

By: Madla

S.B. No. 598

A BILL TO BE ENTITLED

AN ACT

relating to providing and maintaining an emergency radio infrastructure.

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

SECTION 1. Chapter 771, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. EMERGENCY RADIO INFRASTRUCTURE

Sec. 771.151. DEFINITIONS. In this subchapter:

(1) "Emergency radio infrastructure" means radio frequency hardware, software, or auxiliary equipment that:

(A) provides dispatch communications to public safety agencies; and

(B) permits communication between different public safety agencies.

(2) "Local exchange access line" and "equivalent local exchange access line" have the meanings determined by the commission under Section 771.063.

Sec. 771.152. APPLICATION OF SUBCHAPTER. This subchapter applies to a regional planning commission that has established by resolution:

(1) a regional emergency radio plan; and
(2) an emergency radio infrastructure that conforms with the plan in the territory of the regional planning commission.

Sec. 771.153. EMERGENCY RADIO INFRASTRUCTURE FEE. (a)

1 Notwithstanding Section 391.011, Local Government Code, a regional
2 planning commission may impose an emergency radio infrastructure
3 fee, to provide and maintain an emergency radio infrastructure, on
4 each local exchange access line or equivalent local exchange access
5 line in the territory of the regional planning commission if
6 authorized to do so by a majority vote of the governing body of the
7 regional planning commission.

8 (b) If a business service user provides residential
9 facilities, each line that terminates at a residential unit, and
10 that is a communication link equivalent to a residential local
11 exchange access line, shall be charged the emergency radio
12 infrastructure fee. The fee may not be imposed on a line to
13 coin-operated public telephone equipment or to public telephone
14 equipment operated by coin or by card reader. The fee may also not
15 be imposed on any line that the commission excluded from the
16 definition of a local exchange access line or an equivalent local
17 exchange access line under Section 771.063.

18 (c) The amount of the fee may not exceed 50 cents a month for
19 each line. The governing body of the regional planning commission
20 shall set the fee annually.

21 (d) A fee imposed under this section is in addition to any
22 other fee authorized by this chapter.

23 Sec. 771.154. COLLECTION OF FEE. (a) A customer on which a
24 fee is imposed under this subchapter is liable for the fee in the
25 same manner as the customer is liable for the charge for services
26 provided by the local exchange service provider. The provider
27 shall collect the fees imposed on its customers under this

1 subchapter at the same time and in the same manner as the provider
2 collects those service charges. The fee must be stated separately
3 on the customer's bill.

4 (b) The fees collected by a local exchange service supplier
5 are due monthly. The supplier shall remit the amount collected in a
6 month to the regional planning commission not later than the 30th
7 day after the last day of the month in which fees are collected.
8 With each payment, the supplier shall file a return in a form
9 prescribed by the regional planning commission.

10 (c) A local exchange service supplier shall maintain
11 records of the amount of fees the supplier collects for at least two
12 years after the date of collection. The regional planning
13 commission may require at the regional planning commission's
14 expense an annual audit of a supplier's books and records.

15 (d) A local exchange service supplier is entitled to retain
16 an administrative fee from the amount of fees the supplier
17 collects. The amount of the administrative fee is two percent of
18 the amount of fees the supplier collects under this section.

19 (e) A local exchange service supplier is not required to
20 take any legal action to enforce the collection of the emergency
21 radio services fee. However, the supplier shall provide the
22 regional planning commission with an annual certificate of
23 delinquency that indicates the amount of all delinquent fees and
24 the name and address of each nonpaying customer.

25 (f) The regional planning commission may institute legal
26 proceedings to collect fees not paid and may establish internal
27 collection procedures and recover the cost of collection from the

1 nonpaying customer. If legal proceedings are established, the
2 court may award the regional planning commission court costs,
3 attorney's fees, and interest to be paid by the nonpaying customer.
4 A delinquent fee accrues interest at an annual rate of 12 percent
5 beginning on the date the payment becomes due.

6 Sec. 771.155. FUNDS. (a) A regional planning commission
7 may apply for, contract for, receive, and expend to provide or
8 maintain emergency radio infrastructure in its territory a grant or
9 funds from a participating governmental unit, the state, the
10 federal government, or other sources.

11 (b) A participating government or the state may appropriate
12 funds to a regional planning commission for the costs and expenses
13 required to provide and maintain an emergency radio infrastructure.

14 Sec. 771.156. BUDGET. The governing body of the regional
15 planning commission annually shall adopt a budget under which the
16 fees collected under this subchapter are used to plan, administer,
17 provide, and maintain the regional emergency radio infrastructure.

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