

Amend Section 771, Health and Safety Code, as follows:

SECTION 1. Section 771.001, Health and Safety Code, is amended by deleting Subsection (4), and by renumbering Subsections (5) through (13) as Subsections (4) through (12), respectively.

SECTION 2. Section 771.001, Health and Safety Code, is further amended by amending Subsection (12) and adding a new Subsection (13), to read as follows:

(12) "Wireless telecommunications connection" means any voice-capable wireless communication mobile station ~~[assigned a number containing an area code assigned to Texas by the North American Numbering Plan Administrator that connects a wireless service provider to the local exchange]~~ that is provided to a customer by a wireless service provider.

(13) "Service provider" means a local exchange service provider, a wireless service provider, and any other provider of local exchange access lines or equivalent local exchange access lines.

SECTION 3. Subsection (e) of Section 771.071, Health and Safety Code, is amended to read as follows:

(e) A ~~[local exchange]~~ service provider shall collect the fees imposed on its customers under this section. Not later than the 30th day after the last day of the month in which the fees are collected, the ~~[local exchange]~~ service provider shall deliver the fees to the comptroller. The comptroller shall deposit money from the fees to the credit of the 9-1-1 services fee account in the general revenue fund. The comptroller may establish alternative dates for payment of fees under this section, provided that the required payment date be no earlier than the 30th day after the last day of the reporting period in which the fees are collected.

SECTION 4. Subsections (a) through (e) of Section 771.072, Health and Safety Code, are amended to read as follows:

(a) ~~[In]~~ On and after September 1, 2011, in addition to the ~~[fee]~~ fees imposed under ~~[Section]~~ Sections 771.071 and 771.0711, the commission shall impose a 9-1-1 equalization surcharge on each ~~[customer receiving intrastate long distance service, including customers in an area served by an emergency communication district, even if the district is not participating in the regional plan]~~

local exchange access line or equivalent local exchange access line, and each wireless telecommunications connection. The surcharge may not be imposed on a line to coin-operated public telephone equipment or to public telephone equipment operated by coin or by card reader. The surcharge may also not be imposed on any line that the commission excluded from the definition of a local exchange access line or an equivalent local exchange access line pursuant to Section 771.063. The surcharge may also not be imposed on any wireless telecommunications connection that constitutes prepaid wireless telecommunications service subject to Section 771.0712.

(b) ~~The [amount of the surcharge may not exceed one and three tenths of one percent of the charges for intrastate long distance service, as defined by the commission]~~ surcharge shall be a fixed amount, not to exceed 10 cents per month for each local exchange access line or equivalent local exchange access line, or wireless telecommunications connection.

(c) Except as provided by Section 771.073(f), ~~[an intrastate long distance]~~ each service provider shall collect the surcharge imposed on its customers under this section and shall deliver the surcharges to the comptroller not later than the date specified by the comptroller, provided that the required payment date be no earlier than the 30th day after the last day of the reporting period in which the surcharge is collected. If the comptroller does not specify a date, the provider shall deliver the surcharges to the comptroller not later than the 30th day after the last day of the month in which the surcharges are collected.

(d) From the revenue received from the surcharge imposed under this section, not more than 40 percent of the amount derived from the application of the surcharge ~~[at a rate of not more than .5 percent]~~ shall be allocated to regional planning commissions or other public agencies designated by the regional planning commissions for use in carrying out the regional plans provided for by this chapter. The allocations to the regional planning commissions are not required to be equal, but should be made to carry out the policy of this chapter to implement 9-1-1 service statewide. Money collected under this section may be allocated to

an emergency communication district regardless of whether the district is participating in the applicable regional plan.

(e) From the revenue received from the surcharge imposed by this section, not more than 60 percent of the amount derived from the application of the surcharge [~~at a rate of not more than .8 percent~~] shall be periodically allocated to fund grants awarded under Section 777.009 and other activities related to the poison control centers as required by Chapter 777.

SECTION 5. A new subsection (e) is added to Section 771.0725, Health and Safety Code, to read as follows:

(e) With respect to the equalization surcharge imposed under Section 771.072, the commission shall establish the rate as of September 1, 2011, and not more than once every state fiscal biennium thereafter, so that the aggregate of the surcharges collected from all customers for the next 12 months is not expected to exceed the aggregate of the surcharges collected from all customers during the preceding 12 months. Any change in the equalization surcharge rate shall be made effective not earlier than 90 days after notice of such change is provided by the commission to service providers.

SECTION 6. Subsection (a) of Section 771.073, Health and Safety Code, is amended to read as follows:

(a) A customer on which a fee or surcharge is imposed under this subchapter is liable for the fee or surcharge in the same manner as the customer is liable for the charges for services provided by the service provider. The service provider shall collect the fees and surcharges in the same manner it collects those charges for service, except that the service provider is not required to take legal action to enforce the collection of the fees or surcharges. [A] Other than the fee imposed under section 771.0712, a fee or surcharge imposed under this subchapter must either be stated separately on the customer's bill, or combined into an appropriately labeled single line item on the customer's bill with all other fees and surcharges that are imposed under this subchapter or that are imposed for 9-1-1 emergency service by a political subdivision. A service provider that combines such fees and surcharges into a single line for billing purposes shall

maintain books and records reflecting the collection of each fee and surcharge.

SECTION 7. Subsection (3) of Section 771.0735, Health and Safety Code, is amended to read as follows:

(3) the fee and the surcharge imposed on wireless telecommunications bills shall be administered in accordance with Section 151.061, Tax Code.

SECTION 8. This Act takes effect September 1, 2011.