

By: Kolkhorst

H.B. No. 1583

A BILL TO BE ENTITLED

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.

(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 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

(2) the number of those local exchange access lines that the Commission on State Emergency Communications excluded from the definition of a local exchange access line or an equivalent

1 local exchange access line under Section 771.063.

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

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

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

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

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

23 SECTION 2. This Act applies only to fees imposed on or after
24 the effective date of this Act. Fees imposed before that date are
25 governed by the law in effect on the date the fees were imposed, and
26 that law is continued in effect for that purpose.

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