

HB

249

*Coghill
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24-LS0853V
Cook
4/27/05

*4/30/05
Coghill moved
adopted*

CS FOR HOUSE BILL NO. 249()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES HAWKER, Holm, Olson, Lynu, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to enhanced 911 systems and enhanced 911 surcharges imposed by a
2 municipality, public municipal corporation, or village."

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

4 * **Section 1.** AS 29.10.200(37) is amended to read:

5 (37) AS 29.35.131 - 29.35.137 [AS 29.35.131] (enhanced 911 system);

6 * **Sec. 2.** AS 29.35.131(a) is amended to read:

7 (a) A municipality may, by resolution or ordinance, elect to provide an
8 enhanced 911 system at public safety answering points and [,] may purchase or lease
9 the enhanced 911 equipment or service required to establish or maintain an enhanced
10 911 system at public safety answering points from a local exchange telephone
11 company or other qualified vendor. The municipality [, AND] may impose an
12 enhanced 911 surcharge [, IN AN AMOUNT TO BE DETERMINED BY THE
13 MUNICIPALITY, ON ALL LOCAL EXCHANGE ACCESS LINES THAT
14 PROVIDE TELEPHONE SERVICE TO WIRELINE TELEPHONES IN THE AREA

1 TO BE SERVED BY THE ENHANCED 911 SYSTEM. A MUNICIPALITY THAT
2 PROVIDES SERVICES UNDER AN ENHANCED 911 SYSTEM MAY ALSO BY
3 RESOLUTION OR ORDINANCE IMPOSE AN ENHANCED 911 SURCHARGE
4 ON EACH WIRELESS TELEPHONE NUMBER THAT IS BILLED TO AN
5 ADDRESS] within the enhanced 911 service area. An [FOR A MUNICIPALITY
6 WITH A POPULATION OF 100,000 OR MORE, AN ENHANCED 911
7 SURCHARGE MAY NOT EXCEED 50 CENTS PER MONTH FOR EACH
8 WIRELESS TELEPHONE NUMBER OR 50 CENTS PER MONTH FOR EACH
9 LOCAL EXCHANGE ACCESS LINE FOR WIRELINE TELEPHONES. FOR A
10 MUNICIPALITY WITH FEWER THAN 100,000 PEOPLE, AN] enhanced 911
11 surcharge may not exceed \$2.00 [75 CENTS] per month for each wireless telephone
12 number and \$2.00 [OR 75 CENTS] per month for each local exchange access line for
13 wireline telephones. The maximum surcharge amount of \$2.00 provided for in
14 this subsection may be increased above that level if the surcharge amount is
15 approved by the voters of the enhanced 911 service area. The amount of
16 surcharge imposed for each wireless telephone number must equal the amount
17 imposed for each local exchange access line for a wireline telephone. An enhanced
18 911 service area may be all of a city, all of a unified municipality, or all or part of the
19 area within a borough and may include the extraterritorial jurisdiction of a
20 municipality in accordance with AS 29.35.020. The governing body of a municipality
21 shall review an enhanced 911 surcharge annually to determine whether the current
22 level of the surcharge is adequate, excessive, or insufficient to meet anticipated
23 enhanced 911 system needs. When a municipality imposes an enhanced 911
24 surcharge or the amount of the surcharge is changed, the municipality shall
25 notify in writing the telephone customers subject to the surcharge and provide an
26 explanation of what the surcharge will be used for [THE MUNICIPALITY MAY
27 ONLY USE THE ENHANCED 911 SURCHARGE FOR THE ENHANCED 911
28 SYSTEM].

29 * Sec. 3. AS 29.35.131 is amended by adding new subsections to read:

30 (i) A municipality may only use the enhanced 911 surcharge revenue for those
31 costs of the enhanced 911 system that are authorized in this subsection. The surcharge

1 revenue may not be used for any capital or operational costs for emergency responses
2 that occur after the call is dispatched to the emergency responder. The surcharge
3 revenue may not be used for constructing buildings, leasing buildings, maintaining
4 buildings, or renovating buildings, except for the modification of an existing building
5 to the extent that is necessary to maintain the security and environmental integrity of
6 the public safety answering point and equipment rooms. The surcharge revenue may
7 be used for the following costs to the extent the costs are directly attributable to the
8 establishment, maintenance, and operation of an enhanced 911 system:

9 (1) the acquisition, implementation, and maintenance of public safety
10 answering point equipment and 911 service features;

