

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4282

BY DELEGATES STEELE AND WAMSLEY

[Passed March 7, 2022; in effect ninety days from passage.]

1 AN ACT to amend and reenact §24-6-2 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §24-6-15, all relating to
3 establishing next generation 911 services in this state; providing for expanded definitions;
4 establishing a commission to study next generation 911 services; establishing commission
5 membership and travel rates for meetings; prescribing the duties of the commission;
6 requiring a preliminary report be provided to the Joint Committee on Government and
7 Finance and to the Governor; and establishing an effective date and termination date of
8 the commission.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.

§24-6-2. Definitions.

1 As used in this article, unless the context clearly requires a different meaning:

2 “Automatic location identification” or “ALI” means a telecommunications network capability
3 that enables the automatic display of information defining the geographical location of the
4 telephone used to place a wireless enhanced 911 call.

5 “Automatic number identification” or “ANI” means a telecommunications network capability
6 that enables the automatic display of the telephone number used to place a wireless enhanced
7 911 call.

8 “Commercial mobile radio service provider” or “CMRS provider” means cellular licensees,
9 broadband personal communications services (PCS) licensees and specialized mobile radio
10 (SMR) providers, as those terms are defined by the Federal Communications Commission, which
11 offer on a post-paid or prepaid basis or via a combination of those two methods, real-time, two-
12 way switched voice service that is interconnected with the public switched network and includes
13 resellers of any commercial mobile radio service.

14 “County answering point” or “public safety answering point” or “PSAP” means a facility to
15 which 911 calls are initially routed for response and where county personnel respond to specific

16 requests for emergency service by directly dispatching the appropriate emergency service
17 provider, relaying a message to the appropriate provider or transferring the call to the appropriate
18 provider.

19 “Emergency services organization” means the organization established under article five,
20 chapter fifteen of this code.

21 “Emergency service provider” means any emergency services organization or public
22 safety unit.

23 “Emergency telecommunicator” means a professional telecommunicator meeting the
24 training requirements set forth in §24-6-5 and is a first responder tasked with the gathering of
25 information related to medical emergencies, the provision of assistance and instructions by voice,
26 prior to the arrival of emergency medical services (EMS), and the dispatching and support of EMS
27 resources responding to an emergency call.

28 “Emergency telephone system” means a telephone system which through normal
29 telephone service facilities automatically connects a person dialing the primary emergency
30 telephone number to an established public agency answering point, but does not include an
31 enhanced emergency telephone system.

32 “Emergency services IP network” or “ESInet” means a shared public safety agency-
33 managed Internet-Protocol (IP) network that:

34 (A) Is used for emergency services communications;

35 (B) Provides an IP transport infrastructure that is capable of carrying voice and data and
36 that supports NG911 service core functions such as routing and location validation of emergency
37 service requests; and

38 (C) Is engineered, managed, and intended to support emergency public safety
39 communications and 911 service.

40 “Enhanced emergency telephone system” or “enhanced 911 service” means a telephone
41 system which automatically connects the person dialing 911 to the appropriate county answering
42 point with ALI and ANI data.

43 “Next Generation 911” or “NG911” means a service that:

44 (A) Consists of coordinated intrastate 911 IP networks serving residents of West Virginia
45 with the routing of emergency service requests, by voice or data, across public safety ESInets;

46 (B) Automatically directs 911 emergency telephone calls and other emergency service
47 requests in data formats to the appropriate PSAP by routing using geographical information
48 system data;

49 (C) Provides for ALI and ANI features; and

50 (D) Interconnects with enhanced 911 service.

51 “Prepaid wireless calling service” means prepaid wireless calling service as defined in
52 §11-15-2 of this code.

53 “Public agency” means the state and any municipality, county, public district or public
54 authority which provides or has authority to provide firefighting, police, ambulance, medical,
55 rescue or other emergency services.

56 “Public safety unit” means a functional division of a public agency which provides
57 firefighting, police, medical, rescue or other emergency services.

58 “Telephone company” means any public utility and any CMRS provider which is engaged
59 in the provision of telephone service whether primarily by means of wire or wireless facilities.

60 “Comprehensive plan” means a plan pertaining to the installing, modifying or replacing of
61 telephone switching equipment; a telephone utility’s response in a timely manner to requests for
62 emergency telephone service by a public agency; a telephone utility’s responsibility to report to
63 the Public Service Commission; charges and tariffs for the services and facilities provided by a
64 telephone utility; and access to an emergency telephone system by emergency service
65 organizations.

66 “Technical and operational standards” means those standards of telephone equipment
67 and processes necessary for the implementation of the comprehensive plan as defined in
68 subdivision (11) of this subsection.

69 “VoIP service” means interconnected voice over Internet protocol service as defined in the
70 code of Federal Regulations, Title 47, Part 9, section 9.3, as amended.

§24-6-15. Commission to implement NG911 in West Virginia.

1 (a) *Legislative findings.* – (1) The Legislature finds that:

2 (A) Communication technology has substantially outpaced the legacy communication
3 technology presently utilized by most public safety answering points in the State of West Virginia;

4 (B) The lack of modern technology is impacting the ability of the 911 system to provide
5 responses efficiently and effectively to emergencies;

6 (C) West Virginia citizens expect a 911 emergency service to be reliable and efficient; and

7 (D) Modernizing West Virginia’s 911 system to include new and evolving capabilities of
8 broadband voice and data communications is essential for the safety and security of the general
9 public and first responders.

