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WEST VIRGINIA SENATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 565

(By Senator WOOTEN, ET AL)



PASSED March 6, 1995

In Effect 90 days from Passage

ENROLLED
Senate Bill No. 565

(BY SENATORS WOOTON, SCOTT, ANDERSON, YODER,
DITTMAR AND BOWMAN)

[Passed March 6, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact sections three and three-cc, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to emergency communications systems; authorizing counties to establish a uniform system for the naming or renaming of roadways; increasing local telephone service fees to implement the uniform system; adopting minimum standards for emergency communications systems; and establishing standards for alarm systems.

Be it enacted by the Legislature of West Virginia:

That sections three and three-cc, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3. Jurisdiction, powers and duties.

1 The county commissions, through their clerks, shall
2 have the custody of all deeds and other papers presented
3 for record in their counties and the same shall be pre-
4 served therein, or otherwise disposed of as now is, or
5 may be prescribed by law. They shall have jurisdiction
6 in all matters of probate, the appointment and qualifica-
7 tion of personal representatives, guardians, committees,
8 curators and the settlement of their accounts and in all
9 matters relating to apprentices. They shall also, under
10 such regulations as now are or may be prescribed by law,
11 have the superintendence and administration of the
12 internal police and fiscal affairs of their counties,
13 including the establishment and regulation of roads,
14 ways, streets, avenues, drives and the like, and the
15 naming or renaming thereof, in cooperation with local
16 postal authorities, the division of highways and the
17 directors of county emergency communications centers,
18 to assure uniform, nonduplicative conversion of all rural
19 routes to city-type addressing on a permanent basis,
20 bridges, public landings, ferries and mills, with authority
21 to lay and disburse the county levies. They shall, in all
22 cases of contest, judge of the election, qualification and
23 returns of their own members, and of all county and
24 district officers, subject to appeal as prescribed by law.
25 Such tribunals as have been heretofore established by
26 the Legislature under and by virtue of section thirty-
27 four, article VIII of the constitution of one thousand
28 eight hundred seventy-two, for police and fiscal pur-
29 poses, shall, until otherwise provided by law, remain and
30 continue as at present constituted in the counties in
31 which they have been respectively established, and shall
32 be and act as to police and fiscal matters in lieu of the
33 county commission herein mentioned, until otherwise
34 provided by law. And until otherwise provided by law,
35 such clerk as is mentioned in section twenty-six, article
36 VIII of the constitution, as amended, shall exercise any
37 powers and discharge any duties heretofore conferred
38 on, or required of, any court or tribunal established for
39 judicial purposes under the said section of the constitu-
40 tion of one thousand eight hundred seventy-two, or the

41 clerk of such court or tribunal respectively, respecting
42 the recording and preservation of deeds and other papers
43 presented for record, matters of probate, the appoint-
44 ment and qualification of personal representatives,
45 guardians, committees, curators and the settlement of
46 their accounts and in all matters relating to apprentices.

§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 such systems and for roadway conversion systems; authority to contract with the telephone companies for billing of such fee.

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

15 (1) Minimum standards for emergency telephone
16 systems and emergency communications centers;

17 (2) Minimum standards for equipment used in any
18 center receiving telephone calls of an emergency nature
19 and dispatching emergency service providers in response
20 to that call and which receives 911 moneys or has basic
21 911 service funded through its county commission; and

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

24 (b) A county commission may impose a fee upon
25 consumers of local exchange service within that county
26 for an enhanced emergency telephone system and
27 associated electronic equipment and for the conversion
28 of all rural routes to city-type addressing, as provided in
29 section three of this article. Such fee shall be utilized for
30 the capital, installation and maintenance costs of the
31 enhanced emergency telephone system and of the con-
32 version to city-type addressing. The county shall reduce
33 such fee when the capital and installation costs have
34 been fully recovered to the level necessary to offset
35 recurring maintenance and dispatcher costs only. No
36 such fee may be used for the costs associated with
37 establishing, equipping, furnishing, operating or main-
38 taining a county answering point.

39 (c) A county commission may contract with the tele-
40 phone company or companies providing local exchange
41 service within the county for such telephone company or
42 companies to act as the billing agent or agents of the
43 county commission for the billing of the fee imposed
44 pursuant to subsection (b) of this section. The cost for
45 such billing agent services may be included as a recur-
46 ring maintenance cost of the enhanced emergency
47 telephone system.

48 (d) A county commission of any county with an emer-
49 gency communications center or emergency telephone
50 system may establish standards for alarm systems,
51 including security, fire and medical alarms.

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

Randy Schouwer
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Harrell Thomas
.....
Clerk of the Senate

Donald L Kopp
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

W. C. Coker
.....
Speaker House of Delegates

The within *is approved* this the *14th* day of *March*, 1995.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/8/95

Time 4:58pm