By:  White H.B. No. 2911

A BILL TO BE ENTITLED

AN ACT

relating to Next Generation 9-1-1 service and certain wireless service provider administrative expense reimbursements and increasing a fee cap.

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

SECTION 1.  Section 771.001, Health and Safety Code, is amended by adding Subsection (5-a) and amending Subsection (6) to read as follows:

(5-a)  "Next generation 9-1-1 service" is defined as that term is defined under Section 942(e)(5), Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq.).

(6)  “9-1-1 service” means a communications service that connects users to a public safety answering point through a 9-1-1 system. 9-1-1 service includes Next Generation 9-1-1 service.

SECTION 2.  Section 771.059, Health and Safety Code, is amended to read as follows:

Sec. 771.059.  TARGET DATE [~~DEADLINE~~] FOR STATEWIDE NEXT GENERATION 9-1-1 SERVICE. Before September 1, 2025 [~~1995~~], all 19 parts of the state must be covered by Next Generation 9-1-1 service.

SECTION 3.  The heading to Section 771.0711, Health and Safety Code, is amended to read as follows:

Sec. 771.0711.  GENERAL REQUIREMENTS FOR EMERGENCY SERVICE FEES [~~FEE~~] FOR WIRELESS TELECOMMUNICATIONS CONNECTIONS.

SECTION 4.  Section 771.0711, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1), (b-1), and (k), to read as follows:

(a)  To provide for automatic number identification and automatic location identification of wireless 9-1-1 calls and for the implementation and provision of next generation 9-1-1 service:

(1)  [~~,~~] the commission shall impose [~~on each wireless telecommunications connection~~] a monthly 9-1-1 emergency service fee under Section 771.0713; and

(2)  except as otherwise provided in Chapter 772, an emergency communication district shall impose a monthly 9-1-1 emergency service fee under Section 771.0714.

(a-1)  A political subdivision may not impose a [~~another~~] fee other than a fee described by Subsection (a) on a wireless service provider or subscriber for 9-1-1 [~~emergency~~] service.

(b)  For a wireless telecommunications connection subject to the 9-1-1 emergency service fee under Section 771.0713, a [~~A~~] wireless service provider shall collect the fee described by that section for [~~in an amount equal to 50 cents a month for~~] each wireless telecommunications connection from its subscribers and shall pay the money collected to the comptroller not later than the 30th day after the last day of the month during which the fees were collected. The comptroller may establish alternative dates for payment of the fees [~~under this section~~]. The wireless service provider may retain an administrative fee of two [~~one~~] percent of the amount of fees collected. The comptroller shall deposit the money from the fees to the credit of the 9-1-1 services fee account. Until deposited to the credit of the 9-1-1 services fee account [~~as required by Subsection (c)~~], money the comptroller collects under this subsection remains in a trust fund with the state treasury.

(b-1)  For a wireless telecommunications connection subject to a 9-1-1 emergency service fee under Section 771.0714, a wireless service provider shall collect the fee for each wireless telecommunications connection from its subscribers and pay the money collected to the comptroller not later than the 30th day after the last day of the month during which the fees were collected. The wireless service provider may retain an administrative fee of two percent of the amount of fees collected.

(c)  Money collected under Subsections (b) and (b-1) [~~Subsection (b)~~] may be used only for services related to 9-1-1 services, including automatic number identification and automatic location information services and the provision of Next Generation 9-1-1 service, or as authorized by Section 771.079(c). Not later than the 15th day after the end of the month in which the money is collected, the commission shall distribute to each emergency communication district that does not participate in the state system [~~a portion of the money that bears the same proportion to the total amount collected that the population of the area served by the district bears to the population of the state~~] the total amount of money remitted to the comptroller under Subsection (b-1) for wireless telecommunications connections within the geographic jurisdiction of that emergency communication district. The remaining money collected under Subsection (b) shall be deposited to the 9-1-1 services fee account.

(k)  The following actions are required prior to the commission or an emergency communication district imposing the 9-1-1 emergency service fee on each wireless telecommunications connection in their respective geographic jurisdiction:

(1)  The commission or the emergency communication district must consider and adopt at an open meeting a plan for implementation and provision of Next Generation 9-1-1 service and the imposition of the 9-1-1 emergency service fee on each wireless telecommunications connection.

(2)  Any individual plan for implementation and provision of Next Generation 9-1-1 service adopted by the commission or an emergency communication district shall be reviewed periodically to confirm that the plan continues to meet increased consumer expectation for 9-1-1 service from modern communications technologies.

SECTION 5.  Section 771.0712(a), Health and Safety Code, is amended to read as follows:

(a)  To ensure that all 9-1-1 agencies under Section 418.051, Government Code, are adequately funded, [~~beginning on June 1, 2010,~~] a prepaid wireless 9-1-1 emergency services fee of two percent of the purchase price of each prepaid wireless telecommunications service purchased by any method, shall be collected by the seller from the consumer at the time of each retail transaction of prepaid wireless telecommunications service occurring in this state and remitted to the comptroller consistent with Chapter 151, Tax Code[~~, and distributed consistent with the procedures in place for the emergency services fee in Section 771.0711, Health and Safety Code~~]. Not later than the 15th day after the last day of the month in which the money is collected, the commission shall distribute to each emergency communication district that does not participate in the applicable regional plan a portion of the total money collected in the same proportion that the population of the area served by the district bears to the population of the state. The remaining money collected under Subsection shall be deposited to the 9-1-1 services fee account. Until deposited to the credit of the 9-1-1 services fee account as required by this subsection, money the comptroller collects under this subsection remains in a trust fund with the state treasury. A seller may deduct and retain two percent of prepaid wireless 9-1-1 emergency services fees that it collects under this section to offset its costs in administering this fee.

