

By: Deshotel

H.B. No. 3462

A BILL TO BE ENTITLED

AN ACT

relating to the creation of regional emergency communication districts; authorizing a fee.

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

SECTION 1. Chapter 772, Health and Safety Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. REGIONAL EMERGENCY COMMUNICATION DISTRICTS: STATE PLANNING REGIONS WITH 9-1-1 POPULATION SERVED LESS THAN 1.5 MILLION

Sec. 772.601. SHORT TITLE. This subchapter may be cited as the Regional Emergency Communication Districts Act.

Sec. 772.602. DEFINITIONS. In this subchapter:

(1) "Board" means the board of managers of a district.

(2) "District" means a regional emergency communication district created under this subchapter.

(3) "Region" means a state planning region established under Chapter 391, Local Government Code.

(4) "Regional planning commission" means a commission or council of governments created under Chapter 391, Local Government Code, for a designated region.

Sec. 772.603. APPLICATION OF SUBCHAPTER. (a) This subchapter applies to a region:

(1) composed of counties and municipalities that on September 1, 2015, exclusively received 9-1-1 system services provided by a 9-1-1 system operated through a regional planning

1 commission;

2 (2) in which the total population served by the 9-1-1  
3 system operated through a regional planning commission was less  
4 than 1.5 million on September 1, 2015; and

5 (3) in which the governing bodies of each  
6 participating county and municipality in the region adopt a  
7 resolution under Section 772.604 to participate in the district.

8 (b) This subchapter does not affect:

9 (1) a public agency or group of public agencies acting  
10 jointly that provided 9-1-1 service before September 1, 1987, or  
11 that had voted or contracted before that date to provide that  
12 service;

13 (2) a district created under Subchapter B, C, D, F, or  
14 G; or

15 (3) the distribution of funds under Section [771.072](#).

16 Sec. 772.604. CREATION OF DISTRICT. (a) A district is  
17 created when the governing bodies of each participating county and  
18 municipality in a region adopt a resolution approving the  
19 district's creation. The district's creation is effective on the  
20 date the last resolution is adopted by a participating county or  
21 municipality.

22 (b) The district shall file with the county clerk of each  
23 county in which the district is located a certificate declaring the  
24 creation of the district.

25 Sec. 772.605. POLITICAL SUBDIVISION; DISTRICT POWERS. (a)  
26 A district is a political subdivision of this state created to carry  
27 out essential governmental functions.

1       (b) A district may exercise all powers necessary to carry  
2 out the purposes and provisions of this subchapter.

3       (c) A district created under this subchapter may enter into  
4 an interlocal agreement with an emergency communication district  
5 established under Subchapter B, C, D, F, or G to promote enhanced  
6 public safety and increased fiscal and service efficiencies.

7       Sec. 772.606. TERRITORY OF DISTRICT. The territory of a  
8 district:

9           (1) consists of the territory of each participating  
10 county or municipality located in a region; and

11           (2) does not include any land that is located in the  
12 territory of an emergency communication district authorized under  
13 Subchapter B, C, D, F, or G.

14       Sec. 772.607. BOARD OF MANAGERS. (a) A district is  
15 governed by a board of managers.

16           (b) A district's initial board is composed of members who  
17 are appointed by the governing bodies of each participating county  
18 and municipality. At least two-thirds of the initial board members  
19 must be elected officials of the participating counties and  
20 municipalities.

21           (c) The initial board appointed under Subsection (b) shall  
22 establish the size of the board and the qualifications of board  
23 members.

24       Sec. 772.608. POWERS AND DUTIES OF BOARD. (a) The board  
25 shall name, control, and manage the district.

26           (b) The board shall approve, adopt, and amend an annual  
27 budget.

1       (c) The board may adopt orders, rules, bylaws, policies, and  
2 procedures governing the operations of the board and the district.

3       Sec. 772.609. DIRECTOR OF DISTRICT; STAFF; FISCAL AND  
4 ADMINISTRATIVE AGENT. (a) The regional planning commission for the  
5 region in which the district is established shall serve as the  
6 fiscal and administrative agent for the district.

7       (b) The executive director of the regional planning  
8 commission for the region may serve as director of the district.

9       (c) The director is responsible for:

10           (1) performing all duties required by the board;

11           (2) ensuring that board policies and procedures are  
12 implemented for the purposes of this subchapter;

13           (3) preparing an annual budget; and

14           (4) employing and assigning employees of the regional  
15 planning commission to perform duties under this subchapter in  
16 accordance with the district's approved annual budget.

17       (d) The director may use district money to compensate an  
18 employee assigned duties under this subchapter.

19       (e) The director and an employee assigned duties under this  
20 subchapter are employees of the regional planning commission for  
21 all purposes.

22       Sec. 772.610. AUDIT AND REPORTING REQUIREMENTS. The  
23 district shall prepare an annual report that includes:

24           (1) the amount and source of funds received by the  
25 district;

26           (2) the amount and source of funds spent by the  
27 district; and

1           (3) the results of an audit of the district's affairs  
2 prepared by an independent certified public accountant in  
3 compliance with the district's policies and procedures.