10 (2) The Legislature further finds that it is necessary to implement Next Generation 911
11 emergency services and to create a framework to help guide the transition to implementation of
12 Next Generation 911 services.

13 (b) *Commission established.* – (1) This article establishes a Commission to Advance
14 NG911 in West Virginia.

15 (2) The commission consists of the following members:

16 (A) Two members of the Senate of West Virginia, appointed by the President of the
17 Senate;

18 (B) Two members of the House of Delegates, appointed by the Speaker of the House;

19 (C) The chairman of the Public Service Commission or designee;

20 (D) The Chief Technology Officer from the West Virginia Office of Technology, or
21 designee;

22 (E) The Chairperson of the Commission for the Deaf and Hard of Hearing, or designee;

23 (F) Two representatives from PSAPs, appointed by the Governor with the advice and
24 consent of the Senate from a list of 12 names selected by the County Commission Association of
25 West Virginia;

26 (G) Two county government representatives, familiar with county purchasing and finances,
27 appointed by the Governor with the advice and consent of the Senate from a list of 12 names
28 selected by the County Commission Association of West Virginia;

29 (H) The following nonvoting members appointed by the Governor;

30 (i) One representative from the broadband industry offering service within West Virginia;

31 (ii) One representative from a local exchange carrier offering service within West Virginia;

32 (iii) One representative from the wireless communications industry offering service within
33 West Virginia; and

34 (iv) One representative from the mission critical communications industry offering service
35 within West Virginia.

36 (3) The commission may call upon anyone with necessary expertise and knowledge to
37 provide any advice relevant to the commission's purpose.

38 (4) The commission shall annually elect the chair of the commission.

39 (5) The entities represented on the commission in §24-6-15(b)(2)(A) through §24-6-
40 15(b)(2)(G) of this code shall jointly provide staff for the commission. Additional staff may be
41 requested through the Joint Committee on Government and Finance.

42 (c) A member of the commission may not receive compensation as a member of the
43 commission, but may receive reimbursement for related travel expenses as prescribed by the
44 West Virginia State Travel Management Office, as provided in the state budget.

45 (d) *Duties of the commission.* – The commission shall study and make recommendations
46 regarding:

47 (1) The implementation, management, operation, and ongoing development of NG911
48 emergency communication services;

49 (2) The current statutory and regulatory framework for the management and funding of the
50 current enhanced 911 or other emergency phone systems in the state;

51 (3) Federal, state, and local authorities, agencies, and governing bodies whose
52 participation and cooperation will be necessary for the implementation of NG911 services in this
53 state;

54 (4) The costs required to plan, test, implement, manage, and operate NG911 technology
55 and services;

56 (5) Best practices, policies, and procedures for public safety telecommunications;

57 (6) Any efforts, projects, or initiative in progress or planned to upgrade the enhanced 911
58 systems in this state or implement NG911 in any county of this state;

59 (7) Any other issues the commission may consider useful in the planning and
60 implementation of NG911 emergency communication services in West Virginia.

61 (8) The anticipation and prevention of cybersecurity threats to NG911 infrastructure.

62 (e) *Preliminary report.* – On or before December 31, 2022, the commission shall submit a
63 preliminary report to the Joint Committee on Government and Finance regarding:

64 (1) The needs, both capital and operating, to bring efficient and effective NG911
65 technology and service across West Virginia, and estimated costs;

66 (2) The current funding structure for both state and local support for enhanced 911 or
67 emergency telephone systems and the adequacy in supporting current service and NG911
68 service;

69 (3) Comparisons of the current West Virginia Wireless 911 fee pursuant to §24-6-6b of
70 this code and the charge mechanisms used in other states;

71 (4) Potential changes to the fee in §24-6-6b of this code, including additional charge
72 mechanisms and the estimated effect of the implementation of full-service NG911 across this
73 state;

74 (5) Grant funding applicable to promote and ensure ideal support for maintenance,
75 training, and other costs associated with both the transition to NG911 service and the continued
76 function of effective call centers; and

77 (6) Other issues related to financing, procuring, and maintaining effective NG911 across
78 this state.

79 (f) *Final report.* – On or before June 1, 2023, the commission shall submit a final report to
80 the Joint Committee on Government and Finance and to the Governor regarding:

81 (1) The final expected costs and funding sources associated with NG911, including, final
82 recommendations to change fees pursuant to §24-6-6b of this code or any additional charging
83 mechanism, or grant funds applicable to implement and maintain NG911;

84 (2) The implementation, management, operation, and ongoing development of NG911
85 emergency communication services during both NG911 transition to expanded service and the
86 permanent service;

87 (3) The current statutory and regulatory framework for the management and funding of
88 NG911 services in the state;

89 (4) Federal, state, and local authorities, agencies, and governing bodies whose
90 participation and cooperation will be necessary for the implementation of NG911 services in this
91 state;

92 (5) Recommendations for oversight of NG911 services and ongoing oversight of expenses
93 and funding;

94 (6) Best practices, policies, and procedures for public safety telecommunications;

95 (7) Any efforts, projects, or initiative in progress or planned to upgrade the enhanced 911
96 systems in this state or implement NG911 in any county of this state;

97 (8) Any other issues the commission may consider useful in the planning and
98 implementation of NG911 emergency communication services in West Virginia.

99 (g) *Effective date.* – This commission shall be in full force and effect on June 1, 2022. The
100 commission shall remain in effect until June 30, 2023, and, with no further action by the
101 Legislature, the commission shall sunset and cease to exist.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2022.

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Governor