

AN ACT

relating to the authority of an emergency services district to obtain information to determine whether the district's 9-1-1 emergency service fee is correctly billed, collected, and remitted.

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

SECTION 1. Subchapter A, Chapter 772, Health and Safety Code, is amended by adding Section 772.002 to read as follows:

Sec. 772.002. INFORMATION RELATING TO COLLECTION AND REMITTANCE OF 9-1-1 EMERGENCY SERVICE FEE. (a) This section applies only to a district created under this chapter that collects a 9-1-1 emergency service fee from a service supplier or business service user. This section does not apply to an incumbent local exchange company as defined in Section 51.002, Utilities Code.

(b) The board of managers of a district by order may require a service supplier or business service user to provide to the district any information the board requires so long as that information and the format requested are readily available for the service provider's records 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. The information required from a service provider under this subsection may include:

(1) the number of local exchange access lines that the service provider has in the district; and

1 (2) the number of those local exchange access lines
2 that the Commission on State Emergency Communications excluded from
3 the definition of a local exchange access line or an equivalent
4 local exchange access line under Section 771.063.

5 (c) The district shall maintain the confidentiality of
6 information provided under this section that a service provider or
7 business service user claims is confidential for competitive
8 purposes. The confidential information is exempt from disclosure
9 under Chapter 552, Government Code.

10 (d) The district may bring suit to enforce this section or
11 to collect fees billed and collected by a service provider or
12 business service user but not remitted to the district. In a
13 proceeding to collect unremitted fees, a sworn affidavit of the
14 district specifying the amount of unremitted fees is prima facie
15 evidence that the fees were not remitted and of the amount of the
16 unremitted fees.

17 (e) The Public Utility Commission of Texas may impose an
18 administrative penalty under Subchapter B, Chapter 15, Utilities
19 Code, against a service provider who is a person regulated under the
20 Utilities Code if the person:

21 (1) does not provide information required by a
22 district under this section; or

23 (2) bills and collects a 9-1-1 emergency service fee
24 as required by this chapter but does not remit the fee to the
25 appropriate district.

26 SECTION 2. This Act applies only to fees imposed on or after
27 the effective date of this Act. Fees imposed before that date are

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1 governed by the law in effect on the date the fees were imposed, and
2 that law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2005.

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President of the Senate

Speaker of the House

I certify that H.B. No. 1583 was passed by the House on May 13, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1583 on May 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1583 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor