

BILL ANALYSIS

S.B. 628
By: Watson
Special Purpose Districts
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Emergency 9-1-1 communications are currently delivered by emergency communication districts authorized by state law, and by regional planning commissions, which must secure funding from the Commission on State Emergency Communications. Because emergency communication districts have a predictable source of revenue to support full deployment of digital 9-1-1 services, commonly referred to as Next Generation 9-1-1 (NG9-1-1), from emergency service fees paid by district residents, a regional planning commission that includes one or more emergency communications districts within its territory is more likely to have the necessary digital infrastructure for NG9-1-1.

One regional planning commission, the Capital Area Council of Governments, which serves 10 counties including Travis County, has no emergency communication districts operating within its territory and is at a disadvantage in implementing NG9-1-1. S.B. 628 seeks to address this disadvantage by providing for the creation of regional emergency communications districts that would have the same governing and financing authority as emergency communication districts.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 628 amends the Health and Safety Code to set out provisions relating to the creation and territory of a regional emergency communications district and designates such a district as a political subdivision of this state created to carry out essential governmental functions. The bill establishes that the bill's provisions apply to a state planning region with a population of more than 1.5 million, that is composed of counties and municipalities that operate a 9-1-1 system solely through a regional planning commission, and in which the governing bodies of each county and the principal municipality in the region adopt a resolution to participate in a regional emergency communications district. The bill authorizes the district to exercise all powers necessary or convenient to carry out the purposes of the bill's provisions.

S.B. 628 specifies that a district is governed by a board of managers and sets out provisions relating to the board and its powers and duties. The bill requires the district's board of managers to appoint an advisory committee and sets out provisions relating to the committee. The bill specifies that the executive director of the regional planning commission in the district's region serves as director of the district and sets out provisions relating to the director and district staff. The bill requires the director to prepare, under the direction of the board of managers, an annual budget for the district, sets out requirements relating to the annual budget, and requires the board to annually have an independent financial audit made of the district.

S.B. 628 requires a district to provide 9-1-1 service to each participating jurisdiction through certain specified methods and features or equivalent state-of-the-art technology. The bill requires the district to recommend minimum standards for a 9-1-1 system and requires the

system to be computerized. The bill specifies that, for each individual telephone subscriber in the district, 9-1-1 service is mandatory and is not an optional service under any definition of terms relating to telephone service.

S.B. 628 exempts a service supplier involved in providing 9-1-1 service, a manufacturer of equipment used in providing 9-1-1 service, or an officer or employee of a service supplier involved in providing 9-1-1 service from liability for any claim, damage, or loss arising from the provision of 9-1-1 service unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence, recklessness, or intentional misconduct.

S.B. 628 establishes that the digits 9-1-1 are the primary emergency telephone number in the district. The bill authorizes a public safety agency whose services are available through a 9-1-1 system to maintain a separate number for an emergency telephone call and requires such an agency to maintain a separate number for a nonemergency telephone call. The bill requires a 9-1-1 system to be capable of transmitting requests for firefighting, law enforcement, ambulance, and medical services to a public safety agency that provides the requested service at the location from which the call originates and sets out provisions relating to the transmission of other requests for emergency aid.

S.B. 628 authorizes a district's board of managers to impose a 9-1-1 emergency service fee on service users in the district and sets out provisions relating to the imposition of the fee, including requirements relating to the rate of the fee. The bill caps the fee at not more than six percent of the monthly base rate the principal service supplier in the participating jurisdiction charges a service user. The bill sets out provisions relating to the collection of the fee, including provisions regarding delinquency.

S.B. 628 establishes requirements relating to the selection of a district depository by the district's board of managers and specifies that a district's allowable expenses include all costs attributable to designing a 9-1-1 system and all equipment and personnel necessary to establish and operate a public safety answering point and other related operations that the board considers necessary. The bill establishes requirements for a service supplier or business service user to provide number and location identification for each call.

S.B. 628 requires the district's board of managers to periodically solicit public comments and hold a public review hearing on the continuation of the district and the 9-1-1 emergency service fee. The bill sets out provisions relating to such hearings and the required actions of the board of managers following such a hearing. The bill sets out procedures for the dissolution of a district.

S.B. 628 authorizes a district's board of managers to issue bonds in the name of the district to finance the acquisition by any method of facilities, equipment, or supplies necessary for the district to provide 9-1-1 service to each participating jurisdiction or the installation of equipment necessary for the district to provide 9-1-1 service to each participating jurisdiction. The bill sets out provisions relating to the repayment of bonds, additional security for bonds, the form and provisions of bonds, approval and registration of bonds, and the issuance of refunding bonds. The bill designates district bonds as legal and authorized investments for certain specified entities and as security for certain deposits. The bill exempts from taxation a bond issued by a district, any transaction relating to the bond, and profits made in the sale or redemption of the bond.

S.B. 628 authorizes a regional planning commission for the region in which the district is established to transfer to the district any assets acquired by the regional planning commission in relation to the provision of 9-1-1 services if a regional emergency communications district is established under the bill's provisions.

S.B. 628 amends the definition of "emergency communication district" applicable to provisions relating to state administration of emergency communications to include a regional emergency communications district created under the bill's provisions.

EFFECTIVE DATE

September 1, 2013.