

By: Kolkhorst (Senate Sponsor - Armbrister) H.B. No. 1583
(In the Senate - Received from the House May 16, 2005;
May 17, 2005, read first time and referred to Committee on Business
and Commerce; May 21, 2005, reported favorably, as amended, by the
following vote: Yeas 6, Nays 0; May 21, 2005, sent to printer.)

COMMITTEE AMENDMENT NO. 1 By: Armbrister

Amend HB 1583 as follows:

On page 1, line 26, after "user." insert "This section does not
apply to an incumbent local exchange company as defined in Section
51.002, Utilities Code."

On page 1, line 29, after "requires" insert the phrase "so long as
that information and the format requested are readily available for
the service provider's records".

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
local exchange access line under Section 771.063.

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

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

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

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

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

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

2-3 SECTION 3. This Act takes effect September 1, 2005.

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