11 (2) the acquisition, installation, and maintenance of other equipment,
12 including call answering equipment, call transfer equipment, automatic number
13 identification controllers and displays, automatic location identification controllers and
14 displays, station instruments, 911 telecommunications systems, teleprinters, logging
15 recorders, instant playback recorders, telephone devices for the deaf, public safety
16 answering point backup power systems, consoles, automatic call distributors, and
17 hardware and software interfaces for computer-aided dispatch systems;

18 (3) the salaries and associated expenses for 911 call takers for that
19 portion of time spent taking and transferring 911 calls;

20 (4) training costs for public safety answering point call takers in the
21 proper methods and techniques used in taking and transferring 911 calls;

22 (5) expenses required to develop and maintain all information
23 necessary to properly inform call takers as to location address, type of emergency, and
24 other information directly relevant to the 911 call-taking and transferring function,
25 including automatic location identification and automatic number identification
26 databases.

27 (j) If a city in an enhanced 911 service area established by a borough incurs
28 costs described under (i) of this section for the enhanced 911 system, before the
29 borough may use revenue from an enhanced 911 surcharge, the borough and city must
30 execute an agreement addressing the duties and responsibilities of each for the
31 enhanced 911 system and establishing priorities for the use of the surcharge revenue.

1 If the Department of Public Safety also provides services as part of the enhanced 911
2 system or uses the enhanced 911 system in that enhanced 911 service area, the
3 department must be a party to the agreement.

4 (k) For purposes of (i) of this section, "call taker" means a person employed in
5 a primary or secondary answering point whose duties include the initial answering of
6 911 or enhanced 911 calls and routing the calls to the agency or dispatch center
7 responsible for dispatching appropriate emergency services and a person in a primary
8 or secondary answering point whose duties include receiving a 911 or enhanced 911
9 call either directly or routed from another answering point and dispatching appropriate
10 emergency services in response to the call; the term "call taker" is synonymous with
11 the term "dispatcher" in that it is inclusive of the functions of both answering the 911
12 or enhanced 911 calls and dispatching emergency services in response to the calls.

13 * Sec. 4. AS 29.35 is amended by adding a new section to read:

14 **Sec. 29.35.134. Multi-line telephone systems.** A municipality may by
15 ordinance elect to require an enhanced 911 system from a multi-line telephone system.
16 A multi-line telephone system operator must arrange to update the automatic location
17 identification database with an appropriate master street address guide, valid address,
18 and callback number for each multi-line telephone system telephone, so that the
19 location information specifies the emergency response location of the caller. A multi-
20 line telephone system operator is considered to be in compliance with this section
21 when the multi-line telephone system complies with enhanced 911 generally accepted
22 industry standards as defined by the Regulatory Commission of Alaska. For purposes
23 of this section,

24 (1) "call back number" means a number used by the public safety
25 answering point to re-contact the location from which a 911 call is placed; the number
26 may or may not be the number of the station used to originate the 911 call;

27 (2) "emergency response location" means the location to which a 911
28 emergency response team may be dispatched that is specific enough to provide a
29 reasonable opportunity for the emergency response team to quickly locate a caller
30 anywhere within it;

31 (3) "master street address guide" means a database of formatted street

1 names, numerical addresses or address ranges, and other parameters defining valid
2 locations and emergency services zones, and their associated emergency services
3 numbers, that enables the proper routing and response to 911 calls;

4 (4) "multi-line telephone system" means a system made up of common
5 control units, telephone sets, and control hardware and software, including network
6 and premises based systems such as Centrex and PBX, Hybrid, and Key Telephone
7 Systems, as classified by the Federal Communications Commission under Part 68
8 Requirements, and including systems owned or leased by governmental agencies or
9 nonprofit entities, as well as for profit entities;

10 (5) "multi-line telephone system operator" means an entity that owns,
11 leases, or rents from a third party, and operates a multi-line telephone system through
12 which a caller may place a 911 call through a public switched network.

13 * Sec. 5. AS 29.35 is amended by adding a new section to read:

14 **Sec. 29.35.138. Application.** AS 29.35.131 - 29.35.137 apply to home rule
15 and general law municipalities.

16 * Sec. 6. AS 29.35.131(h) is repealed.

Sec. 29.35.131. 911 surcharge.

...

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

FISCAL NOTE

**STATE OF ALASKA
2005 LEGISLATIVE SESSION**

Fiscal Note Number: 1
 Bill Version: CSHB 249(CRA)
 (H) Publish Date: 4/12/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title "An Act relating to enhanced 911 surcharges
imposed by a municipality." RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Representative Hawker
 Requester House Community & Regional Affairs Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill will have no fiscal impact on the Department of Public Safety.

The bill allows municipalities to increase the surcharge that is collected related to the enhanced 911 systems. The bill would require that the surcharge be imposed by ordinance approved by the voters of the enhanced 911 service area.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223
 Division: Alaska State Troopers Date/Time 4/8/05 2:40 PM
 Approved by: Commissioner William Tandeske Date 4/8/2005
 Agency: Department of Public Safety

Representative Mike Hawker

Alaska State Legislature



House Bill 249 Sponsor Statement

Session:

State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim:

716 W 4th Avenue
Anchorage, AK 99501
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Member:

House Finance Committee
Legislative Budget
& Audit Committee

House District 32:

Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Summit
Hope

"An Act relating to enhanced 911 surcharges imposed by a municipality."

House Bill 249 is simply about saving lives. The "dial 911" emergency services dispatch system is every Alaskan's lifeline. Access to a modern 911 system can be the difference between life and death. HB 249 authorizes the funding mechanisms municipalities need to deliver Enhanced 911 (E-911) services. HB 249 also incorporates limitations protecting taxpayers from excessive charges.

E-911 systems have dramatically improved nationwide emergency response capabilities by utilizing Global Positioning System (GPS) technology to identify the telephone number and location of the caller. E-911 systems direct calls to the appropriate Public Safety Answering Point (PSAP) and automatically provide identifying information to the answering operator. Automatic location notification is critical when a caller is incapacitated or disoriented.

Current statutory caps on the amount municipalities may surcharge telephone services to pay for 911 systems have limited Alaskan communities to Basic 911 services that lack the important technological improvements of E-911. House Bill 249 provides the authority municipalities need to provide E-911 services within constraining parameters to protect their taxpayers.

I appreciate your consideration of this important public safety legislation.

Representative Mike Hawker

Alaska State Legislature



MEMORANDUM

Session:

State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
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Ford
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Portage
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Seward
Hope

Date: April 28, 2005

To: House Rules Committee

From: Representative Mike Hawker

Re: Changes in work draft CS for HB 249

House Bill 249 raised the cap on the surcharge to \$2; allowed a municipality to exceed the cap with voter approval; and required the surcharge to be assessed equally for wireline and wireless telephone lines.

CS House Bill 249 (CRA) added language requiring the borough to share revenue with each city that incurs costs for E-911.

CS House Bill 249 (L&C) made the following changes:

- Adds new sections 1, 5 and 6, which expand the statutory references in current law to include new sections added by this bill and repeal a section made redundant by this bill.
- Rewords the voter approval language on page 2, lines 8-9 (the new language is on page 2, lines 13-14). No substantive change.
- Deletes the amendment adopted in the House CRA committee (see above). This is replaced by new subsection (j) in section 3.
- Adds language requiring notification when a municipality imposes or changes the surcharge. Requires the telephone companies to provide the notice with the municipality bearing the costs.
- Adds section 3, which clarifies what the surcharge may be used to pay and requires a borough that collects the surcharge and a city that incurs costs for enhanced 911 services to agree to duties, responsibilities and revenue distribution before spending revenue from the surcharge.
- Adds section 4, which allows a municipality to pass an ordinance requiring multi-line telecommunications systems to update the ALI database.

CS House Bill 249 (RLS) work draft makes the following changes:

- Removes the language regarding how telephone companies and municipalities provide the notice required in Sec. 2.
- Makes conforming language changes in Sec. 4.

Representative Mike Hawker

Alaska State Legislature



Session:

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Chairman:

House Special Committee
On Ways & Means

Member:

House Finance Committee
Legislative Budget
& Audit Committee

House District 32:

Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Sunrise
Hope

Fact Sheet for House Bill 249

Short Title: ENHANCED 911 SURCHARGES

Current Version: CS HB 249

Contact: Juli Lucky 465-4949

Summary:

- increases the amount that can be charged for enhanced 911 (E-911) services to \$2 per line. (Current caps are based on municipal population - \$.75 communities with fewer than 100,000 people and \$.50 for larger communities.)
- Provides a mechanism for a municipality to raise the cap with voter approval.
- Removes statutory language that provides for different rates based on a municipality's population.
- Requires equal surcharges for wireless and wireline telephone services.
- Requires a borough that imposes an enhanced 911 surcharge to share revenue with each city in the enhanced 911 service area that incurs costs.

