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ALASKA STATE LEGISLATURE

SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 30
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

TO: Senate Secretary
FROM: Senator Bert K. Stedman *BCS*
DATE: May 2, 2004
SUBJECT: C&RA Committee Schedule Week of May 3rd, 2004

The following is the schedule for the Senate Community & Regional Affairs Committee for the week of May 3rd, 2004:

May 3rd Monday Fahrenkamp 203 1:30 PM

+* SB 396 INTERIOR RIVERS PORT AUTHORITY
+* HCR 28 STUDIES OF SALMON HARVESTING COOPS

Bills Previously Heard
= SB 335 EMERGENCY SERVICES DISPATCH/911 SURCHARGE

May 5th Wednesday Fahrenkamp 203 1:30 PM

Bills Previously Heard

May 7th Friday Fahrenkamp 203 1:30 PM

Bills Previously Heard

- + Teleconferenced
- * First Hearing
- = Previously Heard

Amendment #1

Amendment to SB 335, Senate Community and Regional Affairs, by Senator Lincoln:

AS 42.05 is amended by adding a new section to read:

Sec. 42.05.295. Routing 911 calls. Notwithstanding AS 42.05.711, to ensure 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.

54



ALASKA STATE LEGISLATURE

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Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

May 3, 2004
1:30 – 3:30 PM
Fahrenkamp 203

AGENDA

I. Call To Order

II. Calendar

SB 396 Interior Rivers Port Authority

Sponsor Testimony:

Rep Carl Morgan (R – Aniak), District 6
Lorie Nottingham, Staff Rep Morgan

Invited Testimony:

Paul Fuhs
Bob Charles, Calista Corp

SB 335 Emergency Services Dispatch/911 Surcharge

Sponsor Testimony:

Senator Ralph Seekins (R – Fairbanks) District D
Joe Michel, Staff Senator Seekins

Invited Testimony:

Kevin Ritchie or Tim Rogers, Ex Dir Alaska Municipal League
Lieutenant Kevin Story, Alaska State Troopers (Via Phone)
Mark K. Johnson, Chair RCA (Via Phone)
Gail Voightlander, Chief Asst Attorney General (Via Phone)
Mayor Steve Thompson, Fairbanks (Via Phone)

HCR 28 Studies of Salmon Harvesting Cooperatives

Sponsor Testimony:

Rep Paul Seaton (R – Homer), District 35
Cameron Yourkowski, Staff Rep Seaton

Invited Testimony:

Gunnar Knapp, Economist, UAA

III. Adjourn

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Subject: CR&A Meeting & SB 335 > E911
Date: Mon, 22 Mar 2004 10:26:18 -0900
From: Joe Michel <Joe_Michel@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Miles C Baker <miles_baker@legis.state.ak.us>

Miles

Thank you for your attention to Senator Seekins legislation regarding surcharges to fund enhanced 911 services. Your office had notified us, here at Senator Seekins's office, that SB 335 would be heard under bill previously heard on Wednesday March 24th. We formally request that Senator Steadman, not hear this bill on Wednesday. Thank you for you time and effort with regards to this.

Joe Michel
Legislative Aide to
Senator Ralph Seekins

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



FAXED BY
SEWARD LIO

2 12 pm



Fire Dept.

Memo

To: Legislative Office, Seward
From: David Squires, Fire Chief
Date: March 10, 2004
Re: SB 335 WRITTEN TESTIMONY

Senate Community and Regional Affairs Committee

SB 335 Emergency Services Dispatch/ 911 Surcharge

Please revise Section 3, Line 22 regarding apportionment to reflect apportionment based on actual cost of providing the emergency dispatch service instead of a per call basis as currently proposed.

Seward, Homer, Kenai and Soldotna may all have different call volumes, but the daily operating expenses of the 24hour 7days a week dispatch services does not change.

Quantity of calls can fluctuate considerably during any given month, but the operational costs of lines, equipment and staff remain constant. Centers that have lower call volumes would now receive a lower percentage of funding than the higher volume centers. We feel the apportionment will be more fairly calculated and distributed if based on actual costs of operations.

