

H. B. 2706

(By Delegate Pethtel)
[Introduced January 21, 2011; referred to the
Committee on Political Subdivisions then Finance.]

A BILL to amend and reenact §7-1-3cc of the Code of West Virginia,
1931, as amended, relating to allowing county commissions to
use 911 fees to provide financial assistance to a countywide
emergency ambulance service authority.

Be it enacted by the Legislature of West Virginia:

That §7-1-3cc of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

**§7-1-3cc. Authority of county commissions to establish enhanced
emergency telephone systems, technical and
operational standards for emergency communications
centers and standards for education and training of
emergency communications systems personnel; standards
for alarm systems; fee upon consumers of telephone
service for the systems and for roadway conversion
systems; authority to contract with the telephone
companies for billing of fee.**

(a) In addition to possessing the authority to establish an

1 emergency telephone system pursuant to section four, article six,
2 chapter twenty-four of this code, a county commission or the county
3 commissions of two or more counties may, instead, establish an
4 enhanced emergency telephone system or convert an existing system
5 to an enhanced emergency system. The establishment of such a
6 system ~~shall be~~ is subject to the provisions of article six of said
7 chapter. The county commission may adopt rules after receiving
8 recommendations from the West Virginia Enhanced 911 Council
9 concerning the operation of all county emergency communications
10 centers or emergency telephone systems centers in the state,
11 including, but not limited to, recommendations for:

12 (1) Minimum standards for emergency telephone systems and
13 emergency communications centers;

14 (2) Minimum standards for equipment used in any center
15 receiving telephone calls of an emergency nature and dispatching
16 emergency service providers in response to that call and which
17 receives 911 moneys or has basic 911 service funded through its
18 county commission; and

19 (3) Minimum standards for education and training of all
20 personnel in emergency communications centers.

21 (b) (1) A county commission may impose a fee upon consumers of
22 local exchange service within that county for an enhanced emergency
23 telephone system and associated electronic equipment and for the
24 conversion of all rural routes to city-type addressing as provided
25 in section three of this article. The fee revenues may only be
26 used: ~~solely and directly~~

27 (A) For the capital, installation, administration, operation

1 and maintenance costs of the enhanced emergency telephone system;
2 ~~and of~~

3 (B) To provide financial assistance to a countywide emergency
4 ambulance service authority;

5 (C) For the conversion to city-type addressing; and ~~including~~

6 (D) For the reasonable costs associated with establishing,
7 equipping, furnishing, operating or maintaining a county answering
8 point.

9 (2) Effective on July 1, 2006, all county enhanced emergency
10 telephone system fees that are in effect as of July 1, 2006, and ~~as~~
11 ~~such that~~ may later be modified by action of a county commission,
12 shall be imposed upon in-state subscribers to voice over Internet
13 protocol (VoIP) service, as VoIP service is defined by the Federal
14 Communications Commission of the United States. A nonbusiness VoIP
15 service subscriber ~~shall be~~ is considered in-state if the primary
16 residence of the subscriber is located within West Virginia. A
17 business subscriber ~~shall be considered~~ is an in-state if the site
18 at which the service is primarily used is located within West
19 Virginia. The Public Service Commission may, as it deems
20 appropriate and in accordance with the requirements of due process,
21 issue and enforce orders, as well as adopt and enforce rules,
22 dealing with matters concerning the imposition of county enhanced
23 emergency telephone system fees upon VoIP service subscribers.

24 (c) A county commission may contract with the telephone
25 company or companies providing local exchange service within the
26 county for the telephone company or companies to act as the billing
27 agent or agents of the county commission for the billing of the fee

1 imposed pursuant to subsection (b) of this section. The cost for
2 the billing agent services may be included as a recurring
3 maintenance cost of the enhanced emergency telephone system.

4 Where a county commission has contracted with a telephone
5 company to act as its billing agent for enhanced emergency
6 telephone system fees, all competing local exchange telephone
7 companies with customers in that county shall bill the enhanced
8 emergency telephone system fees to its respective customers located
9 in that county and shall remit the fee. It may deduct its
10 respective costs for billing in the same manner as the acting
11 billing agent for the enhanced emergency telephone system fee.

12 (d) A county commission of any county with an emergency
13 communications center or emergency telephone system may establish
14 standards for alarm systems, including security, fire and medical
15 alarms.

16 (e) The books and records of all county answering points that
17 benefit from the imposition of the local exchange service fees
18 ~~shall be~~ are subject to annual examination by the State Auditor's
19 Office.

NOTE: The purpose of this bill is to allow county commissions to use 911 fees to provide financial assistance to a countywide emergency ambulance service authority.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.