
DIGEST

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HB 805 Reengrossed

2016 Regular Session

Broadwater

Abstract: Relative to the levy of an emergency telephone service charge on certain communications systems; increases the maximum amount authorized to be levied within the district and provides relative to the use of service charge proceeds and the district's financial reports.

Proposed law amends certain definitions in present law (R.S. 33:9106(A)(3)-(5)).

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 seven-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 removes present law and instead 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. Provides that specific technological enhancements must be made within each PSAP in order to receive and utilize this information from wireless devices.

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). Provides that the term includes any wireless service capable of accessing 911 through the use of voice, text, video, image, data, or any other means.

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 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 pursuant to present law. 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.

Proposed law removes present law except that districts will continue to be subject to audit pursuant to present law.

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.

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

Summary of Amendments Adopted by House

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

1. 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 and

proposed law.

The House Floor Amendments to the engrossed bill:

1. Add proposed law to modify the present law definitions of "exchange access facilities", "service supplier", and "service user".