Respectfully submitted
 David Squires, Fire Chief
 Seward Fire Department

12/13

11

MAR-10-04 WED 03:12 PM

SEWARD LIO

FAX NO. 9072245067

P. 01



State Of Alaska
Legislative Affairs Agency
Kenai LIO
145 Main St Lp, Ste 217
Kenai, AK 99611
907-283-2030

Date: 3-10-04

Please accept the enclosed original(s) of written testimony for the SCRA teleconference hearing that was scheduled on 3-10-04.

A copy of this testimony was transmitted to your committee via fax on 3-10-04.

Thank You,

M. B. Byrne



Alaska State Legislature

Please enter into the record my testimony to the Senate Community & Regional Affairs
committee name

Committee on SB 335, dated 3-10-04
bill # / subject public hearing date

Sir's,

Many call taking centers around alaska do not have the necessary equipment to accurately pinpoint the number of 911 call's received for their area's of responsibility. Their currently is no standard that requires 911 centers to have such equipment that will provide this information, and there is no infrastructure in which to provide this information to the offices in charge of providing dissemination of surcharge monies. Additionally, until phase II wireless is implemented by the telephone companies, there is no way to accurately track calls for service made by cell phone. It is interesting to note that 12% of our emergency calls (within the City of Kenai's jurisdictional boundaries) are received over administrative lines, and would be overlooked by the current surcharge distribution model.

Service calls (911 calls) on the Kenai Peninsula are automatically routed through a central switch that is located at the E-Det Soldotna AST post, and then manually transferred from AST dispatch to the outlying municipal dispatch center's (Homer, Seward and Kenai). Should any call taking center (within the Kenai Peninsula Borough, or anywhere else using a similar type of system) want to justify its apportionment of funds, that center (municipal, borough or otherwise) would not be able to provide the accurate call-for-service data to justify its portion of the surcharge (due to prohibitive nature of the 911 switching currently in use). Until the phone companies become phase II compliant, the 'per call' surcharge allocation is not a good model.

Therefore, I strongly recommend the solution provided by Kenai Fire Chief for allocation of surcharge monies.

Thank you for your time and consideration

Signed: Lee Gattenby, City of Kenai 911 Center Supervisor

Testifier

Kenai Police Department

Representing (optional)

105 S Willow Kenai, AK 99611

Address

(907) 283-7879

Phone number



Alaska State Legislature

Please enter into the record my testimony to the Senate Community & Regional Affairs
committee name

Committee on SB 335, dated 3-10-04
bill # / subject public hearing date

Please revise Section 3, Line 22 regarding apportionment to reflect apportionment based on actual cost of providing the emergency service dispatch rather than per call as written.

Kenai, Homer, Seward and Soldotna AST dispatch centers may all have different volumes of calls, but each center has fixed local costs to provide the service regardless of quantity of calls. The service exists 24/7 whether any calls come in or not in a given period.

Quantity of calls can fluctuate drastically on an annual basis, but operational costs will generally fluctuate minimally in any given year.

Apportioning based on actual costs will still allow those centers with higher volume to be apportioned a greater amount based on their higher operational costs than a center with lower operational costs due to lower volume, but the apportionment will be more fairly calculated and distributed.

Respectfully submitted,

Signed: Scott A. Walden, Chief

Testifier

City of Kenai Fire Department

Representing (optional)

105 S Willow Kenai, AK 99611

Address

283-7666

Phone number



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Letter of Intent

CSSB 335 (CRA)

The Senate Community and Regional Affairs Committee finds that recent improvements in the software, hardware, equipment and other technology employed in the operation of enhanced 911 and other emergency dispatch services has changed the economics of providing these important public services. The committee also finds that advances in telecommunications continue to place new requirements and demands on these services and the local governments that provide them. However, coordination and consolidation of these services within and among communities throughout the state, can significantly improve the quality and cost of providing enhanced 911 and emergency dispatch services. Therefore, it is the intent of this committee to encourage the State of Alaska to do everything within its authority to facilitate, endorse and promote the coordination of these services statewide.



