

BILL ANALYSIS

Senate Research Center

S.B. 809
By: Carona
Business & Commerce
7/19/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 771.071(a), Health and Safety Code, authorizes the Commission on State Emergency Communications (CSEC) to impose a 911 service fee of up to 50 cents on each telephone landline using formulas adopted in the code. CSEC establishes and allocates the 911 fee using formulas adopted in the Health and Safety Code. The Health and Safety Code also requires CSEC to file the fee information with the Public Utility Commission of Texas (PUC), which is required to monitor the establishment of the fees. If PUC determines that the recommended rate or allocation is not appropriate, PUC is required to provide comments to CSEC, the governor, and the Legislative Budget Board regarding appropriate rates and the basis for that determination. The fee for wireless is statutorily set at 50 cents; therefore, PUC's review is limited to the landline (wireline) fee. This fee is currently set at 50 cents, the same as the fee set for wireless in 1997. To date, PUC has not recommended any reductions to the 911 fee to ensure that all telephone subscribers (wireline and wireless) are treated at parity. It is not administratively efficient for PUC to review CSEC's proposed rates and allocations because they are either statutorily mandated or the potential for reduction in 911 fees for wireline may discriminate against wireless subscribers and negatively impact CSEC.

S.B. 809 repeals the requirement that PUC review the 911 fees and allocations established by CSEC.

S.B. 809 amends current law relating to Public Utility Commission of Texas consideration of the rates for certain equalization surcharges and emergency service fees.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Repealer: Section 771.0725(a) (relating to requiring the Public Utility Commission of Texas (PUC) to monitor the establishment of emergency service fees and the equalization of certain surcharges), Health and Safety Code.

Repealer: Section 771.0725(b) (relating to requiring the Commission on State Emergency Communications (CSEC) to provide documentation to PUC regarding the rate at which each fee should be imposed and the allocation of revenue under certain sections), Health and Safety Code.

Repealer: Section 771.0725(c) (relating to requiring PUC to review the documentation provided by CSEC as well as allocations derived therefrom and also identified by CSEC), Health and Safety Code.

Repealer: Section 771.0725(d) (relating to authorizing PUC to review and make comments, in an informal proceeding, regarding a certain rate or allocation), Health and Safety Code.

SECTION 2. Provides that the change in law made by this Act applies only to the rate for the equalization surcharge established under Section 771.0725, Health and Safety Code, as amended by this Act, on or after the effective date of this Act. Provides that a rate imposed before that date is governed by the law in effect on the date the rate was imposed, and that law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2013.