

By: White, Stephenson

H.B. No. 2911

A BILL TO BE ENTITLED

AN ACT

relating to next generation 9-1-1 service; increasing a fee.

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

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

(5-a) "Next generation 9-1-1 service" has the meaning assigned by 47 U.S.C. Section 942.

(6) "9-1-1 service" means a communications service that connects users to a public safety answering point through a 9-1-1 system. The term 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 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 [~~FEES~~] FOR WIRELESS TELECOMMUNICATIONS CONNECTIONS.

SECTION 4. Sections 771.0711(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) Except as provided by Section 772.114, to [~~To~~] provide for automatic number identification and automatic location

1 identification of wireless 9-1-1 calls and for the deployment and
2 reliable operation of next generation 9-1-1 service, the commission
3 shall impose on each wireless telecommunications connection a 9-1-1
4 emergency service fee. A political subdivision may not impose
5 another fee on a wireless service provider or subscriber for 9-1-1
6 emergency service.

7 (b) A wireless service provider shall collect the fee in an
8 amount equal to 75 [~~50~~] cents a month for each wireless
9 telecommunications connection from its subscribers and shall pay
10 the money collected to the comptroller not later than the 30th day
11 after the last day of the month during which the fees were
12 collected. The comptroller may establish alternative dates for
13 payment of fees under this section. The wireless service provider
14 may retain an administrative fee of one percent of the amount
15 collected. The comptroller shall deposit the money from the fees to
16 the credit of the 9-1-1 services fee account. Until deposited to
17 the credit of the 9-1-1 services fee account as required by
18 Subsection (c), money the comptroller collects under this
19 subsection remains in a trust fund with the state treasury.

20 (c) Money collected under Subsection (b) may be used only
21 for services related to 9-1-1 services, including automatic number
22 identification and automatic location information services and the
23 deployment and reliable operation of next generation 9-1-1 service,
24 or as authorized by Section [771.079\(c\)](#). Not later than the 15th day
25 after the end of the month in which the money is collected, the
26 commission shall distribute to each emergency communication
27 district that does not participate in the state system a portion of

1 the money that bears the same proportion to the total amount
2 collected that the population of the area served by the district
3 bears to the population of the state, excluding the population of
4 the emergency communication district created under Subchapter B,
5 Chapter 772. The remaining money collected under Subsection (b)
6 shall be deposited to the 9-1-1 services fee account.
7 Notwithstanding this subsection, the emergency communication
8 district created under Subchapter B, Chapter 772, must be included
9 in the collection and distribution of prepaid wireless 9-1-1
10 emergency service fees under Section 771.0712.

11 SECTION 5. Section 772.103, Health and Safety Code, is
12 amended by adding Subdivisions (2-a), (4), and (5) to read as
13 follows:

14 (2-a) "Next generation 9-1-1 service" has the meaning
15 assigned by 47 U.S.C. Section 942.

16 (4) "Wireless service provider" and "wireless
17 telecommunications connection" have the meanings assigned by
18 Section 771.001.

19 (5) "Wireless service subscriber" means a customer who
20 is provided wireless telecommunications connections in the
21 district.

22 SECTION 6. Sections 772.114 and 772.115, Health and Safety
23 Code, are amended to read as follows:

24 Sec. 772.114. 9-1-1 EMERGENCY SERVICE FEE [~~FE~~]. (a) The
25 board may:

26 (1) [~~impose a 9-1-1 emergency service fee on service~~
27 ~~users in the district~~] if authorized [~~to do so~~] by a majority of the

1 votes cast in the election to confirm the creation of the district
2 and by a majority vote of the governing body of each participating
3 jurisdiction, impose a 9-1-1 emergency service fee for a local
4 exchange access line on service users in the district; and

5 (2) impose a 9-1-1 emergency service fee on each
6 wireless telecommunications connection in the district to provide
7 for:

8 (A) automatic number identification and
9 automatic location identification of wireless 9-1-1 calls; and

10 (B) the deployment and reliable operation of next
11 generation 9-1-1 service.

12 (b) For purposes of Subsection (a)(1) [~~this subsection~~],
13 the jurisdiction of the county is the unincorporated area of the
14 county.

15 (c) [~~(b)~~] The fee authorized under Subsection (a)(1) may be
16 imposed only on the base rate charge or its equivalent, excluding
17 charges for coin-operated telephone equipment. The fee may not be
18 imposed on more than 100 local exchange access lines or their
19 equivalent for a single business entity at a single location,
20 unless the lines are used by residents of the location. The fee may
21 [~~also~~] not be imposed on any line that the [~~Advisory~~] Commission on
22 State Emergency Communications excluded from the definition of a
23 local exchange access line or an equivalent local exchange access
24 line pursuant to Section 771.063. If a business service user
25 provides residential facilities, each line that terminates at a
26 residential unit and that is a communication link equivalent to a
27 residential local exchange access line must [~~shall~~] be charged

1 the [~~9-1-1 emergency service~~] fee. The fee must have uniform
2 application and must be imposed in each participating jurisdiction.

