AN ACT

To amend and reenact R.S. 33:9106(A)(3) through (5) and 9109 and to enact R.S. 33:9109.2, relative to communications districts; to provide relative to the levy of an emergency telephone service charge on certain communications systems; to increase the maximum amount authorized to be levied within the district; to provide relative to the use of service charge proceeds; to provide relative to the district's financial reports; to provide relative to revenues collected from certain surcharge fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9106(A)(3) through (5) and 9109 are hereby amended and reenacted and R.S. 33:9109.2 is hereby enacted to read as follows:

§9106. Funding; definitions; emergency telephone service charge

A. As used in this Section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

* * *

(3) "Exchange access facilities", "exchange access lines", or "lines" means lines provided by the service supplier for the provision of local exchange service, as defined in existing general subscriber services tariffs, or interconnected Voice over Internet Protocol (VoIP) service as defined in 47 CFR 9.3. For a Primary Rate Interface (PRI) circuit or other multiline service, the number of exchange access facilities is equal to the capacity as activated by the service supplier for simultaneous outward voice calls to the public switched telephone network.

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(4) "Service supplier" means any person providing exchange telephone service or interconnected Voice over Internet Protocol (VoIP) to any service user throughout the parish.

(5) "Service user" means any person, not otherwise exempt from taxation, who as an end user is provided exchange telephone service or interconnected Voice over Internet Protocol (VoIP) in the parish.

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§9109. Additional service charge on wireless telecommunications service

A. Intent. (1) The Federal Communications Commission 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. These enhancements will automatically provide the number and location of the wireless caller to the communications district when a caller accesses 911. Although these enhancements currently exist for persons dialing 911 from "landline telephones", certain technological enhancements must be made in order to provide this information from wireless devices 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). 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. It will allow this data to be further shared with first responders for their use enroute to and at emergency scenes. Specific technological enhancements shall be made within each PSAP in order to receive and utilize this information from wireless devices.

(2) The legislature also finds that it is in the public interest to automatically provide a wireless caller's telephone number when such a caller requests emergency services by calling the 911 telephone number for 911 systems operated by the communication districts within Louisiana to provide NG911 service to the public
when the necessary technological requirements can be met and sufficient funding to
make these improvements becomes available.

(3) The Federal Communications Commission further requires that a
mechanism be established which will enable wireless service suppliers and
communications districts to recover all costs associated with providing the enhanced
service.

(4) It is the purpose of this Section to provide funding for such a cost
recovery mechanism NG911, E911, 911 call taking, dispatch, telecommunication
systems for first responders and for other lawful purposes of communications
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.

B. Definitions. As used in this Section, the following words and terms shall
have the following meanings, unless the context clearly indicates otherwise:

(1) The term "automatic number identification" or "ANI" means an enhanced
911 service capability that enables the automatic display of the ten-digit wireless
telephone number used to place a 911 call and includes "pseudo-automatic number
identification" or "pseudo-ANI", which means an enhanced 911 service capability
that enables the automatic display of the number of the cell site and an identification
of the CMRS provider.

(2) The term "CMRS" means commercial mobile radio service under Section
3(27) and 332(d) of the Telecommunications Act of 1996, 47 United States Code
Section 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Pub. L.
103-66. The term includes the term "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, a specialized mobile radio service, or a network radio access line. The term
does not include service whose customers do not have access to 911 or to a similar
service, to a communication channel suitable only for data transmission, to a wireless

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roaming service or other nonlocal radio access line service, to paging services, or to a private telecommunications system as defined by 47 C.F.R. 20.3.

(3) The term "service supplier" means a person or entity who provides CMRS service.

(4) The term "CMRS connection" means each mobile handset device telephone number assigned to a CMRS customer.

(5) The term "service charge" means the CMRS emergency telephone service charge levied and collected pursuant to this Section.

(6) The term "district" means a communications district created pursuant to this Chapter or pursuant to or by any local or special Act.

