

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2830

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AND SUMMERS

[Originating in the Committee on Finance, February
19,2019.]

1 A BILL 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; providing for
5 commission membership; providing for travel expense reimbursement under certain
6 conditions; establishing the commission's duties; requiring a preliminary report to the Joint
7 Committee on Government and Finance; requiring a final report to the Joint Committee on
8 Government and Finance and to the Governor; and establishing an effective date and
9 termination date of the commission.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. LOCAL EMERGENCY TELEPHONE SYSTEM.

§24-6-2. Definitions.

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

11 (1) “Automatic location identification” or “ALI” means a telecommunications network
12 capability that enables the automatic display of information defining the geographical location of
13 the telephone used to place a wireless enhanced 911 call.

14 (2) “Automatic number identification” or “ANI” means a telecommunications network
15 capability that enables the automatic display of the telephone number used to place a wireless
16 enhanced 911 call.

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

23 ~~(2)~~ (4) “County answering point” or “Public safety answering point” or “PSAP” means a
24 facility to which ~~enhanced emergency telephone system~~ 911 calls for a county are initially routed
25 for response and where county personnel respond to specific requests for emergency service by
26 directly dispatching the appropriate emergency service provider, relaying a message to the
27 appropriate provider or transferring the call to the appropriate provider.

28 ~~(3)~~ (5) “Emergency services organization” means the organization established under §15-
29 5-1 *et seq.* of this code.

30 ~~(4)~~ (6) “Emergency service provider” means any emergency services organization or
31 public safety unit.

32 (7) “Emergency telephone system” means a telephone system which through normal
33 telephone service facilities automatically connects a person dialing the primary emergency
34 telephone number to an established public agency answering point, but does not include an
35 enhanced emergency telephone system.

36 (8) “Emergency services IP network” or “ESInet” means a shared public safety agency-
37 managed Internet-Protocol (IP) network that: (A) Is used for emergency services communications;
38 (B) provides an IP transport infrastructure that is capable of carrying voice and data and that
39 supports NG911 service core functions such as routing and location validation of emergency
40 service requests; and (C) is engineered, managed, and intended to support emergency public
41 safety communications and 911 service.

42 ~~(6)~~ (9) “Enhanced emergency telephone system” or “enhanced 911 service” means a
43 telephone system which automatically connects the person dialing ~~the primary emergency~~
44 ~~number 911~~ to the appropriate county answering point with ALI and ANI data, and in which the
45 ~~telephone network system automatically provides to personnel receiving the call, immediately on~~
46 ~~answering the call, information on the location and the telephone number from which the call is~~
47 ~~being made and, upon direction from the personnel receiving the call, routes or dispatches the~~

48 ~~call by telephone, radio or any other appropriate means of communication to emergency service~~
49 ~~providers that serve the location from which the call is made~~

50 (10) "Next Generation 911" or "NG911" means a service that: (A) Consists of coordinated
51 intrastate 911 IP networks serving residents of West Virginia with the routing of emergency
52 service requests, by voice or data, across public safety ESInets; (B) automatically directs 911
53 emergency telephone calls and other emergency service requests in data formats to the
54 appropriate PSAP by routing using geographical information system data; (C) provides for ALL
55 and ANI features; and (D) interconnects with enhanced 911 service.

56 ~~(7)~~ (11) "Prepaid wireless calling service" means prepaid wireless calling service as
57 defined in §11-15-2 of this code.

58 ~~(8)~~ (12) "Public agency" means the state and any municipality, county, public district or
59 public authority which provides or has authority to provide firefighting, police, ambulance, medical,
60 rescue or other emergency services.

61 ~~(9)~~ (13) "Public safety unit" means a functional division of a public agency which provides
62 fire fighting, police, medical, rescue or other emergency services.

63 ~~(40)~~ (14) "Telephone company" means any public utility and any CMRS provider which is
64 engaged in the provision of telephone service whether primarily by means of wire or wireless
65 facilities.

66 ~~(44)~~ (15) "Comprehensive plan" means a plan pertaining to the installing, modifying or
67 replacing of telephone switching equipment; a telephone utility's response in a timely manner to
68 requests for emergency telephone service by a public agency; a telephone utility's responsibility
69 to report to the Public Service Commission; charges and tariffs for the services and facilities
70 provided by a telephone utility; and access to an emergency telephone system by emergency
71 service organizations.

72 ~~(42)~~ (16) “Technical and operational standards” means those standards of telephone
73 equipment and processes necessary for the implementation of the comprehensive plan as defined
74 in subdivision (11) of this subsection.

75 (17) “VoIP service” means interconnected voice over Internet protocol service as defined
76 in the 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 efficiently
5 and effectively provide responses 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) Four representatives from PSAP's, 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) Four county government representatives, familiar with county purchasing and
27 finances, appointed by the Governor with the advice and consent of the Senate from a list of 12
28 names 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.

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

36 (4) The commission shall elect the chair of the commission.

37 (5) The entities represented on the commission in §24-6-14(b)(2)(A) through §24-6-
38 14(b)(2)(G) of this code shall jointly provide staff for the commission. Additional staff may be
39 requested through the Joint Committee on Government and Finance.

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

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

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

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

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

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

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

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

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

59 (e) Preliminary report. – On or before December 31, 2019, the commission shall submit a
60 preliminary report to the Joint Committee on Government and Finance regarding:

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

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

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

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

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

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

76 (f) Final report. – On or before December 31, 2020, the commission shall submit a final
77 report to the Joint Committee on Government and Finance and to the Governor regarding:

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

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

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

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

89 (5) Recommendations for oversight of NG911 services and ongoing oversight of expenses
90 and funding;

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

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

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

96 (g) Effective date. – This commission shall be in full force and effect on June 1, 2019. The
97 commission shall remain in effect until June 30, 2021, and, with no further action by the
98 Legislature, the commission shall sunset and cease to exist.