Benefits:

- Allows municipalities to collect sufficient revenue to implement and maintain E-911 systems.

Background:

E-911 systems have dramatically improved public safety across the nation. Among other benefits, the new systems use Global Positioning System (GPS) technology to track a caller's location and phone number. This saves time, which can mean the difference between life and death in an emergency situation.

The current allowable amount for surcharges is inadequate to fund the E-911 system. Raising the amount and removing statutory language that creates different tiers of surcharges based on location and type of phone services will allow Alaskan communities to provide life-saving, enhanced 911 services with everyone paying an equitable share.

Revised 4/22/2005

I am a dispatcher with the Anchorage Police Department (APD) and am currently assigned to our E911 upgrade project. This project brings MOA updated phone systems, a new mapping system to allow tracking of 911 calls from GPS-equipped cell phones, and a much more accurate automatic location information (ALI) database. The ALI database provides the call taker an address when a caller phones 911 from a landline.

I would like to express support of HB249. This bill allows municipalities to raise monies earmarked specifically for their 911 system. There is a serious problem, both statewide and nationally, with recruitment and retention of qualified, professional dispatchers. Additional funding of 911 systems would allow salaries to remain competitive. This ability to earmark funds also provides a safeguard during budget woes that would normally have a negative impact to hiring. Since becoming a dispatch employee in 1989, our center has endured multiple hiring freezes, beginning in the 1980's that to this day still impact my center.

The funding would allow many departments to offer training that is normally unavailable due to staffing and monetary issues. Dispatch employees face a variety of difficult situations while answering 911 calls. One moment a dispatch employee may speak with a victim of domestic violence and the next moment find themselves speaking with a caller about threat to national security. Diversifying training is a key step in lowering liability for individual centers and expanding skill sets for dispatch employees. Just as staffing has become a national problem, ongoing, varied training is lacking.

Karen A Kurtz

Anchorage Police Dispatch

786-8646 or at EOC 343-1466

To the Committee:

I am the manager of the Emergency Communications Center for the Anchorage Police Department. We currently serve over 270,000 residents and are about to implement an upgraded E9-1-1 system with Phase II (cellular phone) service soon to follow. Please consider the following comments, which strongly support House Bill 249.

- * The Anchorage Police Department's Emergency Communications Center is currently operating at a significant deficit because of the high cost of upgrading the E9-1-1 system to Phase II standards. It will continue to cost more in the future to maintain this system.

- * The cost of maintaining the E9-1-1 Location Information (ALI) database alone has quadrupled to \$66,000 per month, an amount that can and should be recovered through an adequate user surcharge.

- * Emergency centers nationwide have implemented E9-1-1 surcharges for up to as much as \$4.00 per phone line in order to recover costs and avoid having taxpayers who may not even have the service provide the funding for those who do.

- * The monies from this surcharge are dedicated solely to E9-1-1 operations throughout the state.

Thank you for allowing me to express my views in support of the bill.

Sgt. Richard O. Stouff, Manager

Anchorage Police Department Emergency Communications Center



AT&T Alascom

210 East Bluff Drive
Anchorage AK 99501-1100

February 24, 2005

Senator Con Bunde
Alaska State Senate
State Capitol
Room 506
Juneau, AK
99801-1182

RE: CS for Senate Bill No. 100 (L&C)

Dear Senator:

Thank you for sponsoring SB 100

AT&T Alascom has been following the issue of enhanced 911 surcharges with interest and some concern since last year.

CS for SB 100 (L&C), with the \$2.00 per line ceiling, and provisions to exceed that with voter approval, represents a fair compromise.

Thanks for your work on this important issue.

Sincerely,

Krista Catlin

Director, Government Relations



February 14, 2005

Senator Con Bunde
Chairman
Senate Labor and Commerce Committee
State Capitol, Rm. 506
Juneau, Alaska 99801-1183

GCI is writing in support of SB 100 sponsored by Senator Con Bunde for enhanced 911 surcharges.

1. GCI supports SB 100 because this bill has defined limits on the use of the surcharge so that only essential 911 services may be funded through this mechanism.
2. GCI supports SB 100 because it does include a cap not exceeding \$2.00. This cap may be raised or lowered only through a municipal election.
3. GCI supports SB 100 because of the parity of charging both the wireline customer and the wireless customer equally.