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Senator Gary Stevens

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Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

March 10, 2004
1:30 – 3:30 PM
Fahrenkamp 203

AGENDA

I. Call To Order

II. New Business

SB 335 Emergency Services Dispatch/911 Surcharge

Sponsor Testimony:

Joe Michel, Staff Senator Seekins

Invited Testimony:

Paul Harris, Dir, Fairbanks Police Department

Available for Questions

Debby Hassel, Dir, Fairbanks Office of Homeland Sec

Lieutenant Story, Alaska State Troopers (Via Phone)

Patrick Cole, Fairbanks City Attorney (Via Phone)

Public Testimony

SB 355 Land & Water Protection From Waste Disposal

Sponsor Testimony:

Ernesta Ballard, Commissioner, Dept of Environ Cons (DEC)

Invited Testimony:

Dan Easton, Director, Division of Water, DEC

Steve Borell, Exec Director, AK Mining Assoc (Via Phone)

Rich Heig, President, Council of Alaska Producers (Via Phone)

Public Testimony:

III. Adjourn

Subject: SB335 CR&A March 10 Testimonials
Date: Mon, 08 Mar 2004 16:16:31 -0900
From: Joe Michel <Joe_Michel@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Miles C Baker <miles_baker@legis.state.ak.us>

The attached document is a little more formal. Call if you need anything

Joe

To Testify in Person

Paul G. Harris
Director of the Fairbanks Police Department
911 Cushman Street
Fairbanks AK. 99701
(907)-450-6515

Debby Hassel
Director of the Office of Homeland Security Fairbanks Office
800 Cushman St.
Fairbanks AK 99707
(907) 450-6625

Fairbanks LIO Location

Patrick Cole
Fairbanks City Attorney
457-6760

Lt Stang, AK State Troopers 269-4532

Lee Ann Lucas - ~~4262~~
2649

CONSTITUENT COMMENT

CITY OF FAIRBANKS

Office of Homeland Security

Debby Hassel, Director 800 Cushman St.
(907) 450-6652 (o) Fairbanks, AK
(907) 590-3716 (c) 99701
(907) 459-6712 (f)

dmhassel@ci.fairbanks.ak.us

DATE 3/9/04

PHONE

7:55 Am

SB 335

Supports the bill -

FAIRBANKS POLICE
DEPARTMENT

Paul G. Harris, Director
911 Cushman Street
Fairbanks, Alaska 99701
907-450-6515
pgharris@ci.fairbanks.ak.us



Comments -

= How to deal w/ prepaid
cell phones

= exemptions for Houses etc
w/ several phones - esp
detected for computer lines

~~AM~~ ~~CLERK~~ IN OFFICE - WANTED

ASPT w/BERT

R

ACTION TAKEN

STAFF

DATE

~~Alaska Telephone Association~~

201 E. 56th, Suite 114
Anchorage, AK 99518
(907) 563-4000
FAX (907) 562-3776
www.alaskatel.org

Greg Berberich
President

James Rowe
Executive Director
jrowe@arctic.net

March 25, 2004

Hon. Bert Stedman
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

RE: E911 Proposed Legislation

Senator Stedman	
Rec on:	3/25
Read	Copy
SENATOR	
MILES	15
IAN	
DICK	
Note:	

Dear Senator Stedman:

The Alaska Telephone Association represents fourteen rural, essentially wireline, local exchange telephone companies, each of which is absolutely dedicated to providing high quality service to all of its customers. We support emergency services, but are very concerned with legislation introduced this session; HB499 and HB461 and its companion, SB335.

Of foremost concern to local telephone companies is the customer perception that local telephone rates are increasing by up to \$2.25 (HB461) or \$1.25 (HB499); this at a time when the Regulatory Commission of Alaska is considering changes that will add to each end-user's bill and interstate assessment increases are also likely to impact the end user. These combined increases have a real impact on the customer least able to afford a higher monthly phone bill.

Although uncomfortable with any increase in charges to the local telephone customer, we cannot tell if the proposed amounts are excessive or even sufficient to accomplish their stated tasks. We are curious why the most urban community needs a 400 percent increase in assessment while communities with lesser populations need "only" a 167 percent increase (HB499). Such disparity is not the case in the alternative bill, HB461, where the Anchorage surcharge cap would be \$1.85 and other municipal caps would be \$3.00. Additionally, HB499 seeks an E911 (PSAP) increase of \$1.50 in

Anchorage while HB461 leaves the E911 (PSAP) charge in Anchorage at 50 cents while seeking an increase from 75 to 85 cents in the rest of the state.

ATA would be interested to know the potential revenues to be collected for each municipality and see a breakdown of the amounts anticipated to be collected by each of the companies. We believe that our customers who will see this on their bills each month also deserve some assurance that a new assessment is necessary.

