

1-1 By: Lucio S.B. No. 1108
 1-2 (In the Senate - Filed March 9, 2015; March 16, 2015, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 27, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;
 1-6 April 27, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell			X	
1-11 Garcia	X			
1-12 Menéndez	X			
1-13 Nichols		X		
1-14 Taylor of Galveston	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1108 By: Lucio

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of regional emergency communication
 1-20 districts; authorizing a fee.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 772, Health and Safety Code, is amended
 1-23 by adding Subchapter H to read as follows:

1-24 SUBCHAPTER H. REGIONAL EMERGENCY COMMUNICATION DISTRICTS: STATE
 1-25 PLANNING REGIONS WITH 9-1-1 POPULATION SERVED LESS THAN 1.5 MILLION

1-26 Sec. 772.601. SHORT TITLE. This subchapter may be cited as
 1-27 the Regional Emergency Communication Districts Act.

1-28 Sec. 772.602. DEFINITIONS. In this subchapter:

1-29 (1) "9-1-1 region" means the portion of a state
 1-30 planning region established under Chapter 391, Local Government
 1-31 Code, composed of counties and municipalities that on September 1,
 1-32 2015, exclusively received 9-1-1 system services provided by a
 1-33 9-1-1 system operated through a regional planning commission.

1-34 (2) "Board" means the board of managers of a district.

1-35 (3) "District" means a regional emergency
 1-36 communication district created under this subchapter.

1-37 (4) "Regional planning commission" means a commission
 1-38 or council of governments created under Chapter 391, Local
 1-39 Government Code, for a designated region.

1-40 Sec. 772.603. APPLICATION OF SUBCHAPTER. (a) This
 1-41 subchapter applies to a 9-1-1 region:

1-42 (1) in which the total population served by the 9-1-1
 1-43 system operated through a regional planning commission was less
 1-44 than 1.5 million on September 1, 2015; and

1-45 (2) in which the governing bodies of each
 1-46 participating county and municipality in the 9-1-1 region adopt a
 1-47 resolution under Section 772.604 to participate in the district.

1-48 (b) This subchapter does not affect:

1-49 (1) a public agency or group of public agencies acting
 1-50 jointly that provided 9-1-1 service before September 1, 1987, or
 1-51 that had voted or contracted before that date to provide that
 1-52 service;

1-53 (2) a district created under Subchapter B, C, D, F, or
 1-54 G; or

1-55 (3) the distribution of funds under Section 771.072.

1-56 Sec. 772.604. CREATION OF DISTRICT. (a) A district is
 1-57 created when the governing bodies of each participating county and
 1-58 municipality in a 9-1-1 region adopt a resolution approving the
 1-59 district's creation. The district's creation is effective on the
 1-60 date the last resolution is adopted by a participating county or

