced 911 service area. A wireless telephone
 24 company that provides telephone service to wireless telephone customers with billing
 25 addresses within the enhanced 911 service area shall impose the [AN ENHANCED
 26 911] surcharge each month and collect the surcharge from customers in the enhanced
 27 911 service area. A local exchange telephone customer may not be subject to more
 28 than one enhanced 911 surcharge on a local exchange billing address [ACCESS
 29 LINE] for a wireline telephone. A wireless telephone customer may not be subject to
 30 more than one enhanced 911 surcharge for each billing statement [FOR EACH
 31 WIRELESS TELEPHONE NUMBER. A CUSTOMER THAT HAS MORE THAN

1 100 LOCAL EXCHANGE ACCESS LINES FROM A LOCAL EXCHANGE
2 TELEPHONE COMPANY IN THE MUNICIPALITY IS LIABLE FOR THE
3 ENHANCED 911 SURCHARGE ONLY ON 100 LOCAL EXCHANGE ACCESS
4 LINES].

5 * Sec. 5. AS 29.35.131(c) is amended to read:

6 (c) A local exchange telephone company or wireless telephone company shall
7 include the appropriate enhanced 911 surcharge, stated separately and included in the
8 total amount owed, in the bills delivered to its customers. The Regulatory
9 Commission of Alaska may not consider the enhanced 911 surcharge as revenue of the
10 telephone company [AND HAS NO JURISDICTION OVER AN ENHANCED 911
11 SYSTEM]. A customer is liable for payment of the enhanced 911 surcharge in the
12 amounts billed by the telephone company until the amounts have been paid to the
13 telephone company.

14 * Sec. 6. AS 29.35.131 is amended by adding new subsections to read:

15 (i) A municipality may by ordinance elect to impose a point-of-purchase 911
16 surcharge from prepaid wireless telephone accounts not to exceed one percent of the
17 purchase value. The surcharge must apply to initial purchases and to subsequent
18 purchases of air time. The retailer of the wireless account is responsible for remitting
19 the surcharge to the municipality.

20 (j) To enable each municipality to qualify for grant funding, the governor is
21 responsible for certifying the collection and use of all 911 surcharges.

22 * Sec. 7. AS 29.35.133(a) is amended to read:

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

31 * Sec. 8. AS 42.05 is amended by adding a new section to read:

1 **Sec. 42.05.295. Routing 911 calls.** Notwithstanding AS 42.05.711, to ensure
2 statewide access by all residents to 911 wireline services, traditional or enhanced, for
3 areas where there is no local or regional public safety answering point, the state shall
4 provide a toll-free, statewide default public safety answering point to which each local
5 exchange telephone company must route all 911 calls originating from within its
6 customer service base.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 461(CRA)
 (H) Publish Date: 4/28/04

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title Emergency Services Dispatch/911 RDU Regulatory Commission of Alaska (399)
Surcharge Component Regulatory Commission of Alaska
 Sponsor Representative Holm
 Requester House Community & Regional Affairs Component No. 2417

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would allow municipalities, certain villages and public corporations established by municipalities to expand an enhanced 911 system to also provide and charge for an emergency dispatch system.

This legislation has no impact on the operations of the Regulatory Commission of Alaska.

Prepared by: Mark K. Johnson, Commissioner, Chair Phone (907) 276-6222
 Division Regulatory Commission of Alaska Date/Time 3/1/04 3:01 PM
 Approved by: Edgar Blatchford, Commissioner Date 3/1/2004
 Agency Department of Community & Economic Development

STATE OF ALASKA



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REPRESENTATIVE JIM HOLM DISTRICT 9

HB 461

"EMERGENCY SERVICES DISPATCH/911 SURCHARGE"

Sponsor Statement

19 February

Enhanced 9-1-1 technology is sweeping the nation. This enhanced emergency service provides a faster, more efficient means of rescue to the citizens of Alaska. Enhanced 9-1-1 immediately provides the dispatcher with the identity and physical location of a caller. Bottom line: Enhanced 9-1-1 can save lives.

Municipalities have no way to fully cover the costs of this essential dispatch service. Currently AS 29.35 gives a municipality the ability to cover the cost of the Enhanced 9-1-1 equipment through a surcharge of only sixty-five cents. This does not cover the cost of the dispatch or the labor. The burden of the cost for this service is borne by local property taxes and state revenues.

This bill will shift some of the costs to the users of this service and provide substantial relief to stretched municipal budgets. Municipalities will have the option to charge phone users through a surcharge on their phone bill. Local governments are more capable of responding to the specific needs of their community. These adjustments will be a great stride toward the goal of local control for city and borough governments.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 18, 2004

SUBJECT: Sectional summary (HB 461)

TO: Representative Jim Holm
Attn: Matthew Rudig

FROM: Tamara Brandt Cook
Director *TBC*

Sec. 1. Prevents an action from being brought against a municipality based on the exercise of a duty in connection with an emergency services dispatch system unless the action is also based on an intentional act of misconduct or on an act of gross negligence. Note that under existing law "municipality" is defined to include a public corporation established by a municipality and a village.

