

By: Thompson of Harris

H.B. No. 2248

A BILL TO BE ENTITLED

1 AN ACT

2 relating to next generation 9-1-1 services provided through an
3 Internet Protocol network and wireless service provider expense
4 reimbursements for certain counties; imposing a fee.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 772.103, Health and Safety Code, is
7 amended by adding Subdivisions (2-a), (4), and (5) to read as
8 follows:

9 (2-a) "Next generation 9-1-1 service" means 9-1-1
10 service provided through an Internet Protocol network.

11 (4) "Wireless service provider" and "wireless
12 telecommunications connection" have the meanings assigned by
13 Section 771.001.

14 (5) "Wireless service subscriber" means a customer who
15 is provided wireless telecommunications connections in the
16 district.

17 SECTION 2. Sections 772.114 and 772.115, Health and Safety
18 Code, are amended to read as follows:

19 Sec. 772.114. 9-1-1 EMERGENCY SERVICE FEES [~~FEES~~]. (a) The
20 board may:

21 (1) [~~impose a 9-1-1 emergency service fee on service~~
22 users in the district] if authorized [~~to do so~~] by a majority of the
23 votes cast in the election to confirm the creation of the district
24 and by a majority vote of the governing body of each participating

1 jurisdiction, impose a 9-1-1 emergency service fee for a local
2 exchange access line on service users in the district; and

3 (2) impose a 9-1-1 emergency service fee on each
4 wireless telecommunications connection in the district to provide
5 for:

6 (A) automatic number identification and
7 automatic location identification of wireless 9-1-1 calls; and

8 (B) the deployment and reliable operation of next
9 generation 9-1-1 service.

10 (b) For purposes of Subsection (a)(1) [~~this subsection~~],
11 the jurisdiction of the county is the unincorporated area of the
12 county.

13 (c) [~~(b)~~] The fee authorized under Subsection (a)(1) may be
14 imposed only on the base rate charge or its equivalent, excluding
15 charges for coin-operated telephone equipment. The fee may not be
16 imposed on more than 100 local exchange access lines or their
17 equivalent for a single business entity at a single location,
18 unless the lines are used by residents of the location. The fee may
19 [~~also~~] not be imposed on any line that the [~~Advisory~~] Commission on
20 State Emergency Communications excluded from the definition of a
21 local exchange access line or an equivalent local exchange access
22 line pursuant to Section 771.063. If a business service user
23 provides residential facilities, each line that terminates at a
24 residential unit and that is a communication link equivalent to a
25 residential local exchange access line must [~~shall~~] be charged
26 the [~~9-1-1 emergency service~~] fee. The fee must have uniform
27 application and must be imposed in each participating jurisdiction.

1 (d) [~~(c)~~] The rate of the fee imposed under Subsection
2 (a)(1) may not exceed six percent of the monthly base rate charged a
3 service user by the principal service supplier in the participating
4 jurisdiction.

5 (e) If the board imposes the fee authorized by Subsection
6 (a)(2), the Commission on State Emergency Communications may not
7 impose on a wireless telecommunications connection in the district
8 a fee authorized by Section 771.0711 that is imposed for the same
9 purposes as the purposes described by Subsection (a)(2).

10 (f) The amount of the fee imposed under Subsection (a)(2)
11 may not:

12 (1) exceed \$1.25 a month for each wireless
13 telecommunications connection; and

14 (2) result in an increase of more than 10 percent of
15 the amount of the monthly fee imposed by the Commission on State
16 Emergency Communications on a wireless telecommunications
17 connection under Section 771.0711 immediately before the fee
18 authorized under Subsection (a)(2) is imposed.

19 (g) [~~(d)~~] The board shall set the amount of the 9-1-1
20 emergency service fees [~~fee~~] each year as part of the annual budget.
21 The board shall notify each service supplier and wireless service
22 provider of a change in the amount of the applicable fee imposed on
23 the service supplier or wireless service provider not later than
24 the 91st day before the date the change takes effect.