2-1 municipality.
2-2 (b) The district shall file with the county clerk of each
2-3 county in which the district is located a certificate declaring the
2-4 creation of the district.
2-5 Sec. 772.605. POLITICAL SUBDIVISION; DISTRICT POWERS.
2-6 (a) A district is a political subdivision of this state created to
2-7 carry out essential governmental functions.
2-8 (b) A district may exercise all powers necessary to carry
2-9 out the purposes and provisions of this subchapter.
2-10 (c) A district created under this subchapter may enter into
2-11 an interlocal agreement with an emergency communication district
2-12 established under Subchapter B, C, D, F, or G to promote enhanced
2-13 public safety and increased fiscal and service efficiencies.
2-14 Sec. 772.606. TERRITORY OF DISTRICT. The territory of a
2-15 district:
2-16 (1) consists of the territory of each participating
2-17 county or municipality located in a 9-1-1 region; and
2-18 (2) does not include any land that is located in the
2-19 territory of an emergency communication district authorized under
2-20 Subchapter B, C, D, F, or G.
2-21 Sec. 772.607. BOARD OF MANAGERS. (a) A district is
2-22 governed by a board of managers.
2-23 (b) A district's initial board is composed of members who
2-24 are appointed by the governing bodies of each participating county
2-25 and municipality. At least two-thirds of the initial board members
2-26 must be elected officials of the participating counties and
2-27 municipalities.
2-28 (c) The initial board appointed under Subsection (b) shall
2-29 establish the size of the board and the qualifications of board
2-30 members.
2-31 Sec. 772.608. POWERS AND DUTIES OF BOARD. (a) The board
2-32 shall name, control, and manage the district.
2-33 (b) The board shall approve, adopt, and amend an annual
2-34 budget.
2-35 (c) The board may adopt orders, rules, bylaws, policies, and
2-36 procedures governing the operations of the board and the district.
2-37 Sec. 772.609. DIRECTOR OF DISTRICT; STAFF; FISCAL AND
2-38 ADMINISTRATIVE AGENT. (a) The regional planning commission for
2-39 the 9-1-1 region in which the district is established shall serve as
2-40 the fiscal and administrative agent for the district.
2-41 (b) The executive director of the regional planning
2-42 commission for the 9-1-1 region may serve as director of the
2-43 district.
2-44 (c) The director is responsible for:
2-45 (1) performing all duties required by the board;
2-46 (2) ensuring that board policies and procedures are
2-47 implemented for the purposes of this subchapter;
2-48 (3) preparing an annual budget; and
2-49 (4) employing and assigning employees of the regional
2-50 planning commission to perform duties under this subchapter in
2-51 accordance with the district's approved annual budget.
2-52 (d) The director may use district money to compensate an
2-53 employee assigned duties under this subchapter.
2-54 (e) The director and an employee assigned duties under this
2-55 subchapter are employees of the regional planning commission for
2-56 all purposes.
2-57 Sec. 772.610. AUDIT AND REPORTING REQUIREMENTS. The
2-58 district shall prepare an annual report that includes:
2-59 (1) the amount and source of funds received by the
2-60 district;
2-61 (2) the amount and source of funds spent by the
2-62 district; and
2-63 (3) the results of an audit of the district's affairs
2-64 prepared by an independent certified public accountant in
2-65 compliance with the district's policies and procedures.
2-66 Sec. 772.611. PROVISION OF 9-1-1 SERVICE. (a) A district
2-67 shall provide 9-1-1 service to each participating county or
2-68 municipality through one or a combination of the following methods
2-69 and features or equivalent state-of-the-art technology:

- 3-1 (1) the transfer method;
 3-2 (2) the relay method;
 3-3 (3) the dispatch method;
 3-4 (4) automatic number identification;
 3-5 (5) automatic location identification; or
 3-6 (6) selective routing.

3-7 (b) The district shall design, implement, and operate a
 3-8 9-1-1 system for each participating county and municipality in the
 3-9 district.

3-10 (c) For each individual telephone subscriber in the
 3-11 district, 9-1-1 service is mandatory and is not an optional service
 3-12 under any definition of terms relating to telephone service.

3-13 Sec. 772.612. LIABILITY. The liability protection provided
 3-14 by Section 771.053 applies to services provided under this
 3-15 subchapter.

3-16 Sec. 772.613. PRIMARY EMERGENCY TELEPHONE NUMBER. The
 3-17 digits 9-1-1 are the primary emergency telephone number in a
 3-18 district. A public safety agency whose services are available
 3-19 through a 9-1-1 system:

3-20 (1) may maintain a separate number for an emergency
 3-21 telephone call; and

3-22 (2) shall maintain a separate number for a
 3-23 nonemergency telephone call.

3-24 Sec. 772.614. TRANSMITTING REQUESTS FOR EMERGENCY AID.

3-25 (a) A 9-1-1 system established under this subchapter must be
 3-26 capable of transmitting requests for firefighting, law
 3-27 enforcement, ambulance, and medical services to a public safety
 3-28 agency that provides the requested service at the location from
 3-29 which the call originates. A 9-1-1 system may provide for
 3-30 transmitting requests for other emergency services, including
 3-31 poison control, suicide prevention, and civil defense.

3-32 (b) A public safety answering point may transmit emergency
 3-33 response requests to private safety entities with the board's
 3-34 approval.

3-35 (c) With the consent of a participating county or
 3-36 municipality, a privately owned automatic intrusion alarm or other
 3-37 privately owned automatic alerting device may be installed to cause
 3-38 the number 9-1-1 to be dialed to gain access to emergency services.

3-39 Sec. 772.615. 9-1-1 EMERGENCY SERVICE FEE. (a) The board
 3-40 may impose a 9-1-1 emergency service fee on service users in the
 3-41 district.

