

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4123

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[Originating in the Committee on Health and Human
Resources; February 11, 2020.]

1 A BILL to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §24-6-5 of said code, all relating to 911 telecommunication workers;
3 defining terms; providing that emergency telephone systems be staffed with trained
4 individuals; and providing that telecommunication workers be considered first responders.

Be it enacted by the Legislature of West Virginia:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-2. Definitions.

1 As used in this article:

2 ~~(a) "Emergency services" means the preparation for and the carrying out of all emergency~~
3 ~~functions, other than functions for which military forces are primarily responsible, to protect,~~
4 ~~respond and recover, to prevent, detect, deter and mitigate, to minimize and repair injury and~~
5 ~~damage resulting from disasters or other event caused by flooding, terrorism, enemy attack,~~
6 ~~sabotage or other natural or other man-made causes. These functions include, without limitation,~~
7 ~~firefighting services, police services, medical and health services, communications, 911~~
8 ~~telecommunications, radiological, chemical and other special weapons defense, evacuation of~~
9 ~~persons from stricken areas, emergency welfare services, emergency transportation, existing or~~
10 ~~properly assigned functions of plant protection, temporary restoration of public utility services and~~
11 ~~other functions related to the health, safety and welfare of the citizens of this state, together with~~
12 ~~all other activities necessary or incidental to the preparation for and carrying out of the foregoing~~
13 ~~functions. Disaster includes the imminent threat of disaster as well as its occurrence and any~~
14 ~~power or authority exercisable on account of a disaster that may be exercised during the period~~
15 ~~when there is an imminent threat thereof;~~

16 ~~(b) “Local organization for emergency services” means an organization created in~~
17 ~~accordance with the provisions of this article by state or local authority to perform local emergency~~
18 ~~services function;~~

19 ~~(c) “Mobile support unit” means an organization for emergency services created in~~
20 ~~accordance with the provisions of this article by state or local authority to be dispatched by the~~
21 ~~Governor to supplement local organizations for emergency services in a stricken area;~~

22 ~~(d) “Political subdivision” means any county or municipal corporation in this state;~~

23 ~~(e) “Board” means the West Virginia Disaster Recovery Board created by this article;~~

24 ~~(f) “Code” means the Code of West Virginia, 1931, as amended;~~

25 ~~(g) “Community facilities” means a specific work or improvement within this state or a~~
26 ~~specific item of equipment or tangible personal property owned or operated by any political~~
27 ~~subdivision or nonprofit corporation and used within this state to provide any essential service to~~
28 ~~the general public;~~

29 ~~(h) “Disaster” means the occurrence or imminent threat of widespread or severe damage,~~
30 ~~injury, or loss of life or property resulting from any natural or terrorist or man-made cause,~~
31 ~~including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil~~
32 ~~spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation~~
33 ~~or other public calamity requiring emergency action;~~

34 ~~(i) “Disaster recovery activities” means activities undertaken prior to, during or following a~~
35 ~~disaster to provide, or to participate in the provision of, emergency services, temporary housing,~~
36 ~~residential housing, essential business activities and community facilities;~~

37 ~~(j) “Essential business activities” means a specific work or improvement within this state~~
38 ~~or a specific item of equipment or tangible personal property used within this state by any person~~
39 ~~to provide any essential goods or service deemed by the authority to be necessary for recovery~~
40 ~~from a disaster;~~

41 ~~(k) "Person" means any individual, corporation, voluntary organization or entity,~~
42 ~~partnership, firm or other association, organization or entity organized or existing under the laws~~
43 ~~of this or any other state or country;~~

44 ~~(l) "Recovery fund" means the West Virginia Disaster Recovery Trust Fund created by this~~
45 ~~article;~~

46 ~~(m) "Residential housing" means a specific work or improvement within this state~~
47 ~~undertaken primarily to provide dwelling accommodations, including the acquisition, construction~~
48 ~~or rehabilitation of land, buildings and improvements thereto, for residential housing, including,~~
49 ~~but not limited to, facilities for temporary housing and emergency housing, and such other~~
50 ~~nonhousing facilities as may be incidental or appurtenant thereto;~~

51 ~~(n) "Temporary housing" means a specific work or improvement within this state~~
52 ~~undertaken primarily to provide dwelling accommodations, including the acquisition, construction~~
53 ~~or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or~~
54 ~~housing for victims of a disaster and such other nonhousing facilities as may be incidental or~~
55 ~~appurtenant thereto; and~~

56 ~~(o) "Secretary" means the Secretary of the West Virginia Department of Military Affairs~~
57 ~~and Public Safety.~~