4           Sec. 772.611. PROVISION OF 9-1-1 SERVICE. (a) A district  
5 shall provide 9-1-1 service to each participating county or  
6 municipality through one or a combination of the following methods  
7 and features or equivalent state-of-the-art technology:

- 8                   (1) the transfer method;  
9                   (2) the relay method;  
10                   (3) the dispatch method;  
11                   (4) automatic number identification;  
12                   (5) automatic location identification; or  
13                   (6) selective routing.

14           (b) The district shall design, implement, and operate a  
15 9-1-1 system for each participating county and municipality in the  
16 district.

17           (c) For each individual telephone subscriber in the  
18 district, 9-1-1 service is mandatory and is not an optional service  
19 under any definition of terms relating to telephone service.

20           Sec. 772.612. LIABILITY. The liability protection provided  
21 by Section 771.053 applies to services provided under this  
22 subchapter.

23           Sec. 772.613. PRIMARY EMERGENCY TELEPHONE NUMBER. The  
24 digits 9-1-1 are the primary emergency telephone number in a  
25 district. A public safety agency whose services are available  
26 through a 9-1-1 system:

- 27                   (1) may maintain a separate number for an emergency

1 telephone call; and

2 (2) shall maintain a separate number for a  
3 nonemergency telephone call.

4 Sec. 772.614. TRANSMITTING REQUESTS FOR EMERGENCY AID. (a)  
5 A 9-1-1 system established under this subchapter must be capable of  
6 transmitting requests for firefighting, law enforcement,  
7 ambulance, and medical services to a public safety agency that  
8 provides the requested service at the location from which the call  
9 originates. A 9-1-1 system may provide for transmitting requests  
10 for other emergency services, including poison control, suicide  
11 prevention, and civil defense.

12 (b) A public safety answering point may transmit emergency  
13 response requests to private safety entities with the board's  
14 approval.

15 (c) With the consent of a participating county or  
16 municipality, a privately owned automatic intrusion alarm or other  
17 privately owned automatic alerting device may be installed to cause  
18 the number 9-1-1 to be dialed to gain access to emergency services.

19 Sec. 772.615. 9-1-1 EMERGENCY SERVICE FEE. (a) The board  
20 may impose a 9-1-1 emergency service fee on service users in the  
21 district.

22 (b) The fee may be imposed only on the base rate charge or  
23 the charge's equivalent, excluding charges for coin-operated  
24 telephone equipment. The fee may not be imposed on:

25 (1) more than 100 local exchange access lines or the  
26 lines' equivalent for a single business entity at a single  
27 location, unless the lines are used by residents of the location; or

1           (2) any line that the Commission on State Emergency  
2 Communications has excluded from the definition of a local exchange  
3 access line or equivalent local exchange access line under Section  
4 771.063.

5           (c) If a business service user provides residential  
6 facilities, each line that terminates at a residential unit and is a  
7 communication link equivalent to a residential local exchange  
8 access line shall be charged the 9-1-1 emergency service fee. The  
9 fee must have uniform application throughout the district and be  
10 imposed in each participating county or municipality in the  
11 district.

12           (d) The amount of the fee may not exceed 50 cents per month  
13 for each line.

14           (e) The board shall set the amount of the fee each year as  
15 part of the annual budget. The board shall notify each service  
16 supplier of a change in the amount of the fee not later than the 91st  
17 day before the date the change takes effect.

18           (f) In imposing the fee, the board shall attempt to match  
19 the district's revenues to the district's operating expenditures,  
20 including the current and planned expenditures for the purchase,  
21 installation, and maintenance of 9-1-1 emergency services in  
22 accordance with the district's approved annual budget and operating  
23 policies.

24           Sec. 772.616. COLLECTION OF FEE. (a) A service supplier or  
25 a business service user that provides residential facilities and  
26 owns or leases a publicly or privately owned telephone switch used  
27 to provide telephone service to facility residents shall collect

1 the fees imposed on a customer under Section 772.615.

2 (b) Not later than the 30th day after the last day of the  
3 month in which the fees are collected, the service supplier or  
4 business service user shall deliver the fees to the district in the  
5 manner determined by the district. The district may establish an  
6 alternative date for payment of fees under this section, provided  
7 that the required payment date is not earlier than the 30th day  
8 after the last day of the report period in which the fees are  
9 collected. The service supplier or business service user shall  
10 file with each payment to the district a receipt in the form  
11 prescribed by the district.

12 (c) Both a service supplier and a business service user  
13 under Subsection (a) shall maintain records of the amount of fees  
14 the service supplier or business service user collects until at  
15 least the second anniversary of the date of collection. The board  
16 may require, at the board's expense, an annual audit of the service  
17 supplier's or business service user's books and records with  
18 respect to the collection and remittance of the fees.