Is the contribution scheme equitable when a single residential customer contributes more per telephone number to emergency services than a business or state agency with more than 100 lines (HB461)? That seems like regressive taxation. How much less would the individual surcharge be if every line contributed equally?

Perhaps not immediately recognized is that the "nominal" per month increase of \$1.50 (Anchorage, HB499) or \$1.25 (municipalities with a population less than 100,000, HB499) or \$2.25 (municipalities with a population with less than 100,000, HB461) escalates rapidly in homes with a wireline phone, fax and two or three cell phones in the family.

In their titles, HB461 and SB335 include "certain villages" as entities to which the legislation would apply, yet no villages are identified in the proposed legislation. More varied input at an earlier stage of this effort would surely have brought greater clarity to the proposed legislation and perhaps more support for additional financing of emergency services.

We would like to address the concerns of rural communities where there is no local PSAP and where there is not even a distant PSAP designated to accept an emergency call. Section 7 of HB499 attempts to address this by providing that "each local exchange company that provides wire service to an area outside a municipality must route all 911 calls originating from within its customer service base to a public safety answering point." A local wireline telephone company can only provide local service. If the PSAP is not local - which is the case in most rural communities - the call can only be delivered to a long distance carrier. Technically and legally, we cannot deliver a 911 call to a non-local PSAP.

Following is an excerpt from the Federal Communications Commission (FCC 01-351, paragraph 27, released 12/11/01):

While we fully expect States and localities to designate appropriate local emergency authorities to receive 911 calls in virtually all areas in accordance with one of the above procedures, we cannot preclude the possibility of areas where there is no PSAP, no statewide default answering point, and the State or local authorities have not selected an appropriate local emergency authority. As a last resort, in order to avoid the blocking of 911 calls in those areas, we require carriers to make a reasonable judgment as where to deliver 911 calls, and complete all translation and routing necessary to deliver 911 calls to such authority no later than nine months from the release date of this Order. We find that this requirement is consistent with section 3(a) of the 911 Act, which requires us to provide an appropriate period for transition to the use of 911 in those areas where it is not in use as an emergency number on the date of enactment of the 911 Act, and with the concerns expressed by Congress concerning the ability of emergency services personnel to respond quickly and effectively, particularly in rural areas. To assist carriers in this determination, we require them to initiate contact with the entity to be designated by the State's Governor pursuant to section 3(b) of the 911 Act. We also encourage carriers to notify the Governor's designated entity as soon as practicable once they are aware that no appropriate local emergency authority has been selected and to allow at least 15 days for a response before proceeding to select an answering point. Discussions with public safety organizations such as NENA and APCO also may be appropriate. Finally, Commission staff will assist carriers in resolving unanticipated difficulties, to the extent proper and necessary. Thus, due to the overriding public interest for all emergency calls to be completed and not dropped for any reason, this requirement will ensure that there is a destination to which emergency calls can be delivered.

Rural phone companies and rural Alaskans need a manned default PSAP to which 911 calls can be routed when there is no local or regional PSAP. A 911 call – a notification of an emergency situation – should not go unreported. None of these three bills addresses that or its costs.

Proposal

These 911, enhanced 911, public safety answering point and dispatch issues are important and complex. These issues should be addressed comprehensively, but likely differently in various parts of the state. We propose a 10 cent increase in the surcharge on each wireline and wireless local access line to be used to fund a statewide 911 coordinator. Additionally, a task force including emergency services personnel and industry representatives should be established to determine the resources, needs and funding opportunities available to best serve both urban and rural Alaskans. The task force report should be presented to the Twenty Fourth Alaska State Legislature no later than January 31, 2005.

The members of the Alaska Telephone Association look forward to working with the legislature, emergency services personnel and all Alaskans to determine these needs and facilitate the solutions.

Sincerely,



Jim Rowe

ALASKA STATE SENATE



Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax

Interim:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

Senate Bill 335 Sponsor Statement CSSB 335 (CRA)

“An Act relating to enhanced 911 surcharges and to emergency services dispatch systems of municipalities, certain villages, and public corporations established by municipalities.”

Senate Bill 335, and its companion House Bill 461, provide local municipalities more flexibility with respect to recovering direct costs associated with operating a 911 dispatch center.