3 (d) [~~(c)~~] The rate of the fee imposed under Subsection
4 (a)(1) may not exceed six percent of the monthly base rate charged a
5 service user by the principal service supplier in the participating
6 jurisdiction.

7 (e) The Commission on State Emergency Communications may
8 not impose on a wireless telecommunications connection in the
9 district a fee authorized by Section 771.0711 that is imposed for
10 the same purposes as the purposes described by Subsection (a)(2).

11 (f) The amount of the fee imposed under Subsection (a)(2)
12 may not:

13 (1) exceed 75 cents a month for each wireless
14 telecommunications connection; and

15 (2) increase by more than 10 percent of the monthly fee
16 amount imposed under that subdivision in the preceding year each
17 time the fee amount is set.

18 (g) [~~(d)~~] The board shall set the amount of the 9-1-1
19 emergency service fees [~~fee~~] each year as part of the annual budget.
20 The board shall notify each service supplier and wireless service
21 provider of a change in the amount of the applicable fee imposed on
22 the service supplier or wireless service provider not later than
23 the 91st day before the date the change takes effect.

24 (h) [~~(e)~~] In imposing the 9-1-1 emergency service fees
25 [~~fee~~], the board shall attempt to match the district's revenues to
26 its operating expenditures and to provide reasonable reserves for
27 contingencies and for the purchase and installation of 9-1-1

1 emergency service equipment. If the revenue received from the fees
 2 [~~fee~~] exceeds the amount of money needed to fund the district, the
 3 board by resolution shall reduce the rate of either [~~the~~] fee to an
 4 amount adequate to fund the district as required by this subsection
 5 or suspend the imposition of either [~~the~~] fee. If the board
 6 suspends the imposition of either [~~the~~] fee, the board by
 7 resolution may reinstitute the fee if money received by the
 8 district is not adequate to fund the district.

9 (i) [~~(f)~~] In a public agency whose governing body at a later
 10 date votes to receive 9-1-1 service from the district[, ~~at a later~~
 11 ~~date~~], the 9-1-1 emergency service fees are [~~fee is~~] imposed
 12 beginning on the date specified by the board. The board may charge
 13 the [~~incoming~~] agency an additional amount of money to cover the
 14 initial cost of providing 9-1-1 service to the [~~that~~] agency. The
 15 fees [~~fee~~] authorized to be charged in a district apply [~~applies~~] to
 16 new territory added to the district under Section 772.105(b) when
 17 the territory becomes part of the district.

18 Sec. 772.115. COLLECTION OF FEES [~~FEES~~]. (a) Each [~~billed~~]
 19 service user or wireless service subscriber billed a 9-1-1
 20 emergency service fee is liable for the fee [~~imposed under Section~~
 21 772.114] until the fee is paid to the service supplier or wireless
 22 service provider, as applicable. The applicable fee must be added
 23 to and stated separately in the service user's or wireless service
 24 subscriber's bill from the service supplier or wireless service
 25 provider. The service supplier and wireless service provider shall
 26 collect the applicable fee at the same time as the service charge to
 27 the service user or wireless service subscriber in accordance with

1 the regular billing practice of the service supplier or wireless
2 service provider.

3 (b) A business service user that provides residential
4 facilities and owns or leases a publicly or privately owned
5 telephone switch used to provide telephone service to facility
6 residents shall collect the [~~9-1-1 emergency service~~] fee under
7 Section 772.114(a)(1) and transmit the fees monthly to the
8 district.

9 (c) [~~(b)~~] The amount collected by a service supplier from
10 the fee under Section 772.114(a)(1) is due quarterly. The service
11 supplier shall remit the amount collected in a calendar quarter to
12 the district not later than the 60th day after the last day of the
13 calendar quarter. With each payment the service supplier shall
14 file a return in a form prescribed by the board.

15 (d) The amount collected by a wireless service provider from
16 the fee imposed under Section 772.114(a)(2) is due monthly. The
17 wireless service provider shall remit the amount collected in a
18 calendar month to the comptroller not later than the 30th day after
19 the last day of the calendar month. With each payment the wireless
20 service provider shall file a return in the form prescribed by the
21 comptroller or in a comparable form generated by the billing system
22 of the wireless service provider.

23 (e) The comptroller shall deposit the money collected under
24 Subsection (d) in a trust fund in the state treasury for the benefit
25 of the district until distributed to the district. Not later than
26 the 15th day following the last day of the month in which the money
27 is collected, the Commission on State Emergency Communications

1 shall provide to the district a copy of the confidential returns
2 filed by each wireless service provider under Subsection (d) and
3 distribute to the district the total amount of money remitted to the
4 comptroller under that subsection from 9-1-1 emergency service fees
5 imposed under Section 772.114(a)(2) on wireless telecommunications
6 connections in the district.