Sec. 2. Technical change to list of home rule limitations to accommodate changes made in bill sections 3 - 8.

Sec. 3. Permits a municipality to provide an emergency services dispatch system and impose a surcharge for that service. Increases enhanced 911 surcharges that a municipality may impose.

Secs. 4 - 9. Treats emergency services dispatch service areas, surcharges, and collections in the way the existing provisions cover enhanced 911 service areas, surcharges, and collections. Permits a telephone company to retain an amount of the collected emergency services dispatch surcharge for costs of the collection under the same terms that now apply to enhanced 911 collections.

Sec. 10. Adds a definition of "emergency services dispatch."

TBC:med
04-204.med

Proposed Telephone Surcharge Amenment		
January 29, 2004		
	Current Fairbanks E-911 Surcharge:	Proposed Current E-911 Surcharge plus Dispatch Surcharge
Surcharge Income		
E-911 monthly surcharge per line	\$ 0.65	\$ 0.75
Proposed new Dispatch surcharge		\$ 1.45
Total	0.65	\$ 2.20
ACS Lines	47,000	
GCI Lines	9,500	
Cell Phones	28,500	
Total Lines	85,000	
Monthly Income	\$ 55,250.00	\$ 187,000.00
less rebate to providers	\$ 552.50	\$ 1,870.00
Net per month	\$ 54,697.50	\$ 185,130.00
Net per year	\$ 656,370.00	\$ 2,221,560.00
Total Income	\$ 656,370.00	\$ 2,221,560.00
Expenses		
<i>E-911 System Expenses</i>		
Annual E-911 tech & system costs	\$ (350,000)	\$ (350,000)
Annual set aside for equipment replacement	\$ (250,000)	\$ (250,000)
<i>Dispatch Centers Expense</i>		
City of Fairbanks Center	\$ (1,200,000)	\$ (1,200,000)
AST (est)	\$ (1,100,000)	\$ (1,100,000)
UAF	\$ (600,000)	\$ (600,000)
North Pole*	\$ (175,000)	\$ (175,000)
Fairbanks Int'l Airport	\$ (175,000)	\$ (175,000)
Local Annual set-aside for equipment**	\$ (830,000)	\$ (830,000)
Total Expense***	\$ (4,680,000)	\$ (4,680,000)
Net Local Share of Costs	\$ (4,023,630)	\$ (2,458,440)
*North Pole and Fairbanks considering contractual arrangement		
**Grants have in the past covered this cost; no guarantee of future funding.		
***Includes state funds used at Fairbanks AST and Fairbanks Int'l Airport		
Note: Interior Agencies are considering a combined Regional Dispatch Center to reduce expenses.		

HB 461

**ALASKA FIRE CHIEFS ASSOCIATION
04-01**

**RESOLUTION IN SUPPORT OF AMENDMENT OF THE ALASKA STATUTES TO
AUTHORIZE MUNICIPALITIES TO INCREASE THE PHONE SURCHARGE TO PAY
THE COSTS OF EMERGENCY SERVICES DISPATCH**

WHEREAS, dispatch centers are an essential part of providing emergency police, fire, and emergency medical services; and

WHEREAS, Alaska Statutes section 29.35.131 authorizes smaller Alaskan municipalities to enact a surcharge of up to \$0.75 per month upon telephone lines to pay for the expense of enhanced 911 services; and

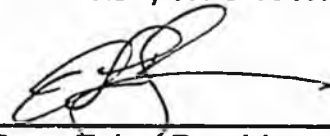
WHEREAS, as currently written, AS 29.35.131 does not authorize a surcharge for the operating costs of emergency dispatch centers; and

WHEREAS, authorization for municipalities to increase the phone surcharge to pay the cost of dispatch centers in an appropriate amount will provide desperately needed revenue to operate dispatch centers.

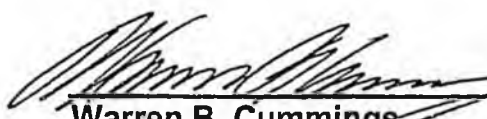
NOW, THEREFORE, BE IT RESOLVED THAT THE ALASKA FIRE CHIEFS ASSOCIATION SUPPORTS AMENDMENT OF STATE LAW TO AUTHORIZE A COMMUNITY OPTION FOR LOCAL INCREASE OF THE TELEPHONE SURCHARGE TO PAY THE COST OF OPERATION OF DISPATCH CENTERS UP TO THE AMOUNT ALLOWED BY STATE LAW.

BE IT FURTHER RESOLVED, THAT THE ALASKA FIRE CHIEFS SUPPORTS HOUSE BILL 461 AS PROPOSED BY REPRESENTATIVE JIM HOLM, WHICH WOULD AUTHORIZE AN INCREASED SURCHARGE.