58 "Board" means the West Virginia Disaster Recovery Board created by this article;

59 "Community facilities" means a specific work or improvement within this state or a specific
60 item of equipment or tangible personal property owned or operated by any political subdivision or
61 nonprofit corporation and used within this state to provide any essential service to the general
62 public;

63 "Disaster" means the occurrence or imminent threat of widespread or severe damage,
64 injury, or loss of life or property resulting from any natural or terrorist or man-made cause,
65 including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil

66 spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation
67 or other public calamity requiring emergency action;

68 “Disaster recovery activities” means activities undertaken prior to, during or following a
69 disaster to provide, or to participate in the provision of, emergency services, temporary housing,
70 residential housing, essential business activities and community facilities;

71 “Emergency services” means the preparation for and the carrying out of all emergency
72 functions, other than functions for which military forces are primarily responsible, to protect,
73 respond and recover, to prevent, detect, deter and mitigate, to minimize and repair injury and
74 damage resulting from disasters or other event caused by flooding, terrorism, enemy attack,
75 sabotage or other natural or other man-made causes. These functions include, without limitation,
76 firefighting services, police services, medical and health services, communications, 911
77 telecommunications, radiological, chemical and other special weapons defense, evacuation of
78 persons from stricken areas, emergency welfare services, emergency transportation, existing or
79 properly assigned functions of plant protection, temporary restoration of public utility services and
80 other functions related to the health, safety and welfare of the citizens of this state, together with
81 all other activities necessary or incidental to the preparation for and carrying out of the foregoing
82 functions. Disaster includes the imminent threat of disaster as well as its occurrence and any
83 power or authority exercisable on account of a disaster that may be exercised during the period
84 when there is an imminent threat thereof;

85 “Essential business activities” means a specific work or improvement within this state or a
86 specific item of equipment or tangible personal property used within this state by any person to
87 provide any essential goods or service deemed by the authority to be necessary for recovery from
88 a disaster;

89 “Local organization for emergency services” means an organization created in accordance
90 with the provisions of this article by state or local authority to perform local emergency services
91 function;

92 “Mobile support unit” means an organization for emergency services created in
93 accordance with the provisions of this article by state or local authority to be dispatched by the
94 Governor to supplement local organizations for emergency services in a stricken area;

95 “Person” means any individual, corporation, voluntary organization or entity, partnership,
96 firm or other association, organization or entity organized or existing under the laws of this or any
97 other state or country;

98 “Political subdivision” means any county or municipal corporation in this state;

99 “Recovery fund” means the West Virginia Disaster Recovery Trust Fund created by this
100 article;

101 “Residential housing” means a specific work or improvement within this state undertaken
102 primarily to provide dwelling accommodations, including the acquisition, construction or
103 rehabilitation of land, buildings and improvements thereto, for residential housing, including, but
104 not limited to, facilities for temporary housing and emergency housing, and such other nonhousing
105 facilities as may be incidental or appurtenant thereto;

106 “Secretary” means the Secretary of the West Virginia Department of Military Affairs and
107 Public Safety; and

108 “Temporary housing” means a specific work or improvement within this state undertaken
109 primarily to provide dwelling accommodations, including the acquisition, construction or
110 rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or
111 housing for victims of a disaster and such other nonhousing facilities as may be incidental or
112 appurtenant thereto.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.

§24-6-5. Enhanced emergency telephone system requirements.

1 (a) An enhanced emergency telephone system, at a minimum, shall provide that:

2 (1) All the territory in the county, including every municipal corporation in the county, which
3 is served by telephone company central office equipment that will permit such a system to be
4 established shall be included in the system: *Provided*, That if a portion of the county or a portion
5 of a municipal corporation within the county is already being served by an enhanced emergency
6 telephone system, that portion of the county or municipality may be excluded from the county
7 enhanced emergency telephone system;

8 (2) Every emergency service provider that provides emergency service within the territory
9 of a county participate in the system;

10 (3) Each county answering point be operated constantly by individuals who have been
11 professionally trained and certified in the proficient handling of emergency calls, giving medical
12 advice, instructing callers regarding remaining safe in difficult situations and disasters, and
13 promptly and knowingly dispatching the appropriate emergency service providers to those
14 persons in need or to the affected area. These individuals are first responders and shall be
15 considered professionals in the performance of their duties;

16 (4) Each emergency service provider participating in the system maintain a telephone
17 number in addition to the one provided in the system; and

18 (5) If the county answering point personnel reasonably determine that a call is not an
19 emergency, the personnel provide the caller with the number of the appropriate emergency
20 service provider.

