

By: Pickett

H.B. No. 2749

A BILL TO BE ENTITLED

AN ACT

relating to the designation of a Texas Poison Control Network and 9-1-1 equalization surcharge.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 771.072, Health and Safety Code, is amended to read as follows:

Sec. 771.072. TEXAS POISON CONTROL NETWORK AND 9-1-1 EQUALIZATION SURCHARGE. (a) In addition to the fees [~~fee~~] imposed under Sections [~~Section~~] 771.071 and 771.0711, the commission shall impose a Texas Poison Control Network and 9-1-1 equalization surcharge on all local exchange access lines and wireless telecommunications connections [~~each customer receiving intrastate long-distance service~~], including customers in an area served by an emergency communication district or home-rule municipality, even if the district or municipality is not participating in the regional plan.

(b) The amount of the surcharge may not exceed six cents per local exchange access line or wireless telecommunications connection each month, as set [~~one and three-tenths of one percent of the charges for intrastate long-distance service, as defined~~] by the commission.

(c) A local exchange [~~Except as provided by Section 771.073(f), an intrastate long-distance~~] service provider and a wireless service provider shall collect the surcharge imposed on

1 its customers under this section and shall deliver the surcharges
2 to the comptroller not later than the date specified by the
3 comptroller, provided that the required payment date be no earlier
4 than the 30th day after the last day of the reporting period in
5 which the surcharge is collected. If the comptroller does not
6 specify a date, the provider shall deliver the surcharges to the
7 comptroller not later than the 30th day after the last day of the
8 month in which the surcharges are collected.

9 (d) From the revenue received from the surcharge imposed
10 under this section, funds shall be appropriated to the commission
11 for the continued maintenance of the Texas Poison Control Network
12 and for allocations [~~the amount derived from the application of the~~
13 ~~surcharge at a rate of not more than .5 percent shall be allocated~~]
14 to regional planning commissions or other public agencies
15 designated by the regional planning commissions for use in carrying
16 out the regional plans provided for by this chapter. The
17 allocations to the regional planning commissions are not required
18 to be equal, but should be made to carry out the policy of this
19 chapter to implement 9-1-1 service statewide. Money collected
20 under this section may be allocated to an emergency communication
21 district or home-rule municipality regardless of whether the
22 district or municipality is participating in the applicable
23 regional plan.

24 (e) [~~From the revenue received from the surcharge imposed by~~
25 ~~this section, the amount derived from the application of the~~
26 ~~surcharge at a rate of not more than .8 percent shall be~~
27 ~~periodically allocated to the Texas Department of Health to fund~~

~~grants awarded under Section 777.009.~~

~~[(f)]~~ The comptroller shall deposit the surcharges and all ~~[any]~~ prior balances in accounts in the general revenue fund in the state treasury until they are allocated to the commission ~~[regional planning commissions, other 9-1-1 jurisdictions, and regional poison control centers in accordance with this section]~~. From those accounts, the amount necessary for the commission to fund approved plans of regional planning commissions and regional poison control centers and to carry out its duties under this chapter shall be appropriated to the commission. Section 403.095, Government Code, does not apply to an account established by this subsection.

(f) In addition to the appropriation specified by Subsection (d) ~~[(g) Notwithstanding any other law]~~, revenue derived from the equalization surcharge imposed under this section may also be appropriated to the commission ~~[only]~~ for the purposes described by Sections 773.122 through 773.124.

SECTION 2. (a) Not later than October 1, 2005, the Commission on State Emergency Communications shall set the amount of the Texas Poison Control Network and 9-1-1 equalization surcharge as required by Section 771.072(b), Health and Safety Code, as amended by this Act.

(b) The change in law made by this Act applies only to an equalization surcharge imposed under Section 771.072, Health and Safety Code, as amended by this Act, for a month that begins on or after January 1, 2006. An equalization surcharge imposed for a month that begins before January 1, 2006, is governed by the law as it existed immediately before the effective date of this Act, and

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1 that law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2005.