ADOPTED, THIS 10TH DAY OF FEBRUARY, 2004



Dave Tyler, President
Alaska Fire Chiefs Association



Warren B. Cummings,
Attest, First Vice President

Introduced by:

Mayor Thompson
Council Member Johnson
Date: February 23, 2004

RESOLUTION NO. 4112

**A RESOLUTION IN SUPPORT OF HOUSE BILL 461 AND
SENATE BILL 335, WHICH WOULD ALLOW MUNICIPALITIES
TO LEVY A MONTHLY SURCHARGE ON TELEPHONE
SERVICES TO PAY FOR GENERAL EMERGENCY SERVICES
DISPATCHING AND FOR ENHANCED 911 SERVICE**

WHEREAS, public safety is one of the mandates in the state; and

WHEREAS, an enhanced 911 automatically provides dispatchers with the identity and location of callers; and

WHEREAS, local dispatch centers are now paid mostly through local taxes; and

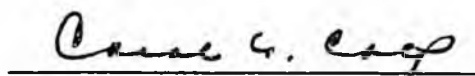
WHEREAS, it is common around the Country for 911 dispatch centers to be funded by telephone surcharges.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks that the City Council supports passage of House Bill 461 and Senate Bill 335.

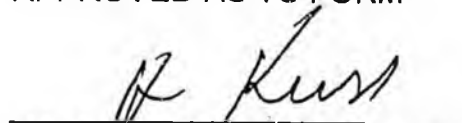
Passed, Approved and Effective this 23rd day of February, 2004


Steve M. Thompson, City Mayor

ATTEST:


Carol L. Colp, City Clerk

APPROVED AS TO FORM


Herbert P. Kuss, City Attorney



217 Second Street, Suite 200 • Juneau, Alaska 99801
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

April 7, 2004

Representative Jim Holm
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: HB 461

Dear Representative Holm,

Thank you for sponsoring HB 461, which would expand the surcharge local government may levy on telephone users for E-911 and emergency dispatch services. The increased user fee, if enacted by a municipality, will improve that local government's ability to promptly respond to life and health threatening emergencies.

Although emergency communications technology has improved considerably in recent years, the added costs combined with reduced state shared revenues has made it difficult for emergency service providers to keep up with the advancements. HB 461 would provide another tool available to help improve these services.

We understand there are concerns which have been voiced by some of the telecommunications carriers regarding E-911 surcharges. We believe most of their issues can be resolved through consumer education and appropriate cost reimbursement to the carriers. We also believe any basic objection to a surcharge for 911 services is outweighed by the service provided through the surcharge funds.

Not all areas of Alaska are covered by 911 service. According to a Denali Commission survey, 164 communities within Alaska have no 911 service. The AML also supports the use of a portion of the surcharge to help municipalities and telephone service providers develop a statewide coordinated plan with the goal of eventually expanding the availability of 911 service to all parts of Alaska.

Thanks again for introducing this bill and we offer our support in helping to secure its passage.

Sincerely,

Kevin Ritchie
Executive Director

**CITY OF FAIRBANKS***Steve M. Thompson, Mayor*800 CUSHMAN STREET
FAIRBANKS, ALASKA 99701-4615

OFFICE: 907-459-6793

FAX: 907-459-6787

smthompson@ci.fairbanks.ak.us

April 29, 2004

Representative Weyhrauch
State Capitol, Room 102
Juneau, AK 99801-1182

fax: 907-465-2273

RE: House Bill 461, E911 Emergency Services Dispatch

Dear Representative Weyhrauch:

The City of Fairbanks supports House Bill 461. Version "z" as discussed this morning, will help us recover more of the cost of E-911 and dispatch service.

We believe that every wireline phone capable of making an E-911 call should be billed for the service, rather than the billing address for the phone. However, because version "z" removes the maximum surcharge, and instead authorizes each municipality to make the case locally for the appropriate surcharge, this flaw is not as significant as it once was.

Some of the other valid points made today (development of a statewide system, E-911 inside office buildings with a private branch exchange, etc.) can be addressed in the future. Version "z" makes a great step forward in that it will help recover the actual costs of E-911 and emergency dispatch service.

Our thanks to Representative Holm for sponsoring this bill, and to your committee for taking the time to address it. We will be available tomorrow morning should there be questions.

Sincerely,

A handwritten signature in cursive script that reads "Steve M. Thompson".

Steve M. Thompson
City MayorCc: House State Affairs Committee Members
Interior Delegation
Honorable Jim Whittaker, Borough Mayor
Jeff Jacobson, North Pole Mayor

Fairbanks City Council Members

House State Affairs Committee Members:

- Representative Weyhrauch, Chair
- Representative Holm, Vice Chair
- Representative Coghill
- Representative Lynn
- Representative Seaton
- Representative Berkowitz
- Representative Gruenberg