

By: White

H.B. No. 2911

A BILL TO BE ENTITLED

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

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

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

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

12 (6) "9-1-1 service" means a communications service
13 that connects users to a public safety answering point through a
14 9-1-1 system. 9-1-1 service includes Next Generation 9-1-1
15 service.

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

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

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

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

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

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

7 (1) [~~7~~] the commission shall impose [~~on each wireless~~
8 ~~telecommunications connection~~] a monthly 9-1-1 emergency service
9 fee under Section 771.0713; and

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

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

16 (b) For a wireless telecommunications connection subject to
17 the 9-1-1 emergency service fee under Section 771.0713, a [A]
18 wireless service provider shall collect the fee described by that
19 section for [~~in an amount equal to 50 cents a month for~~] each
20 wireless telecommunications connection from its subscribers and
21 shall pay the money collected to the comptroller not later than the
22 30th day after the last day of the month during which the fees were
23 collected. The comptroller may establish alternative dates for
24 payment of the fees [~~under this section~~]. The wireless service
25 provider may retain an administrative fee of two [~~one~~] percent of
26 the amount of fees collected. The comptroller shall deposit the
27 money from the fees to the credit of the 9-1-1 services fee account.

1 Until deposited to the credit of the 9-1-1 services fee account [~~as~~
2 ~~required by Subsection (c)~~], money the comptroller collects under
3 this subsection remains in a trust fund with the state treasury.

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

12 (c) Money collected under Subsections (b) and (b-1)
13 [~~Subsection (b)~~] may be used only for services related to 9-1-1
14 services, including automatic number identification and automatic
15 location information services and the provision of Next Generation
16 9-1-1 service, or as authorized by Section 771.079(c). Not later
17 than the 15th day after the end of the month in which the money is
18 collected, the commission shall distribute to each emergency
19 communication district that does not participate in the state
20 system [~~a portion of the money that bears the same proportion to the~~
21 ~~total amount collected that the population of the area served by the~~
22 ~~district bears to the population of the state] the total amount of
23 money remitted to the comptroller under Subsection (b-1) for
24 wireless telecommunications connections within the geographic
25 jurisdiction of that emergency communication district. The
26 remaining money collected under Subsection (b) shall be deposited
27 to the 9-1-1 services fee account.~~

1 (k) The following actions are required prior to the
2 commission or an emergency communication district imposing the
3 9-1-1 emergency service fee on each wireless telecommunications
4 connection in their respective geographic jurisdiction:

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

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

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

18 (a) To ensure that all 9-1-1 agencies under Section 418.051,
19 Government Code, are adequately funded, [~~beginning on June 1,~~
20 ~~2010,~~] a prepaid wireless 9-1-1 emergency services fee of two
21 percent of the purchase price of each prepaid wireless
22 telecommunications service purchased by any method, shall be
23 collected by the seller from the consumer at the time of each retail
24 transaction of prepaid wireless telecommunications service
25 occurring in this state and remitted to the comptroller consistent
26 with Chapter 151, Tax Code [~~, and distributed consistent with the~~
27 ~~procedures in place for the emergency services fee in Section~~

1 ~~771.0711, Health and Safety Code~~]. Not later than the 15th day
2 after the last day of the month in which the money is collected, the
3 commission shall distribute to each emergency communication
4 district that does not participate in the applicable regional plan
5 a portion of the total money collected in the same proportion that
6 the population of the area served by the district bears to the
7 population of the state. The remaining money collected under
8 Subsection shall be deposited to the 9-1-1 services fee account.
9 Until deposited to the credit of the 9-1-1 services fee account as
10 required by this subsection, money the comptroller collects under
11 this subsection remains in a trust fund with the state treasury. A
12 seller may deduct and retain two percent of prepaid wireless 9-1-1
13 emergency services fees that it collects under this section to
14 offset its costs in administering this fee.