25 (h) [~~(e)~~] In imposing the 9-1-1 emergency service fees
26 [~~fee~~], the board shall attempt to match the district's revenues to
27 its operating expenditures and to provide reasonable reserves for

1 contingencies and for the purchase and installation of 9-1-1
2 emergency service equipment. If the revenue received from the fees
3 [~~fee~~] exceeds the amount of money needed to fund the district, the
4 board by resolution shall reduce the rate of either [~~the~~] fee to an
5 amount adequate to fund the district as required by this subsection
6 or suspend the imposition of either [~~the~~] fee. If the board
7 suspends the imposition of either [~~the~~] fee, the board by
8 resolution may reinstitute the fee if money received by the
9 district is not adequate to fund the district.

10 (i) [~~(f)~~] In a public agency whose governing body at a later
11 date votes to receive 9-1-1 service from the district, at a later
12 date, the 9-1-1 emergency service fees are [~~fee is~~] imposed on the
13 agency beginning on the date specified by the board. The board may
14 charge the [~~incoming~~] agency an additional amount of money to cover
15 the initial cost of providing 9-1-1 service to the [~~that~~] agency.
16 The fees [~~fee~~] authorized to be charged in a district apply
17 [~~applies~~] to new territory added to the district under Section
18 [772.105](#)(b) when the territory becomes part of the district.

19 Sec. 772.115. COLLECTION OF FEES [~~FEES~~]. (a) Each [~~billed~~]
20 service user or wireless service subscriber billed a 9-1-1
21 emergency service fee is liable for the fee [~~imposed under Section~~
22 [772.114](#)] until the fee is paid to the service supplier or wireless
23 service provider, as applicable. The applicable fee must be added
24 to and stated separately in the service user's or wireless service
25 subscriber's bill from the service supplier or wireless service
26 provider. The service supplier and wireless service provider shall
27 collect the applicable fee at the same time as the service charge to

1 the service user or wireless service subscriber in accordance with
2 the regular billing practice of the service supplier or wireless
3 service provider.

4 (b) A business service user that provides residential
5 facilities and owns or leases a publicly or privately owned
6 telephone switch used to provide telephone service to facility
7 residents shall collect the [~~9-1-1 emergency service~~] fee under
8 Section 772.114(a)(1) and transmit the fees monthly to the
9 district.

10 (c) [~~(b)~~] The amount collected by a service supplier from
11 the fee under Section 772.114(a)(1) is due quarterly. The service
12 supplier shall remit the amount collected in a calendar quarter to
13 the district not later than the 60th day after the last day of the
14 calendar quarter. With each payment the service supplier shall
15 file a return in a form prescribed by the board.

16 (d) The amount collected by a wireless service provider from
17 the fee imposed under Section 772.114(a)(2) is due monthly. The
18 wireless service provider shall remit the amount collected in a
19 calendar month to the district not later than the 30th day after the
20 last day of the calendar month. With each payment the wireless
21 service provider shall file a return in the form prescribed by the
22 board or in a comparable form generated by the billing system of the
23 wireless service provider.

24 (e) A [~~(c) Both a~~] service supplier, wireless service
25 provider, and [a] business service user under Subsection (b) [(a)]
26 shall maintain records of the amount of the applicable 9-1-1
27 emergency service fees the service supplier, wireless service

1 provider, or business service user [~~it~~] collects for at least two
2 years after the date of collection. The board may require at the
3 board's expense an annual audit of a service supplier's, wireless
4 service provider's, or business service user's books and records
5 [~~or the books and records of a business service user described by~~
6 ~~Subsection (a)~~] with respect to the collection and remittance of
7 the applicable fees.

8 (f) [~~(d)~~] A business service user that does not collect and
9 remit the [~~9-1-1 emergency service~~] fee under Section 772.114(a)(1)
10 as required by this section is subject to a civil cause of action
11 under Subsection (i) [~~(g)~~]. A sworn affidavit by the district
12 specifying the unremitted fees is prima facie evidence that the
13 fees were not remitted and of the amount of the unremitted fees.

