WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2975

BY DELEGATES CAPUTO AND LONGSTRETH

(BY REQUEST)

[Introduced March 13, 2017; Referred

to the Committee on Political Subdivisions then

Finance.]

1   A BILL to amend and reenact §7-1-3cc of the Code of West Virginia, 1931, as amended, relating

2   to authorizing the change of charging 911 fees to land line telephone bills to being charged

3   to electric bills.

Be it enacted by the Legislature of West Virginia:

1   That §7-1-3cc of the Code of West Virginia, 1931, as amended, be amended and

2   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~~ electric utility providers for the systems and for roadway conversion systems; authority to contract with the ~~telephone companies~~ electric utility providers for billing of fee.

1   (a) In addition to possessing the authority to establish an emergency telephone system

2   pursuant to section four, article six, chapter twenty-four of this code, a county commission or the

3   county commissions of two or more counties may, instead, establish an enhanced emergency

4   telephone system or convert an existing system to an enhanced emergency system. The

5   establishment of such a system shall be subject to the provisions of article six of said chapter.

6   The county commission may adopt rules after receiving recommendations from the West Virginia

7   Enhanced 911 Council concerning the operation of all county emergency communications centers

8   or emergency telephone systems centers in the state, including, but not limited to,

9   recommendations for:

10   (1) Minimum standards for emergency telephone systems and emergency

11   communications centers;

12   (2) Minimum standards for equipment used in any center receiving telephone calls of an

13   emergency nature and dispatching emergency service providers in response to that call and

14   which receives 911 moneys or has basic 911 service funded through its county commission; and

15   (3) Minimum standards for education and training of all personnel in emergency

16   communications centers.

17   (b) A county commission may impose a fee upon ~~electric utility~~ consumers ~~of local~~

18   ~~exchange service~~ within that county for an enhanced emergency telephone system and

19   associated electronic equipment and for the conversion of all rural routes to city-type addressing

20   as provided in section three of this article. The fee revenues may only be used solely and directly

21   for the capital, installation, administration, operation and maintenance costs of the enhanced

22   emergency telephone system and of the conversion to city-type addressing and including the

23   reasonable costs associated with establishing, equipping, furnishing, operating or maintaining a

24   county answering point. Effective on July 1, 2006, all county enhanced emergency telephone

25   system fees that are in effect as of July 1, 2006, and as such may later be modified by action of

26   a county commission, shall be imposed upon in-state subscribers to voice over Internet protocol

27   (VoIP) service, as VoIP service is defined by the Federal Communications Commission of the

28   United States. A nonbusiness VoIP service subscriber shall be considered in-state if the primary

29   residence of the subscriber is located within West Virginia. A business subscriber shall be

30   considered in-state if the site at which the service is primarily used is located within West Virginia.

31   The Public Service Commission may, as it ~~deems~~ considers appropriate and in accordance with

32   the requirements of due process, issue and enforce orders, as well as adopt and enforce rules,

33   dealing with matters concerning the imposition of county enhanced emergency telephone system

34   fees upon ~~VoIP~~ electric utility service subscribers.

35   (c) A county commission may contract with the ~~telephone company or companies~~

36   ~~providing local exchange service~~ electric utility provider or providers within the county for the

37   ~~telephone company or companies~~ electric utility provider or providers to act as the billing agent

38   or agents of the county commission for the billing of the fee imposed pursuant to subsection (b)

39   of this section. The cost for the billing agent services may be included as a recurring maintenance

40   cost of the enhanced emergency telephone system.

41   Where a county commission has contracted with ~~a telephone company~~ <u>an electric utility</u>

42   <u>provider or provider</u> to act as its billing agent for enhanced emergency telephone system fees, all

43   ~~competing local exchange telephone companies~~ <u>electric utility provider or providers</u> with

44   customers in that county shall bill the enhanced emergency telephone system fees to its

45   respective customers located in that county and shall remit the fee. It may deduct its respective

46   costs for billing in the same manner as the acting billing agent for the enhanced emergency

47   telephone system fee. <u>In consideration for the electric utility billing agent services, it shall retain</u>

48   <u>three percent of the fees collected before remitting the remainder to the authority.</u>

49   (d) A county commission of any county with an emergency communications center or

50   emergency telephone system may establish standards for alarm systems, including security, fire

51   and medical alarms.

52   (e) The books and records of all county answering points that benefit from the imposition

53   of the ~~local exchange service~~ <u>electric utility provider's</u> fees shall be subject to annual examination

54   by the State Auditor's office.

NOTE: The purpose of this bill is to authorize the change of the charging 911 fees from land line telephone bills to electric bills.

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