

CONFERENCE COMMITTEE REPORT

HB 805

2016 Regular Session

Broadwater

June 3, 2016

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 805 by Representative Broadwater, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments by the Senate Committee on Commerce, Consumer Protection and International Affairs (#2465) be rejected.
2. That the set of Senate Committee Amendments by the Senate Committee on Revenue and Fiscal Affairs (#3598) be rejected.
3. That the set of amendments by the Legislative Bureau (#3735) be rejected.
4. That the following amendments be adopted:

AMENDMENT NO. 1

On page 3, delete lines 12 through 14 in their entirety, and insert the following:

"districts. It is also the purpose of this Section to provide civil immunity for the provision of 911 services by wireless service suppliers and all communication districts."

AMENDMENT NO. 2

On page 4, line 4, after "47 C.F.R. 20.3." delete the remainder of the line, and delete lines 5 and 6 in their entirety.

AMENDMENT NO. 3

On page 5, line 26, delete "47:301(14)(i)(ii)(bb)" and insert in lieu thereof "47:301(14)(i)(ii)(bb) 47:301(29)(p)"

AMENDMENT NO. 4

On page 5, line 29, delete "47:301(14)(i)(ii)(bb)" and insert in lieu thereof "47:301(14)(i)(ii)(bb) 47:301.1"

AMENDMENT NO. 5

On page 9, delete lines 2 through 5 in their entirety, and insert the following:

"provisions of R.S. 24:513. In addition, each district shall submit an annual report to the legislative auditor which includes information on the revenues derived from the service charge authorized by this Section and the use of such revenues. Such report shall include a report on the status of implementation of wireless E911 service."

Respectfully submitted,

Representative Chris Broadwater

Senator Jean-Paul J. Morrell

Representative Thomas Carmody

Senator Daniel "Danny" Martiny

Representative Bryan Adams

Senator Jay Luneau

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST
HB 805
2016 Regular Session
Broadwater
Keyword and oneliner of the instrument as it left the House

DISTRICTS/COMMUNICATIONS: Provides relative to communication districts

Report rejects Senate amendments which would have:

1. Created a statewide 911 advisory board and detailed its purpose, duties, membership, and procedure for holding meetings.
2. Restored a provision of present law that clarifies that it is the purpose of present law to provide civil immunity for the provision of 911 services by wireless service suppliers and all communications districts.
3. Restored a provision of present law that requires each parishwide communications district to submit an annual report to the legislative auditor which includes information on the revenues derived from the service charge authorized by present law and the use of such revenues and a report on the status of implementation of wireless E911 service.

Report amends the bill to:

1. Restore a provision of present law that clarifies that it is the purpose of present law to provide civil immunity for the provision of 911 services by wireless service suppliers and all communications districts.
2. Remove a provision of proposed law that broadens the definition of "commercial mobile radio service".
3. Correct statutory references.
4. Restore a provision of present law that requires each parishwide communications district to submit an annual report to the legislative auditor which includes information on the revenues derived from the service charge authorized by present law and the use of such revenues and a report on the status of implementation of wireless E911 service.

Digest of the bill as proposed by the Conference Committee

Present law provides a definition for "exchange access facilities". Proposed law redefines present law and adds the terms "exchange access lines" and "lines" to the present law definition.

Proposed law redefines the present law definitions of "service supplier" and "service user".

Present law authorizes the governing authority of any parish to create communications districts composed of territory lying within the parish. Provides for the establishment of the number 911 as the primary emergency telephone number for use in communications districts and for the identification of all streets, roads, highways, and dwelling places in the districts.

Provides that the districts are political subdivisions of the state and are generally governed by a 7-member board of commissioners. Proposed law retains present law.

Present law provides that the Federal Communications Commission (FCC) has issued rulings requiring that suppliers of cellular and other forms of wireless telecommunications services capable of accessing the 911 emergency telephone number provide certain enhancements to their services when requested by a communications district. Provides that these enhancements will automatically provide the number and location of the wireless caller to the communications district when a caller accesses 911. Proposed law deletes present law.

Proposed law provides that the FCC has outlined a plan that will require the public safety community to field a new generation of 911 emergency call services which will allow the use of additional and widely used digital media to contact Public Safety Answering Points (PSAPs). Provides that Next Generation 911 (NG911) will permit the public use of text messages, data, videos, as well as voice to transmit emergency information to the servicing PSAP and will allow this data to be further shared with first responders for their use enroute to and at emergency scenes. Requires specific technological enhancements to be made within each PSAP in order to receive and utilize this information from wireless devices.