3-42 (b) The fee may be imposed only on the base rate charge or
 3-43 the charge's equivalent, excluding charges for coin-operated
 3-44 telephone equipment. The fee may not be imposed on:

3-45 (1) more than 100 local exchange access lines or the
 3-46 lines' equivalent for a single business entity at a single
 3-47 location, unless the lines are used by residents of the location; or

3-48 (2) any line that the Commission on State Emergency
 3-49 Communications has excluded from the definition of a local exchange
 3-50 access line or equivalent local exchange access line under Section
 3-51 771.063.

3-52 (c) If a business service user provides residential
 3-53 facilities, each line that terminates at a residential unit and is a
 3-54 communication link equivalent to a residential local exchange
 3-55 access line shall be charged the 9-1-1 emergency service fee. The
 3-56 fee must have uniform application throughout the district and be
 3-57 imposed in each participating county or municipality in the
 3-58 district.

3-59 (d) The amount of the fee may not exceed 50 cents per month
 3-60 for each line.

3-61 (e) The board shall set the amount of the fee each year as
 3-62 part of the annual budget. The board shall notify each service
 3-63 supplier of a change in the amount of the fee not later than the 91st
 3-64 day before the date the change takes effect.

3-65 (f) In imposing the fee, the board shall attempt to match
 3-66 the district's revenues to the district's operating expenditures,
 3-67 including the current and planned expenditures for the purchase,
 3-68 installation, and maintenance of 9-1-1 emergency services in
 3-69 accordance with the district's approved annual budget and operating

4-1 policies.

4-2 Sec. 772.616. COLLECTION OF FEE. (a) A service supplier
 4-3 or a business service user that provides residential facilities and
 4-4 owns or leases a publicly or privately owned telephone switch used
 4-5 to provide telephone service to facility residents shall collect
 4-6 the fees imposed on a customer under Section 772.615.

4-7 (b) Not later than the 30th day after the last day of the
 4-8 month in which the fees are collected, the service supplier or
 4-9 business service user shall deliver the fees to the district in the
 4-10 manner determined by the district. The district may establish an
 4-11 alternative date for payment of fees under this section, provided
 4-12 that the required payment date is not earlier than the 30th day
 4-13 after the last day of the report period in which the fees are
 4-14 collected. The service supplier or business service user shall
 4-15 file with each payment to the district a receipt in the form
 4-16 prescribed by the district.

4-17 (c) Both a service supplier and a business service user
 4-18 under Subsection (a) shall maintain records of the amount of fees
 4-19 the service supplier or business service user collects until at
 4-20 least the second anniversary of the date of collection. The board
 4-21 may require, at the board's expense, an annual audit of the service
 4-22 supplier's or business service user's books and records with
 4-23 respect to the collection and remittance of the fees.

4-24 (d) A business service user that does not collect and remit
 4-25 the 9-1-1 emergency service fee as required is subject to a civil
 4-26 cause of action under Subsection (g). A sworn affidavit by the
 4-27 district specifying the unremitted fees is prima facie evidence
 4-28 that the fees were not remitted and of the amount of the unremitted
 4-29 fees.

4-30 (e) A service supplier may retain an administrative fee of
 4-31 two percent of the amount of fees the service supplier collects
 4-32 under this section.

4-33 (f) A service supplier is not required to take any legal
 4-34 action to enforce the collection of the 9-1-1 emergency service
 4-35 fee. The service supplier shall provide the district with an annual
 4-36 certificate of delinquency that includes the amount of all
 4-37 delinquent fees and the name and address of each nonpaying service
 4-38 user. The certificate of delinquency is prima facie evidence that a
 4-39 fee included in the certificate is delinquent and of the amount of
 4-40 the delinquent fee. A service user account is considered
 4-41 delinquent if the fee is not paid to the service supplier before the
 4-42 31st day after the payment due date stated on the user's bill from
 4-43 the service supplier.

4-44 (g) The district may file legal proceedings against a
 4-45 service user to collect fees not paid by the service user and may
 4-46 establish internal collection procedures and recover the cost of
 4-47 collection from the nonpaying service user. If the district
 4-48 prevails in a legal proceeding filed under this subsection, the
 4-49 court shall award costs, attorney's fees, and interest to be paid by
 4-50 the nonpaying service user. A delinquent fee accrues interest at
 4-51 the legal rate beginning on the date the payment becomes due.

4-52 Sec. 772.617. DISTRICT DEPOSITORY. The board shall select
 4-53 a depository for the district in the manner provided by law.