Several years ago the Fairbanks North Star Borough transitioned into a new generation of emergency response capabilities by adopting the ubiquitous “911” telephone technology. Since then the system has been upgraded to the newer “Enhanced 911” technology. Now emergency dispatchers are able to identify callers and pinpoint the calling location thereby saving valuable response time.

Over the years this vital service has been provided to the residents of the FNSB at a relatively cheap flat monthly rate of 65 cents per phone line. That amounts to \$7.80 annually — less than the cost of *two* lattes. That’s a bargain any way you look at it. There is literally no telling how much money — and how many lives — this system has saved borough residents over the years.

But it is important to understand that the components making up an effective 911 emergency response system consist of much more than simply specialized software working in concert with somewhat ordinary computer hardware. In fact, no 911 system can work in the absence of a well trained dispatch staff. So it really is a package deal. One does not work with out the other.

Current state law recognizes the important public interest served through the use of 911 technology by allowing municipalities to directly charge phone customers for its use. However, the law does not currently allow the recovery of costs associated with the concomitant dispatch function. Senate Bill 335 solves this.

Furthermore, Senate Bill 335 allows municipalities needed flexibility in terms of recovering a greater amount of the direct costs associated with operating a 911 dispatch center. Current monthly cost recovery is limited to 85 cents per phone line. In this manner, municipalities would be able to assign costs in a more direct relationship to the beneficial user of the system. This, in fact, is the norm nationwide.

We have all heard the old business axiom, “Time is money.” But in the emergency response business, time is not only money but it could also be a life. The 911 dispatch service is recognized as being of vital importance to many communities throughout the state. And for less than 10 cents a day, it’s a bargain too.

ALASKA STATE SENATE



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(907) 465-2327
(907) 465-5241 Fax

Interim:
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(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

Senate Bill 335 Sponsor Statement

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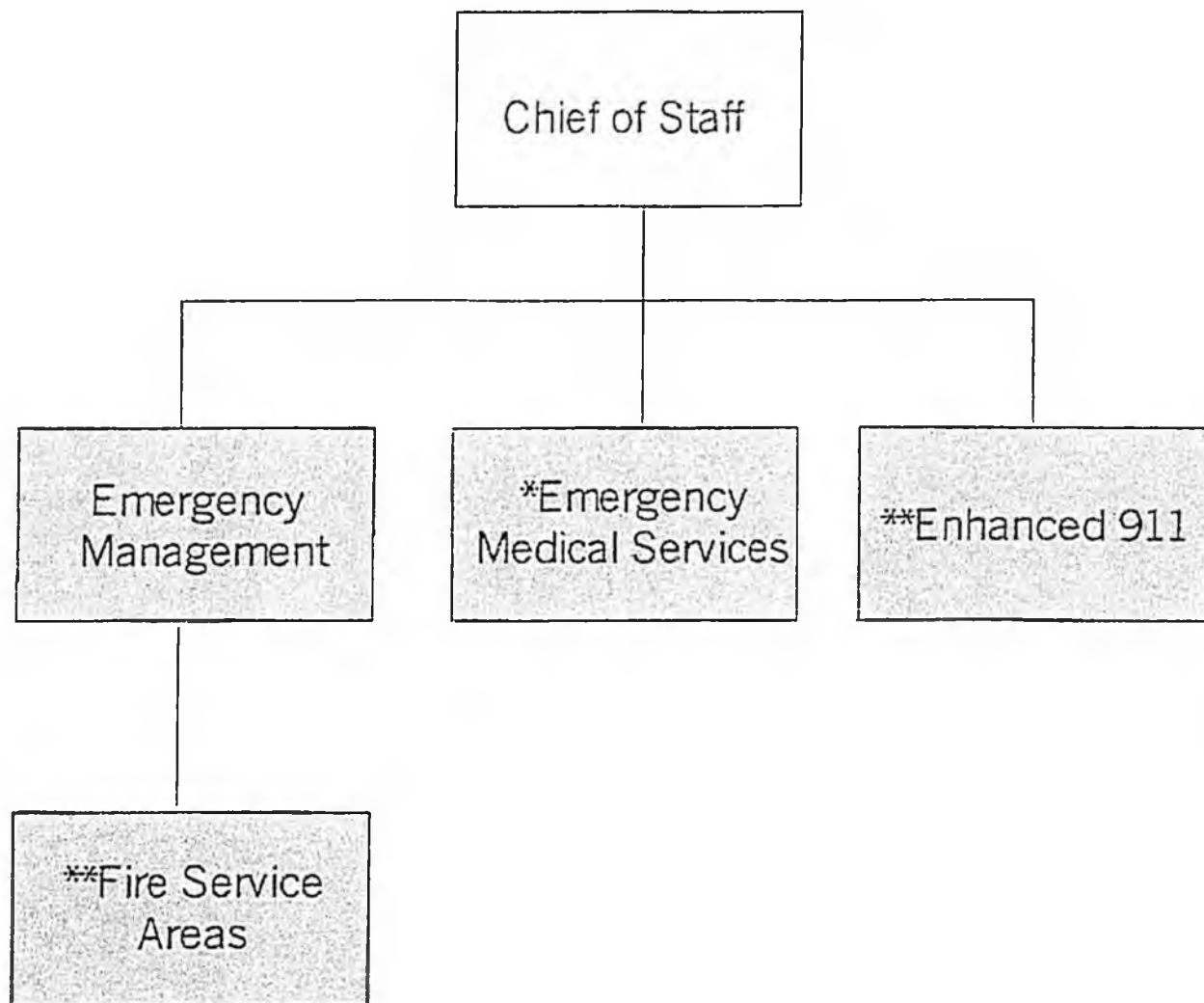
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Furthermore, Senate Bill 335 allows municipalities needed flexibility in terms of recovering a greater amount of the direct costs associated with operating a 911 dispatch center. Current monthly cost recovery is limited to 85 cents per phone line. This would be increased to a maximum of \$3.00 with revenues dedicated to 911 services only. In this manner, municipalities would be able to assign costs in a more direct relationship to the beneficial user of the system. This, in fact, is the norm nationwide.