SECTION 6.  Subchapter D, Chapter 771, Health and Safety Code, is amended by adding Sections 771.0713, 771.0714, and 771.0715 to read as follows:

Sec. 771.0713.  EMERGENCYSERVICEFEEFORWIRELESS TELECOMMUNICATIONS CONNECTIONS: COMMISSION. (a) The commission shall impose a 9-1-1 emergency service fee on each wireless telecommunications connection that has a place of primary use within the geographic area in which a regional planning commission provides 9-1-1 service, including in an area served by an emergency communication district participating in the state system.

(b)  Not later than September 30 of each odd-numbered year, the commission shall set the monthly 9-1-1 emergency service fee for the ensuing two calendar years in an amount equal to either $0.75, $1.00 or $1.25, to be effective on the first billing cycle of the ensuing calendar year. Once the 9-1-1 emergency service fee is established by the commission pursuant to this subsection, the monthly fee shall remain unchanged for the ensuing two calendar years.

(c)  A subscriber receiving 9-1-1 service from a wireless telecommunications connection described by Subsection (a) is not subject to the fee described by Section 771.0714.

(d)  Not later than October 1 of each odd-numbered year, the commission shall publish in the Texas Register, post on its agency website, and provide to the comptroller written notice of any change in the amount of the fee imposed under Subsection (a).

Sec. 771.0714.  EMERGENCY SERVICE FEE FOR WIRELESS TELECOMMUNICATIONS CONNECTIONS: EMERGENCY COMMUNICATION DISTRICT. (a) An emergency communication district not participating in the state system shall impose a 9-1-1 emergency service fee on each wireless telecommunications connection that has a place of primary use within the district's jurisdiction.

(b)  Not later than September 30 of each odd-numbered year, each emergency communication district described by Subsection (a) shall set the monthly 9-1-1 emergency service fee for the ensuing two calendar years in an amount equal to either $0.75, $1.00 or $1.25, to be effective on the first billing cycle of the ensuing calendar year. Once the 9-1-1 emergency service fee is established by each emergency communication district pursuant to this subsection, the monthly fee shall remain unchanged for the ensuing two calendar years.

(c)  Any new territory added to an emergency communication district described by Subsection (a) is subject to the 9-1-1 emergency service fee at the time the territory becomes part of the district.

(d)  Not later than October 1 of each odd-numbered year, each emergency communication district described by Subsection (a) shall provide to the comptroller written notice of any change in the amount of the fee imposed under Subsection (a).

Sec. 771.0715.  FEE REPORTS. Each wireless service provider that collects a 9-1-1 emergency service fee under Sections 771.0711(b) and (b-1) shall provide to the comptroller a monthly report in the form and manner prescribed by the comptroller that outlines the money collected and remitted to the comptroller by the wireless service provider under those subsections for the preceding month. The report must contain the total amount collected and remitted by the wireless service provider for that month and the amount collected by the wireless service provider from each wireless telecommunications connection within each regional plan area geographic jurisdiction and within each emergency communication district geographic jurisdiction. The comptroller shall maintain and continuously update a list of the total amounts collected and remitted by each wireless service provider and provide that list to the commission each quarter. The comptroller shall provide to each of the emergency communication districts a monthly report that outlines the money collected and remitted to the comptroller by the wireless service provider from each wireless telecommunications connection within the geographic jurisdiction of these emergency communication districts.

SECTION 7.  Section 771.078(b), Health and Safety Code, is amended to read as follows:

(b)  In making contracts under this section, the commission shall ensure that each regional planning commission receives money for 9-1-1 service in two separately computed amounts as provided by this subsection. The commission must provide each regional planning commission with:

(1)  an amount of money equal to the total of the revenue from the emergency service fees collected under Sections 771.071 and 771.0713 that is deposited in the treasury and appropriated to the commission multiplied by a fraction, the numerator of which is the amount of those fees collected from the region and the denominator of which is the total amount of those fees collected in this state; and

(2)  an amount of money equal to the total of the revenue from the emergency service fees [~~fee~~] for prepaid wireless telecommunications connections under Section 771.0712[~~1~~] that is deposited in the treasury and appropriated to the commission multiplied by a fraction, the numerator of which is the population of the region and the denominator of which is the population of this state.

SECTION 8.  Sections 771.0711(g) and (j), Health and Safety Code, are repealed.

SECTION 9.  Absent timely action before September 30, 2021 by the commission in accordance with Subsection 771.0711(a)(1), Health and Safety Code, the 9-1-1 emergency service fee on wireless telecommunications connections imposed by the commission shall be $0.50 per wireless telecommunications connection and shall continue at that amount until changed in accordance with the requirements of Section 771.0713.

SECTION 10.  Absent timely action before September 30, 2021 by an individual emergency communication district in accordance with Subsection 771.0711(a)(2), Health and Safety Code, the 9-1-1 emergency service fee on wireless telecommunications connections imposed by that emergency communication district shall be $0.50 per wireless telecommunications connection and shall continue at that amount until changed in accordance with the requirements of Section 771.0714.

SECTION 11.  The changes in law made by this Act apply only to a fee imposed or administrative expense to be effective on or after the first billing cycle after January 1, 2022. A fee imposed or administrative expense to be effective on a billing cycle before January 1, 2022 is governed by the law in effect on the date the fee was imposed or expense was incurred, and the former law is continued in effect for that purpose.

SECTION 12.  This Act takes effect September 1, 2021.