(7) The term "E911" means an emergency telephone system that provides the caller with emergency 911 system service, that directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated, and that provides the capability for automatic number identification and other features that the Federal Communications Commission may require in the future.

(8) The term "FCC order" means the order of the Federal Communications Commission, FCC Docket No. 94-102, adopted on June 12, 1996, and released on July 26, 1996:

(9) The term "wireless E911 service" means E911 service that provides automatic number identification of wireless subscribers as required by the FCC order.

C. Service charge. The governing authority of any district may levy a CMRS emergency telephone service charge subject to and in accordance with the provisions of this Subsection. Such service charge:

(1) Shall be levied only on CMRS service which enables a service user to access the 911 emergency telephone number through the use of a CMRS connection.

(2) Shall not exceed eighty-five cents one dollar and twenty-five cents per month per wireless CMRS connection or the rate which the district levies or is

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authorized to levy on CMRS users on July 9, 1999 August 1, 2016, whichever is higher.

(3)(a) Shall be levied by resolution or ordinance of the governing authority of the district. If the district levies an emergency telephone service charge, tax, charge, surcharge, or fee on July 9, 1999 August 1, 2016, it shall not be required to adopt a new ordinance or resolution except to change the rate thereof.

(b) If a district governing authority levies no emergency telephone service charge, tax, charge, surcharge, or fee on local telephone service, or on exchange access facilities or their equivalent, the resolution or ordinance levying the service charge authorized by this Section shall not be adopted until such levy has been approved by a majority of the voters of the district voting at an election held for such purpose.

(c) If the district levies any emergency telephone service charge, tax, charge, surcharge, or fee on local telephone service, or on exchange access facilities or their equivalent, which has been approved by the voters of the district, voter approval of the service charge authorized by this Section shall not be required.

(4) Shall be levied against each CMRS connection for which the billing address is within the district. In the absence of a billing address, the service charge shall be levied against each CMRS connection for which the primary use is within the district. Notwithstanding the foregoing, the application of a CMRS emergency telephone service charge to any mobile telecommunications service, as defined in R.S. 47:301(14)(i)(bb) 47:301(29)(p), shall apply only if the customer's place of primary use is located within the boundaries of the political subdivision levying such CMRS emergency telephone service charge. For purposes of this Paragraph, the provisions of R.S. 47:301(14)(i)(bb) 47:301.1 shall apply in the same manner and to the same extent as such provisions apply to the taxes levied pursuant to R.S. 47:302(C) and 331(C) on mobile telecommunications services.

(5) Shall have uniform application and shall be imposed throughout the entirety of the district to the greatest extent possible in conformity with availability of 911 service in any area of the district.
(6) Shall be a liability of the service user until it has been paid to the service supplier.

(7)(a) Shall be collected as part of the supplier's normal billing process in accordance with the provisions of this Paragraph.

(b) The service charge shall be collected by each service supplier providing service in the district. The district shall notify, by certified mail, return receipt requested, each service supplier of the adoption of the resolution or ordinance provided for in Paragraph (3) of this Subsection. The duty of the wireless service supplier to collect any such service charge or any increase in service charge authorized by this Section shall commence within sixty days after receipt of such notice.

(c) The service supplier shall add the service charge to its invoice to the service user, but may state it separately therein.

(d)(i) The service supplier shall have no obligation to take any legal action to enforce the collection of any service charge. However, the service supplier shall annually provide the district governing authority with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge. The service charge shall be collected in accordance with the regular billing practice of the service supplier.

(ii) Good-faith compliance by the service supplier with this provision shall constitute a complete defense to any legal action or claim which may result from the service supplier's determination of nonpayment or the identification of service users in connection therewith or both.

(e)(i) The amounts collected by the service supplier attributable to any service charge shall be due quarterly. The amount of service charge collected in one calendar quarter by the service supplier shall be remitted to the district no later than sixty days after the close of a calendar quarter.