4-54 Sec. 772.618. ALLOWABLE EXPENSES. A district's allowable
 4-55 operating expenses include all costs attributable to designing a
 4-56 9-1-1 system and all equipment and personnel necessary to establish
 4-57 and maintain a public safety answering point and other related
 4-58 operations that the board considers necessary.

4-59 Sec. 772.619. NUMBER AND LOCATION IDENTIFICATION. (a) As
 4-60 part of 9-1-1 service, a service supplier shall furnish, for each
 4-61 call, the telephone number of the subscriber and the address
 4-62 associated with the number.

4-63 (b) A business service user that provides residential
 4-64 facilities and owns or leases a publicly or privately owned
 4-65 telephone switch used to provide telephone service to facility
 4-66 residents shall provide to those residential end users the same
 4-67 level of 9-1-1 service that a service supplier is required to
 4-68 provide under Subsection (a) to other residential end users in the
 4-69 district.

5-1 (c) Information furnished under this section is
5-2 confidential and is not available for public inspection.

5-3 (d) A service supplier or business service user under
5-4 Subsection (b) may not be held liable to a person who uses a 9-1-1
5-5 system created under this subchapter for the release to the
5-6 district of the information specified in Subsections (a) and (b).

5-7 Sec. 772.620. PUBLIC REVIEW. (a) Periodically, the board
5-8 shall solicit public comments and hold a public review hearing on
5-9 the continuation of the district and the 9-1-1 emergency service
5-10 fee. The first hearing shall be held on or before the third
5-11 anniversary of the date of the district's creation. Subsequent
5-12 hearings shall be held on or before the third anniversary of the
5-13 date each resolution required by Subsection (c) is adopted.

5-14 (b) The board shall publish notice of the time and place of a
5-15 hearing once a week for two consecutive weeks in a daily newspaper
5-16 of general circulation published in the district. The first notice
5-17 must be published not later than the 16th day before the date set
5-18 for the hearing.

5-19 (c) After the hearing, the board shall adopt a resolution on
5-20 the continuation or dissolution of the district and the 9-1-1
5-21 emergency service fee.

5-22 Sec. 772.621. DISSOLUTION PROCEDURES. (a) If a district
5-23 is dissolved, 9-1-1 service must be discontinued in compliance with
5-24 the district's policies and bylaws and must be administered in
5-25 accordance with Chapter 771.

5-26 (b) The regional planning commission for the district's
5-27 9-1-1 region shall assume the district's assets, provide 9-1-1
5-28 service, and pay the district's debts. If the district's assets are
5-29 insufficient to retire all existing debts of the district on the
5-30 date of dissolution, the regional planning commission shall
5-31 continue to impose the 9-1-1 emergency service fee in compliance
5-32 with Section 772.615, and each service supplier shall continue to
5-33 collect the fee for the regional planning commission. Proceeds
5-34 from the imposition of the fee by the regional planning commission
5-35 after dissolution of the district may be used only to retire the
5-36 outstanding debts of the district.

5-37 (c) The regional planning commission shall retire the
5-38 district's debts to the extent practicable according to the terms
5-39 of the instruments creating the debts and the terms of the
5-40 resolutions authorizing creation of the debts.

5-41 (d) The governing body of the regional planning commission
5-42 for the district's 9-1-1 region may adopt rules necessary to
5-43 administer this section.

5-44 Sec. 772.622. TRANSFER OF ASSETS. If a district is
5-45 established under this subchapter, the regional planning
5-46 commission for the 9-1-1 region in which the district is
5-47 established may transfer to the district any land, buildings,
5-48 improvements, equipment, and other assets acquired by the regional
5-49 planning commission in relation to the provision of 9-1-1 service
5-50 in accordance with Chapter 771.

5-51 SECTION 2. Section 771.001(3), Health and Safety Code, is
5-52 amended to read as follows:

5-53 (3) "Emergency communication district" means:

5-54 (A) a public agency or group of public agencies
5-55 acting jointly that provided 9-1-1 service before September 1,
5-56 1987, or that had voted or contracted before that date to provide
5-57 that service; or

5-58 (B) a district created under Subchapter B, C, D,
5-59 F, ~~G~~, or H, Chapter 772.

5-60 SECTION 3. This Act takes effect September 1, 2015.

5-61 * * * * *