14 (g) [~~(e)~~] A service supplier or wireless service provider
15 is entitled to retain an administrative fee from the amount of the
16 applicable 9-1-1 emergency service fees the service supplier or
17 wireless service provider [~~it~~] collects under this section. The
18 amount of the administrative fee is two percent of the amount of
19 fees the service supplier or wireless service provider [~~it~~]
20 collects [~~under this section~~].

21 (h) [~~(f)~~] A service supplier or wireless service provider
22 is not required to take any legal action to enforce the collection
23 of a [~~the~~] 9-1-1 emergency service fee due to either the service
24 supplier or wireless service provider. Each [~~However, the~~] service
25 supplier and wireless service provider shall provide the district
26 with an annual certificate of delinquency that includes the amount
27 of all delinquent fees due to the service supplier or wireless

1 service provider and the name and address of each nonpaying service
2 user or wireless service subscriber. The certificate of
3 delinquency is prima facie evidence that a fee included in the
4 certificate is delinquent. A service user or wireless service
5 subscriber account is considered delinquent if a [the] fee is not
6 paid to the service supplier or wireless service provider, as
7 applicable, before the 31st day after the payment due date stated on
8 the service user's or wireless service subscriber's bill [~~from the~~
9 ~~service supplier~~].

10 (i) [~~(g)~~] The district may institute legal proceedings to
11 collect 9-1-1 emergency service fees not paid and may establish
12 internal collection procedures and recover the cost of collection
13 from the nonpaying service user or wireless service subscriber. If
14 legal proceedings are established, the court may award the district
15 court costs, attorney's fees, and interest to be paid by the
16 nonpaying service user or wireless service subscriber. A
17 delinquent fee accrues interest at an annual rate of 12 percent
18 beginning on the date the payment becomes due.

19 SECTION 3. Sections 772.119(a) and (d), Health and Safety
20 Code, are amended to read as follows:

21 (a) Periodically, the board shall solicit public comments
22 and hold a public review hearing on the continuation of the district
23 and the 9-1-1 emergency service fees [~~fee~~]. The first hearing shall
24 be held three years after the date the order certifying the creation
25 of the district is filed with the county clerk. Subsequent hearings
26 shall be held three years after the date each order required by
27 Subsection (d) is adopted.

1 (d) After the hearing, the board shall adopt an order on the
2 continuation or dissolution of the district and the 9-1-1 emergency
3 service fees [~~fee~~].

4 SECTION 4. Section 772.120(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) If a district is dissolved, 9-1-1 service must be
7 discontinued on the date of the dissolution. The commissioners
8 court of the county in which the principal part of the district was
9 located shall assume the assets of the district and pay the
10 district's debts. If the district's assets are insufficient to
11 retire all existing debts of the district on the date of
12 dissolution, the commissioners court shall continue to impose the
13 9-1-1 emergency service fees [~~fee~~], and each service supplier and
14 wireless service provider shall continue to collect the applicable
15 fees [~~fee~~] for the commissioners court. Proceeds from the
16 imposition of the fees [~~fee~~] by the county after dissolution of the
17 district may be used only to retire the outstanding debts of the
18 district.

19 SECTION 5. Section 772.122, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 772.122. REPAYMENT OF BONDS. The board may provide for
22 the payment of principal of and interest on the bonds by pledging
23 all or any part of the district's revenues from the 9-1-1 emergency
24 service fees [~~fee~~] or from other sources.

25 SECTION 6. Sections 772.114 and 772.115, Health and Safety
26 Code, as amended by this Act, apply only to a fee imposed or expense
27 incurred on or after the effective date of this Act. A fee imposed

1 or expense incurred before the effective date of this Act is
2 governed by the law in effect on the date the fee was imposed or
3 expense was incurred, and the former law is continued in effect for
4 that purpose.

5 SECTION 7. This Act takes effect September 1, 2021.