

GREEN SHEET REDIGEST

HB 678

2016 Regular Session

Carmody

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

TELECOMMUNICATIONS: Provides relative to 911 emergency services

DIGEST

Present law details the intent of present law.

Present law includes definitions and multiple references that include the terms "wireless", "telecommunications", "wireless telecommunications service", and "service charges" relative to describing certain charges and services. Proposed law removes these references and modifies the definitions included in present law.

Proposed law removes the definitions of "wireless communications service" and "product".

Proposed law enumerates definitions to include the terms "prepaid 911 charge" and "prepaid service". Proposed law effectually broadens the scope of present law to make certain services that provide access to 911 subject to the prepaid 911 charge.

Present law provides procedures for the collection and remittance of prepaid wireless telecommunications 911 service charges. Present law imposes a prepaid wireless telecommunications 911 service charge in the amount of 2% of the amount of the per retail transaction. Proposed law imposes a prepaid 911 charge. Further, proposed law increases the amount of the charge from 2% to 4% of the amount of the per retail transaction. Otherwise, proposed law makes only technical changes to the procedures established by present law relative to the collection and remittance of the prepaid 911 charges for the purpose of incorporating the terms defined in proposed law.

Present law provides for the administration of prepaid wireless 911 service charges. Proposed law amends a reference to a provision of present law regarding the rights of a seller of prepaid 911 services and proposed law allows any seller to deduct and retain half of the 2016 fourth quarter's fees. Otherwise, proposed law makes only technical changes to the procedures established by present law relative to the administration of prepaid 911 charges for the purpose of incorporating the terms defined in proposed law.

Present law provides for limited liability relative to providers and sellers of prepaid wireless telecommunications service. Proposed law makes only technical changes to the provisions of present law relative to liability for the purpose of incorporating the terms defined in proposed law.

Present law provides that the prepaid wireless E911 charge shall be the exclusive funding obligation imposed with respect to prepaid wireless telecommunications service in this state. Proposed law makes only technical changes to the provisions of present law relative to the exclusivity of the charge for the purpose of incorporating the terms defined in proposed law.

Proposed law requires all revenues collected from the assessment of 911 surcharge fees to be used for the sole purpose of providing 911 emergency response communications services and operations. Prohibits diversion of the revenues for use by any other entity or for any other purpose other than those outlined in the present law and proposed law.

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Proposed law creates the Statewide 9-1-1 Advisory Board. Provides that the board shall be domiciled in Baton Rouge. Further provides that its purpose is to oversee development and operation of emergency 911 systems within state. Provides that duties are to:

- (1) Secure resources for the creation, operation, expansion, and cooperative undertaking of local public safety answering points.
- (2) Facilitate information-sharing among public safety answering points.
- (3) Create and maintain best practices databases for public safety answering-point operations.
- (4) Encourage equipment and technology sharing among small jurisdictions.
- (5) Take steps to expand enhanced wire-line 911 service to every telephone user in the state.
- (6) Assist public-safety answering points in implementing wireless technology.
- (7) Provide a clearinghouse of contact information for all telephone companies operating in the state and contact information and 911 fees charged in each jurisdiction.

- (8) Respond to data requests of the Federal Communications Commission ("FCC") in connection with 9-1-1 operations and fees.
- (9) Develop training program standards for 911 call takers.
- (10) Take other action as necessary and proper to implement the provisions of this Section, including but not limited to, the adoption of rules in accordance with the Administrative Procedure Act to provide for the duties and functions of the board.

Provides that board shall be composed of 13 members appointed by the governor. The members shall be subject to confirmation by the Senate. Also provides that members shall serve for terms of four years which shall be concurrent with the term of the governor making the appointments. Each member shall continue to serve until his or her successor is appointed and takes office. A vacancy occurring for any reason shall be filled in the same manner provided for appointment of the membership vacated. Members shall serve without compensation.

Provides that members shall consist of

- (1) Seven members from a list of names recommended by the Louisiana Chapter of the Association of Public Safety Communications Officials.
- (2) Four members who are representatives of telecommunications carriers from a list of names recommended by the Cellular Telephone Industries Association ("CTIA").
- (3) One member from a list of names recommended by incumbent local exchange carriers operating in Louisiana.
- (4) One member from a list of names recommended by cable companies that provide interconnected VoIP services in Louisiana.

Provides that meetings shall be conducted in accordance with the open meetings and public records laws. A majority of the members of the board shall constitute a quorum, and a majority thereof may act on any matter within the jurisdiction of the board. Also provides that the board shall hold its first meeting not more than thirty days after appointment of all initial members has been completed. At its first meeting, a chairman, vice-chairman, and other officers as considered necessary shall be elected. Officers shall be elected for terms of one year and annually thereafter. There shall be no prohibition against officers succeeding themselves. The board shall also adopt rules of procedure and may also appoint committees as deemed necessary. Thereafter, the board may meet as often as it deems necessary, but shall meet at least four times per year.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:9109.1(A) through (D), (F), and (G); adds R.S. 33:9109.2 and R.S. 45:803; repeals R.S. 33:9109.1(B)(9))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Remove all references to wireless telecommunications products.
2. Remove the definitions of "wireless communications service" and "product".
3. Add proposed law to require all revenues collected from the assessment of 911 surcharge fees to be used for the sole purpose of providing 911 emergency response communications services and operations. Prohibits diversion of the

revenues for use by any other entity or for any other purpose other than those outlined in the present law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the engrossed bill

1. Added provisions establishing Statewide 9-1-1 Advisory Board.