7 (f) A [~~(c)~~ Both a] service supplier, wireless service
8 provider, and [a] business service user under Subsection (b) [~~(a)~~]
9 shall maintain records of the amount of the applicable 9-1-1
10 emergency service fees the service supplier, wireless service
11 provider, or business service user [it] collects for at least two
12 years after the date of collection. The board may require at the
13 board's expense an annual audit of a service supplier's, wireless
14 service provider's, or business service user's books and records
15 [or the books and records of a business service user described by
16 Subsection (a)] with respect to the collection and remittance of
17 the applicable fees.

18 (g) [~~(d)~~] A business service user that does not collect and
19 remit the [9-1-1 emergency service] fee under Section 772.114(a)(1)
20 as required by this section is subject to a civil cause of action
21 under Subsection (j) [~~(g)~~]. A sworn affidavit by the district
22 specifying the unremitted fees is prima facie evidence that the
23 fees were not remitted and of the amount of the unremitted fees.

24 (h) [~~(e)~~] A service supplier or wireless service provider
25 is entitled to retain an administrative fee from the amount of the
26 applicable 9-1-1 emergency service fees the service supplier or
27 wireless service provider [it] collects under this section. The

1 amount of the administrative fee is two percent of the amount of
2 fees the service supplier or wireless service provider [~~it~~]
3 collects [~~under this section~~].

4 (i) [~~(f)~~] A service supplier or wireless service provider
5 is not required to take any legal action to enforce the collection
6 of a [~~the~~] 9-1-1 emergency service fee due to either the service
7 supplier or wireless service provider. Each [~~However, the~~] service
8 supplier and wireless service provider shall provide the district
9 with an annual certificate of delinquency that includes the amount
10 of all delinquent fees due to the service supplier or wireless
11 service provider and the name and address of each nonpaying service
12 user or wireless service subscriber. The certificate of
13 delinquency is prima facie evidence that a fee included in the
14 certificate is delinquent. A service user or wireless service
15 subscriber account is considered delinquent if a [~~the~~] fee is not
16 paid to the service supplier or wireless service provider, as
17 applicable, before the 31st day after the payment due date stated on
18 the service user's or wireless service subscriber's bill [~~from the~~
19 ~~service supplier~~].

20 (j) [~~(g)~~] The district may institute legal proceedings to
21 collect 9-1-1 emergency service fees not paid and may establish
22 internal collection procedures and recover the cost of collection
23 from the nonpaying service user or wireless service subscriber. If
24 legal proceedings are established, the court may award the district
25 court costs, attorney's fees, and interest to be paid by the
26 nonpaying service user or wireless service subscriber. A
27 delinquent fee accrues interest at an annual rate of 12 percent

1 beginning on the date the payment becomes due.

2 SECTION 7. Sections 772.119(a) and (d), Health and Safety
3 Code, are amended to read as follows:

4 (a) Periodically, the board shall solicit public comments
5 and hold a public review hearing on the continuation of the district
6 and the 9-1-1 emergency service fees [~~fee~~]. The first hearing shall
7 be held three years after the date the order certifying the creation
8 of the district is filed with the county clerk. Subsequent hearings
9 shall be held three years after the date each order required by
10 Subsection (d) is adopted.

11 (d) After the hearing, the board shall adopt an order on the
12 continuation or dissolution of the district and the 9-1-1 emergency
13 service fees [~~fee~~].

14 SECTION 8. Section 772.120(a), Health and Safety Code, is
15 amended to read as follows:

16 (a) If a district is dissolved, 9-1-1 service must be
17 discontinued on the date of the dissolution. The commissioners
18 court of the county in which the principal part of the district was
19 located shall assume the assets of the district and pay the
20 district's debts. If the district's assets are insufficient to
21 retire all existing debts of the district on the date of
22 dissolution, the commissioners court shall continue to impose the
23 9-1-1 emergency service fees [~~fee~~], and each service supplier and
24 wireless service provider shall continue to collect the applicable
25 fees [~~fee~~] for the commissioners court. Proceeds from the
26 imposition of the fees [~~fee~~] by the county after dissolution of the
27 district may be used only to retire the outstanding debts of the

1 district.

2 SECTION 9. Section 772.122, Health and Safety Code, is
3 amended to read as follows:

4 Sec. 772.122. REPAYMENT OF BONDS. The board may provide for
5 the payment of principal of and interest on the bonds by pledging
6 all or any part of the district's revenues from the 9-1-1 emergency
7 service fees [~~fee~~] or from other sources.

8 SECTION 10. Sections 771.0711(g) and (j), Health and Safety
9 Code, are repealed.

10 SECTION 11. The changes in law made by this Act apply only
11 to a fee imposed or expense that is due during a billing cycle that
12 occurs on or after January 1, 2022. A fee imposed or expense due
13 during a billing cycle that occurs before January 1, 2022, is
14 governed by the law in effect immediately before the effective date
15 of this Act, and the former law is continued in effect for that
16 purpose.

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