

## BILL ANALYSIS

Senate Research Center

H.B. 1583  
By: Kolkhorst (Armbrister)  
Business & Commerce  
5/21/2005  
Committee Report (Amended)

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 1583 authorizes 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. It seeks to ensure that all 911 fees collected are transmitted to the correct 911 district.

H.B. 1583 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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 772, Health and Safety Code, by adding Section 772.002, as follows:

Sec. 772.002. INFORMATION RELATING TO COLLECTION AND REMITTANCE OF 9-1-1 EMERGENCY SERVICE FEE. (a) Provides that this section applies only to a communication district (district) created under this chapter that collects a 9-1-1 emergency service fee from a service supplier or business service user.

(b) Authorizes the board of managers of a district, by order, to require a service supplier or business service user to provide to the district any information the board requires to determine whether the service provider or business service user is correctly billing and collecting the 9-1-1 emergency service fee and remitting the fee to the district. Authorizes the information required from a service provider under this subsection to include specific numbers.

(c) Requires the district to maintain the confidentiality of information provided under this section that a service provider or business service user claims is confidential for competitive purposes. Provides that the confidential information is exempt from disclosure under Chapter 552 (Public Information), Government Code.

(d) Authorizes the district to bring suit to enforce this section or to collect fees billed and collected by a service provider or business service user but not remitted to the district. Provides that in a proceeding to collect unremitted fees, 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 the unremitted fees.

(e) Authorizes the Public Utility Commission of Texas to impose an administrative penalty under Subchapter B, Chapter 15 (Judicial Review, Enforcement, and Penalties), Utilities Code, against a service provider who is a person regulated under the Utilities Code if the person does not provide or remit specific information.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.

**SUMMARY OF COMMITTEE CHANGES**

**Committee Amendments No. 1**

Amends H.B. 1583 on page 1, line 12, after "user." by inserting " This section does not apply to an incumbent local exchange company as defined in Section 51.002, Utilities Code."

Amends H.B. 1583 on page 1, line 15, after "requires" by inserting the phrase "so long as that information and the format requested are readily available for the service provider's records".