We have all heard the old business axiom, “Time is money.” But in the emergency response business, time is not only money but it could also be a life. The 911 dispatch service is recognized as being of vital importance to many communities throughout the state. And for less than 10 cents a day, it’s a bargain too.

Proposed Telephone Surcharge Amenment			
January 29, 2004		Current	Proposed
		Fairbanks E-911 Surcharge:	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		
ST&T Lines			
Other Lines			
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>			
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			
**Local share includes state funds used at Fairbanks AST and Fairbanks Int'l Airport			
***Interior Agencies are looking at possible Regional Dispatch Center to reduce expenses.			
#Grants have in the past covered this cost; no guarantee of future funding.			

Department of Emergency Operations



*Non-Areawide

**Special Revenue Fund

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.

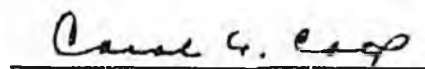
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Fairbanks that the City Council supports passage of House Bill 461 and Senate
Bill 335.

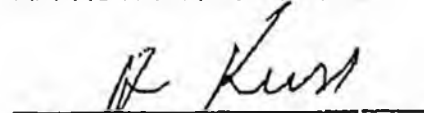
Passed, Approved and Effective this 23rd day of February, 2004


Steve M. Thompson, City Mayor

ATTEST:

APPROVED AS TO FORM


Carol L. Colp, City Clerk


Herbert P. Kuss, City Attorney

By: Rhonda Boyles, Mayor
Introduced: 07/11/02
Advanced: 07/11/02
Adopted: 07/25/02

ORDINANCE NO. 2002-20-1A

AN ORDINANCE AMENDING THE FY 2002-03 BUDGET BY APPROPRIATING \$997,800 TO THE SPECIAL REVENUE FUND FOR THE DEVELOPMENT OF A REGIONAL EMERGENCY DISPATCH CENTER

WHEREAS, the United States (U.S.) fiscal year 2001 budget includes an appropriation through the U.S. Department of Justice (DOJ) to provide funding to U.S. cities for Public Safety and Community Policing Grants pursuant to Title I of the Violent Crime Control and Law Enforcement Act of 1994; and

WHEREAS, DOJ has made \$997,800 available to the Fairbanks North Star Borough (Borough) for Community Oriented Policing Services (COPS) Technology; and

WHEREAS, the Borough, affiliated dispatch centers, and emergency providers have identified a need for a regional dispatch center to enhance emergency service delivery throughout the Borough; and

WHEREAS, Sec. 1.02.060 (A-8) of the Borough Code of Ordinances allows the establishment of an emergency services communication center under AS 29.35.130; and

WHEREAS, the Borough will use the DOJ grant funds to develop a regional emergency dispatch center business plan of operation and to purchase fully modernized dispatch communications equipment.