(ii) On or before the sixtieth day after the close of a calendar quarter, a return, in such form as the district governing authority and the service supplier agree
upon, shall be filed with the district, together with a remittance of the amount of
service charge collected payable to the district.

(iii) The service supplier shall maintain records of the amount of the service
charge collected for a period of at least two years from date of collection. The
district governing authority may, at its expense, require an annual audit of the service
supplier's books and records with respect to the collection and remittance of the
service charge.

(iv) From the gross receipts to be remitted to the district, the service supplier
may retain, as an administrative fee, an amount equal to one percent thereof.

(8) Trunks or service lines used to supply service to service suppliers and
used by service suppliers to provide CMRS service shall not have a service charge
levied against them.

(9) The service charge, or any part or percentage thereof, shall not be subject
to any sales, use, franchise, income, excise, or any other tax, fee, or assessment, and
shall not be considered revenue of the service supplier for any purpose.

(10) Any person or entity otherwise exempt from taxation shall be exempt
from the service charge authorized by this Section:

D. Use of proceeds. (1) In any district having a population of not less than
twenty thousand persons as of the most recent federal decennial census, proceeds of
the service charge collected after July 9, 1999, less the administration fee which the
wireless service supplier is authorized to retain, shall be used for the following
purposes:

(a)(i) For payment of service suppliers' and the district's costs associated
with the implementation of Phase I enhancements required by the FCC Order:

(ii) No district shall make payment of a service suppliers' costs associated
with the implementation of Phase I enhancements required by such order unless there
is a cooperative endeavor agreement between the district and the supplier delimiting
the cost of implementation to be recovered by the service supplier.

(iii) Once the district determines that net proceeds from the service charge
remitted to the district are sufficient to implement wireless E911 service by the
district and all service suppliers providing service within the district, the district
shall request that each such service supplier implement such enhancements and shall
provide funds to each such service supplier in accordance with the applicable
agreement. In any district having a population of not less than thirty thousand
persons as of the most recent federal decennial census, such enhancements shall be
completed by the district and all of the service suppliers providing service within the
district within one year of the initial levy of the service charge authorized by this
Section. In any district having a population of less than thirty thousand but not less
than twenty thousand persons, such enhancements shall be completed by the district
and all of the service suppliers providing service within the district within eighteen
months of the initial levy of such charge:

(iv) If such a district issues the notice required by Subparagraph C(7)(a) of
this Section, but fails to begin implementation of wireless E911 service within the
time limits for full implementation established for the particular district by Item (iii)
of this Subparagraph, the service supplier shall immediately cease collecting the
CMRS emergency telephone service charge:

(b) For any lawful purpose of the district:

(2) In any district having a population of less than twenty thousand persons
as of the most recent federal decennial census, proceeds of the service charge, less
any collection charge which the wireless service supplier is authorized to retain, may
be used for any lawful purpose of the district.

E-D. The financial records of the district shall be audited pursuant to the
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.

E-E. Liability. (1) Each wireless service supplier shall establish a
mechanism to permit a district to have full-time access to such customer data as is
available and needed to assist in the appropriate response to an emergency call which
originates from a customer's wireless device. Such information shall be used only
by the district for the exclusive purpose of providing emergency services and shall
otherwise remain confidential and shall be exempt from disclosure under R.S. 44:1
et seq.

(2) Each wireless service supplier shall adhere to a standard of service in
providing access to the 911 telephone system by its wireless service users as may be
established by the National Emergency Number Association. Until such standards
are promulgated, each wireless service supplier shall adhere to commonly recognized
and observed industry standards.

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§9109.2. Restrictions imposed on use of certain funds

Notwithstanding any provision of law to the contrary, all revenues collected
from the assessment of 911 surcharge fees in a parishwide communications district,
as provided in this Chapter, shall be used for the express purpose of providing 911
emergency response communications services and operations. The funds shall not
be diverted for use by any other entity or for any purpose other than those outlined
in this Chapter.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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