15 SECTION 6. Subchapter D, Chapter 771, Health and Safety
16 Code, is amended by adding Sections 771.0713, 771.0714, and
17 771.0715 to read as follows:

18 Sec. 771.0713. EMERGENCY SERVICE FEE FOR WIRELESS
19 TELECOMMUNICATIONS CONNECTIONS: COMMISSION. (a) The commission
20 shall impose a 9-1-1 emergency service fee on each wireless
21 telecommunications connection that has a place of primary use
22 within the geographic area in which a regional planning commission
23 provides 9-1-1 service, including in an area served by an emergency
24 communication district participating in the state system.

25 (b) Not later than September 30 of each odd-numbered year,
26 the commission shall set the monthly 9-1-1 emergency service fee
27 for the ensuing two calendar years in an amount equal to either

1 \$0.75, \$1.00 or \$1.25, to be effective on the first billing cycle of
2 the ensuing calendar year. Once the 9-1-1 emergency service fee is
3 established by the commission pursuant to this subsection, the
4 monthly fee shall remain unchanged for the ensuing two calendar
5 years.

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

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

13 Sec. 771.0714. EMERGENCY SERVICE FEE FOR WIRELESS
14 TELECOMMUNICATIONS CONNECTIONS: EMERGENCY COMMUNICATION DISTRICT.

15 (a) An emergency communication district not participating in the
16 state system shall impose a 9-1-1 emergency service fee on each
17 wireless telecommunications connection that has a place of primary
18 use within the district's jurisdiction.

19 (b) Not later than September 30 of each odd-numbered year,
20 each emergency communication district described by Subsection (a)
21 shall set the monthly 9-1-1 emergency service fee for the ensuing
22 two calendar years in an amount equal to either \$0.75, \$1.00 or
23 \$1.25, to be effective on the first billing cycle of the ensuing
24 calendar year. Once the 9-1-1 emergency service fee is established
25 by each emergency communication district pursuant to this
26 subsection, the monthly fee shall remain unchanged for the ensuing
27 two calendar years.

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

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

9 Sec. 771.0715. FEE REPORTS. Each wireless service provider
10 that collects a 9-1-1 emergency service fee under Sections
11 771.0711(b) and (b-1) shall provide to the comptroller a monthly
12 report in the form and manner prescribed by the comptroller that
13 outlines the money collected and remitted to the comptroller by the
14 wireless service provider under those subsections for the preceding
15 month. The report must contain the total amount collected and
16 remitted by the wireless service provider for that month and the
17 amount collected by the wireless service provider from each
18 wireless telecommunications connection within each regional plan
19 area geographic jurisdiction and within each emergency
20 communication district geographic jurisdiction. The comptroller
21 shall maintain and continuously update a list of the total amounts
22 collected and remitted by each wireless service provider and
23 provide that list to the commission each quarter. The comptroller
24 shall provide to each of the emergency communication districts a
25 monthly report that outlines the money collected and remitted to
26 the comptroller by the wireless service provider from each wireless
27 telecommunications connection within the geographic jurisdiction

1 of these emergency communication districts.

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

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

9 (1) an amount of money equal to the total of the
10 revenue from the emergency service fees collected under Sections
11 771.071 and 771.0713 that is deposited in the treasury and
12 appropriated to the commission multiplied by a fraction, the
13 numerator of which is the amount of those fees collected from the
14 region and the denominator of which is the total amount of those
15 fees collected in this state; and

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

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

25 SECTION 9. Absent timely action before September 30, 2021
26 by the commission in accordance with Subsection 771.0711(a)(1),
27 Health and Safety Code, the 9-1-1 emergency service fee on wireless

1 telecommunications connections imposed by the commission shall be
2 \$0.50 per wireless telecommunications connection and shall
3 continue at that amount until changed in accordance with the
4 requirements of Section 771.0713.

5 SECTION 10. Absent timely action before September 30, 2021
6 by an individual emergency communication district in accordance
7 with Subsection 771.0711(a)(2), Health and Safety Code, the 9-1-1
8 emergency service fee on wireless telecommunications connections
9 imposed by that emergency communication district shall be \$0.50 per
10 wireless telecommunications connection and shall continue at that
11 amount until changed in accordance with the requirements of Section
12 771.0714.

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

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