NOW, THEREFORE, BE IT ORDAINED, by the Assembly of the Fairbanks North Star Borough:

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not be codified.

Section 2. Special Revenue Fund Appropriation. The FY 2002-03 budget is hereby amended by appropriating \$997,800 to the budgetary guideline entitled "Regional Emergency Dispatch Center Development" and by increasing estimated revenue from federal grants by a like amount.

Section 3. Indirect Fee. The indirect fee on the DOJ grant is waived in accordance with the terms of the grant agreement.

Section 4. Contingency. This federal grant appropriation is contingent upon receipt of a signed grant agreement with DOJ.

Section 5. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

PASSED AND APPROVED THIS 25th DAY OF JULY 2002.

Hank Bartos
Presiding Officer

ATTEST:

Mona Lisa Drexler, CMC
Municipal Borough Clerk

Ayes: Holm, Hutchison, Solie, Henry, Beck, Webb, Foote, Sattley, Bartos
Noes: None

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/16/04

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 5/4/04

Community and Regional Affairs Committee considered SENATE BILL NO. 335

SB 335 EMERGENCY SERVICES DISPATCH/911 SURCHARGE

"An Act relating to enhanced 911 surcharges and to emergency services dispatch systems of municipalities, certain villages, and public corporations established by municipalities."

and recommends:

be replaced with _____ CS SB 335 (CRA)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by CRA Committee

further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Pub Safety	5/3/04			✓	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
	✓		✓	
	✓			
	X			
CHAIR:			✓	

23-LS1767D
Cook
5/2/04

CS FOR SENATE BILL NO. 335(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR SEEKINS

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
23 provide an emergency services dispatch system or an enhanced 911 system at public
24 safety 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, competitive local exchange
27 telephone company, or other qualified vendor, and may impose an enhanced 911
28 surcharge, in an amount to be determined by the municipality, on all local exchange
29 access lines that provide telephone service to wireline telephones in the area to be
30 served by the enhanced 911 system. A municipality that provides services under an
31 enhanced 911 system may also by [RESOLUTION OR] ordinance impose an

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

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

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

1 telephone number. [A CUSTOMER THAT HAS MORE THAN 100 LOCAL
2 EXCHANGE ACCESS LINES FROM A LOCAL EXCHANGE TELEPHONE
3 COMPANY IN THE MUNICIPALITY IS LIABLE FOR THE ENHANCED 911
4 SURCHARGE ONLY ON 100 LOCAL EXCHANGE ACCESS LINES.]

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

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

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

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

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

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

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

1 providing enhanced 911 systems or transmitting or receiving calls on the system.

2 * Sec. 9. AS 29.35.137 is amended by adding a new paragraph to read:

3 (12) "emergency services dispatch" means a service that provides
4 continuous day and night dispatch of emergency medical, police, fire, or rescue
5 services using enhanced 911 facilities.

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 27, 2004

SUBJECT: Sectional summary (SB 335)

TO: Senator Ralph Seekins
Attn: Joe Michel

FROM: Tamara Brandt Cook
Director *TBC*

Section 1. Adds to list of actions for damages that may not be brought against a municipality a claim based on an emergency services dispatch system.

Section 2. Adds to list of home rule limitations a reference to emergency services dispatch systems.

Section 3. Permits a municipality to provide an emergency services dispatch system and provides for a surcharge for that system.

Sections 4 - 9. Adds references to emergency services dispatch surcharges and service areas so that provisions that now apply to enhanced 911 systems will apply also to emergency services dispatch systems. Addresses the cost of administration for collecting the emergency services dispatch surcharge.

Section 10. Defines "emergency services dispatch."

TBC:lmb
04-054.lmb

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 335
 () Publish Date: _____

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 Senator Seekins
 Requester Senate 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						
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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	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 3:15 PM
 Approved by: Edgar Blatchford, Commissioner Date 3/1/2004
 Agency Department of Community & Economic Development