

## **BILL ANALYSIS**

H.B. 1583  
By: Kolkhorst  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The purpose of House Bill 1583 is to authorize 911 Emergency Communication Districts created under Chapter 772 of the Health and Safety Code to deal directly with telephone companies who provide the district with information regarding 911 fees collected from business and residential customers. The bill seeks to ensure that all 911 fees collected are transmitted to the correct 911 district. The bill also seeks to discourage a company from withholding for their own use any portion of a 911 fee collected by authorizing the Public Utility Commission of Texas to impose an administrative penalty if they do so.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 1583 amends the Health and Safety Code by adding Section 772.002 as follows:

- Provides that this section applies only to a district created under Chapter 772 that collects a 911 emergency service fee from a service supplier or business service user;
- Authorizes the board of managers of a district to require a service provider or business service user to provide the district with any information the board requires to determine whether the provider or user is correctly billing and collecting the 911 emergency service fee and remitting the fee to a district;
- Provides that this information may include the number of local exchange access lines that the provider has in the district and the number of those local exchange access lines the Commission on State Emergency Communications excluded from the definition of a local exchange access line or an equivalent local exchange access line under Section 771.063;
- Requires the district to maintain the confidentiality of information provided under this section, and that the information is exempt from disclosure under Chapter 552 of the Government Code (Public Information);
- Authorizes the district to bring suit to enforce this section or collect fees billed and collected by a service provider or business service user but not remitted to the district;
- Provides that a sworn affidavit of the district specifying the amount of unremitted fees is prima facie evidence that the fees were not remitted and of the amount of unremitted fees;
- Authorizes the Public Utility Commission to impose an administrative penalty against a service provider who is a person regulated under the Utilities Code if the person does not provide information required by the district under this section or bills and collects a 911 emergency service fee but does not remit the fee to the appropriate district.

The bill provides that the change in law made by this Act is prospective from the effective date.

### **EFFECTIVE DATE**

September 1, 2005