21 (b) To the extent possible, enhanced emergency telephone systems shall be centralized.

22 (c) In developing an enhanced emergency telephone system, a county commission or the
23 West Virginia State Police shall seek the advice of both the telephone companies providing local
24 exchange service within the county and the local emergency providers.

25 (d) As a condition of employment, a person employed as the director of an emergency
26 dispatch center who dispatches emergency calls or supervises the dispatching of emergency call
27 takers is subject to an investigation of their character and background. This investigation shall

28 include, at a minimum, a criminal background check conducted by the State Police at its expense.

29 A felony conviction shall preclude a person from holding any of these positions.

30 (e) As a condition of continued employment, persons employed to dispatch emergency
31 calls in county emergency dispatch centers shall successfully complete:

32 (1) A 40-hour nationally recognized training course for dispatchers within one year of the
33 date of their employment;

34 (2) A nationally recognized training course in emergency cardiovascular care for
35 telephonic cardiopulmonary resuscitation selected by the medical director of an emergency
36 medical dispatch center. This training course shall incorporate protocols for out-of-hospital cardiac
37 arrest and compression-only cardiopulmonary resuscitation and continuing education, as
38 appropriate. The training requirements of this subdivision are effective not later than July 1, 2020.

39 Persons employed subsequent to July 1, 2019, shall complete the training within one year of the
40 date of employment; and

41 (3) An additional nationally recognized emergency medical dispatch course or an
42 emergency medical dispatch course approved by the Office of Emergency Medical Services ~~not~~
43 ~~later than July 1, 2013, or if employed subsequent to July 1, 2013,~~ within one year of the date of
44 employment.

45 (f) ~~On or before July 1, 2013,~~ The director of each county emergency dispatch center shall
46 develop policies and procedures to establish a protocol for dispatching emergency medical calls
47 implementing a nationally recognized emergency medical dispatch program or an emergency
48 medical dispatch program approved by the Office of Emergency Medical Services. ~~∴ Provided,~~
49 ~~That~~ If a county emergency dispatch center ~~which~~ utilizes a one-button transfer system, it may
50 continue to use this system if the county emergency dispatch center establishes policies and
51 procedures which require the agency to whom the call is transferred to remain on the call until a
52 first responder arrives.

53 (g) Each county or municipality shall appoint for each answering point an enhanced
54 emergency telephone system advisory board consisting of at least six members to monitor the
55 operation of the system. The board shall be appointed by the county or municipality and shall
56 include at least one member from affected:

- 57 (1) Fire service providers;
- 58 (2) Law-enforcement providers;
- 59 (3) Emergency medical providers;
- 60 (4) Emergency services providers participating in the system; and
- 61 (5) Counties or municipalities.

62 The director of the county or municipal enhanced telephone system shall serve as an *ex*
63 *officio* member of the advisory board.

64 (h) The initial advisory board shall serve staggered terms of one, two, and three years.
65 ~~The initial terms of these appointees shall commence on July 1, 1994.~~ All future appointments
66 shall be for terms of three years, except that an appointment to fill a vacancy shall be for the
67 unexpired term. All members shall serve without compensation. The board shall adopt ~~such~~
68 policies, rules, and regulations as are necessary for its own guidance. The board shall meet
69 monthly or quarterly. The board may make recommendations to the county or municipality
70 concerning the operation of the system.

71 ~~(i) Nothing herein contained may be construed to prohibit or discourage in any way the~~
72 Establishment of multijurisdictional or regional systems, or multijurisdictional or regional
73 agreements for the establishment of enhanced emergency telephone systems, and any system
74 established pursuant to this article may include the territory of more than one public agency, or
75 may include only a portion of the territory of a public agency.

76 (j) All public safety answering points that answer calls for emergency medical conditions
77 shall, in the appropriate circumstances, provide telephonic assistance in administering

- 78 cardiopulmonary resuscitation directly or transfer calls to a call center to provide assistance in
79 administering telephonic cardiopulmonary resuscitation.

NOTE: The purpose of this bill is to clarify that 911 telecommunication workers are included in the definition of those individuals who perform “emergency services” during a disaster. The bill provides that emergency telephone systems be staffed with individuals who have been professionally trained and certified in the proficient handling of emergency calls, including, but not limited to, giving medical advice, instructing callers regarding remaining safe in difficult situations and disasters, and promptly and knowingly dispatching the appropriate emergency service providers to those persons in need or to the affected area. The bill provides that those individuals shall, for all purposes, be considered first responders and professionals in the performance of their duties.

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