If you have any questions at all, please do not hesitate emailing or calling Dana Tindall.
DTindall@GCI.COM : Telephone number: 1-907-868-5602.

Sincerely,

A handwritten signature in cursive script that reads "Dana Tindall".

Dana Tindall
Senior Vice President
Legal and Regulatory
And Governmental Affairs



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

February 13, 2005

Senator Con Bunde
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: SB 100

Dear Senator Bunde,

Thank you for sponsoring SB 100, relating to the surcharge local government may impose on telephones for emergency E-911 services. This bill, when enacted, will help improve 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. SB 100 would provide another user fee tool available to help improve these services.

We do have two suggestions for improving the bill. First, AS 29.35.131(a) currently has a differential rate for cities with a population under 100,000. It would be helpful to maintain this differential to allow smaller communities the ability to charge an amount up to \$3.00. While Anchorage has indicated that a \$2.00 surcharge will serve their needs into the future, they can take advantage of economies of scale not available to other smaller communities.

The second provision of concern is the requirement for a local election for any surcharge in excess of the proposed \$2.00 surcharge. We would prefer that the election provision be dropped for two reasons. If the change recommended above is made, municipalities do not anticipate needing additional authority in the foreseeable future. Second, the possible precedent for elections on user fee increases is of obvious concern to communities, and may also be a poor precedent for future state user fee increases as well. We recommend eliminating the language on Page 2, line 8: "...unless the surcharge is imposed by ordinance approved by the voters of the enhanced 911 service area."

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

Sincerely,

Kevin Ritchie
Executive Director

~~Alaska Telephone Association~~

201 E. 56th, Suite 114
Anchorage, AK 99518
(907) 563-4000
FAX (907) 562-3776
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Greg Barberich
President

James Rowe
Executive Director
jrowe@atcic.net

February 14, 2005

Hon. Con Bunde, Chair
Labor & Commerce Committee
Alaska State Senate
Juneau, Alaska 99801

RE: SB 100

Dear Senator Bunde:

Thank you for introducing SB 100, *An Act relating to enhanced 911 surcharges imposed by a municipality*. The Alaska Telephone Association supports this legislation. The bill is focused and concise. It addresses the need for increased funding by municipalities to provide an enhanced 911 system.

Certainly local telephone companies are not enthusiastic about submitting invoices for increased amounts to their customers. Most customers perceive only the total amount of the monthly charge and are unaware of the reasons for or confused by the multitude of surcharges. We will do our best to inform customers of the safety and emergency services benefits of this specific increase.

This legislation will permit increases – absent prior voter approval – of up to \$1.50 per month. Where the local electorate recognizes a need for an even greater amount of revenue for enhanced 911 services, SB 100 affords that opportunity.

Finally, this legislation requires parity between wireline and wireless providers, which is important in areas where the technologies are competing for customers. For local government to favor one member of industry over its competitor by exempting it from a tax would be inequitable.

The Alaska Telephone Association appreciates the efforts of the sponsor in introducing this compromise legislation. With the \$2 total monthly surcharge cap – sans prior voter approval – we will endeavor to create support for passage this legislative session.

Sincerely,



Jim Rowe

cc: Sen. Ralph Seekins, Vice Chair
Sen. Bettye Davis
Sen. Johnny Ellis
Sen. Ben Stevens



February 14, 2005

Hon. Con Bunde, Chair
Labor and Commerce Committee
Alaska State Senate
Juneau, Alaska 99801

Dear Senator Bunde:

I am writing to express support for SB 100, *An act relating to enhanced 911 surcharges imposed by a municipality*. This legislation addresses our previous concerns because:

1. It allows a municipality to impose a surcharge up to \$2.00 per month for enhanced 911 system charges. This cap is important to MTA because it provides us with the assurance that this surcharge will not get "out of hand."
2. SB 100 provides parity between wireless and wire line providers. In today's telecommunications market we all compete for the same customers, imposing the surcharge on wire line and wireless ensures that one member of industry does not have an unfair competitive advantage over the other.

Again, thank you for working on this important legislation.

Sincerely

Greg Berberich
President

Matanuska Telephone Association Inc.
1740 South Chugach Street
Palmer, Alaska 99645

907.745.3211
800.478.3211 (in Alaska)

Local
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