Proposed law retains provisions that provides for civil immunity for the provision of 911 services by wireless service suppliers and all communications districts.

Present law defines the term "CMRS" to mean commercial mobile radio service under provisions of federal law (Section 3(27) and 332(d) of the Telecommunications Act of 1996, 47 U.S.C. Section 151 et. seq., and the Omnibus Budget Reconciliation Act of 1993, Pub L. 103-66). Provides that the term includes "wireless" and includes service provided by any wireless real time two-way voice communication device, including a radio-telephone communications line used in cellular telephone service, a personal communication service, specialized mobile radio service, or a network radio access line.

Proposed law removes present law and provides that such term shall be as defined by provisions of federal law (47 C.F.R. 20.3).

Present law defines the term "exchange access facilities" to mean all lines, provided by the service supplier for the provision of local exchange service, as defined in existing general subscriber services tariffs.

Proposed law retains present law and additionally provides that the term shall include all lines as defined in federal law (47 C.F.R. 9.3) interconnected Voice over Internet Protocol (VoIP).

Present law defines the term "FCC" to mean the order of the Federal Communications Commission, FCC Docket No. 94-102, adopted on June 12, 1996, and released on July 26, 1996. Defines the term "wireless E911 service" to mean E911 service that provides automatic number identification of wireless subscribers as required by the FCC order.

Proposed law removes present law.

Present law authorizes each communications district to levy a service charge on CMRS. Provides that such service charge:

- (1) Shall be levied on all CMRS service which enables a user to access 911.
- (2) Shall not exceed 85 cents per month per connection or the rate the district levies or is authorized to levy on July 9, 1999, whichever is higher.
- (3) Shall be levied by resolution or ordinance, provided however, that if the district levies an emergency telephone service charge, tax, charge, surcharge or fee on July 9, 1999, then it is not required to adopt a new ordinance or resolution except to change the rate thereof.

Proposed law provides that the service charge shall not exceed \$1.25 per month per connection or the rate the district levies or is authorized to levy on Aug. 1, 2016, whichever is higher. Provides that if the district levies an emergency telephone service charge, tax, charge, surcharge or fee on Aug. 1, 2016, then it is not required to adopt a new ordinance or resolution except to change the rate thereof. Proposed law corrects certain statutory references. Proposed law otherwise retains present law.

Present law provides that any person or entity otherwise exempt from taxation shall be exempt from the service charge. Proposed law removes present law.

Present law, relative to districts with a population of not less than 20,000, requires that the proceeds of the service charge collected after July 9, 1999, be used for the payment of service suppliers' and district's costs associated with enhancements required by federal law and for any lawful purpose of the district. Provides for cooperative endeavors between the district and service suppliers for paying such costs. Requires that once the district determines that funds are sufficient for implementation of enhancements by the district and all suppliers in the district, the district shall request that the suppliers make the enhancements. Requires that all enhancements be made within one year of the initial levy of the service charge in a district having a population of 30,000 or more and within 18 months in a district with a population of between 20,000 and 30,000. Provides that if a district required to make the enhancements fails to begin making such enhancements within the required time after requesting that the service suppliers collect the service charge, the service suppliers shall cease collecting the charge. Relative to districts with a population of less than 20,000 provides that the proceeds may be used for any lawful purpose of the district.

Proposed law removes present law.

Present law provides that districts are subject to financial audit. Requires that each district submit an annual report to the legislative auditor, which report shall include information on the revenues derived from the service charge and the uses thereof. Requires that such report also include the status of implementation of wireless E911 service.

Present law provides that the district shall be audited pursuant to the provisions of R.S. 24:513. Further provides that each district shall submit an annual report to the legislative auditor which includes information on the revenues derived from the service charge authorized by proposed law and the use of such revenues.

Present law requires that each "wireless" service supplier establish a mechanism to permit a district to have full-time access to customer data needed to assist in emergency response. Prohibits any other use of such information and requires that it remain confidential and not be subject to present law relative to disclosure of public records. Further requires that "wireless" suppliers adhere to standards as may be established by the National Emergency Number Association. Requires that until promulgation of such standards, a "wireless" supplier shall adhere to common industry standards.

Proposed law retains present law except removes reference to the term "wireless".

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.

Effective August 1, 2016.

(Amends R.S. 33:9106(A)(3)-(5) and 9109; adds R.S. 33:9109.2)