19 (d) A business service user that does not collect and remit  
20 the 9-1-1 emergency service fee as required is subject to a civil  
21 cause of action under Subsection (g). A sworn affidavit by the  
22 district specifying the unremitted fees is prima facie evidence  
23 that the fees were not remitted and of the amount of the unremitted  
24 fees.

25 (e) A service supplier may retain an administrative fee of  
26 two percent of the amount of fees the service supplier collects  
27 under this section.

1       (f) A service supplier is not required to take any legal  
2 action to enforce the collection of the 9-1-1 emergency service  
3 fee. The service supplier shall provide the district with an annual  
4 certificate of delinquency that includes the amount of all  
5 delinquent fees and the name and address of each nonpaying service  
6 user. The certificate of delinquency is prima facie evidence that a  
7 fee included in the certificate is delinquent and of the amount of  
8 the delinquent fee. A service user account is considered  
9 delinquent if the fee is not paid to the service supplier before the  
10 31st day after the payment due date stated on the user's bill from  
11 the service supplier.

12       (g) The district may file legal proceedings against a  
13 service user to collect fees not paid by the service user and may  
14 establish internal collection procedures and recover the cost of  
15 collection from the nonpaying service user. If the district  
16 prevails in a legal proceeding filed under this subsection, the  
17 court shall award costs, attorney's fees, and interest to be paid by  
18 the nonpaying service user. A delinquent fee accrues interest at  
19 the legal rate beginning on the date the payment becomes due.

20       Sec. 772.617. DISTRICT DEPOSITORY. The board shall select  
21 a depository for the district in the manner provided by law.

22       Sec. 772.618. ALLOWABLE EXPENSES. A district's allowable  
23 operating expenses include all costs attributable to designing a  
24 9-1-1 system and all equipment and personnel necessary to establish  
25 and maintain a public safety answering point and other related  
26 operations that the board considers necessary.

27       Sec. 772.619. NUMBER AND LOCATION IDENTIFICATION. (a) As

1 part of 9-1-1 service, a service supplier shall furnish, for each  
2 call, the telephone number of the subscriber and the address  
3 associated with the number.

4 (b) A business service user that provides residential  
5 facilities and owns or leases a publicly or privately owned  
6 telephone switch used to provide telephone service to facility  
7 residents shall provide to those residential end users the same  
8 level of 9-1-1 service that a service supplier is required to  
9 provide under Subsection (a) to other residential end users in the  
10 district.

11 (c) Information furnished under this section is  
12 confidential and is not available for public inspection.

13 (d) A service supplier or business service user under  
14 Subsection (b) may not be held liable to a person who uses a 9-1-1  
15 system created under this subchapter for the release to the  
16 district of the information specified in Subsections (a) and (b).

17 Sec. 772.620. PUBLIC REVIEW. (a) Periodically, the board  
18 shall solicit public comments and hold a public review hearing on  
19 the continuation of the district and the 9-1-1 emergency service  
20 fee. The first hearing shall be held on or before the third  
21 anniversary of the date of the district's creation. Subsequent  
22 hearings shall be held on or before the third anniversary of the  
23 date each resolution required by Subsection (c) is adopted.

24 (b) The board shall publish notice of the time and place of a  
25 hearing once a week for two consecutive weeks in a daily newspaper  
26 of general circulation published in the district. The first notice  
27 must be published not later than the 16th day before the date set

1 for the hearing.

2 (c) After the hearing, the board shall adopt a resolution on  
3 the continuation or dissolution of the district and the 9-1-1  
4 emergency service fee.

5 Sec. 772.621. DISSOLUTION PROCEDURES. (a) If a district is  
6 dissolved, 9-1-1 service must be discontinued in compliance with  
7 the district's policies and bylaws and must be administered in  
8 accordance with Chapter 771.

9 (b) The regional planning commission for the district's  
10 region shall assume the district's assets, provide 9-1-1 service,  
11 and pay the district's debts. If the district's assets are  
12 insufficient to retire all existing debts of the district on the  
13 date of dissolution, the regional planning commission shall  
14 continue to impose the 9-1-1 emergency service fee in compliance  
15 with Section 772.615, and each service supplier shall continue to  
16 collect the fee for the regional planning commission. Proceeds  
17 from the imposition of the fee by the regional planning commission  
18 after dissolution of the district may be used only to retire the  
19 outstanding debts of the district.

20 (c) The regional planning commission shall retire the  
21 district's debts to the extent practicable according to the terms  
22 of the instruments creating the debts and the terms of the  
23 resolutions authorizing creation of the debts.

24 (d) The governing body of the regional planning commission  
25 for the district's region may adopt rules necessary to administer  
26 this section.

27 Sec. 772.622. TRANSFER OF ASSETS. If a district is

1 established under this subchapter, the regional planning  
2 commission for the region in which the district is established may  
3 transfer to the district any land, buildings, improvements,  
4 equipment, and other assets acquired by the regional planning  
5 commission in relation to the provision of 9-1-1 service in  
6 accordance with Chapter 771.

7 SECTION 2. Section 771.001(3), Health and Safety Code, is  
8 amended to read as follows:

9 (3) "Emergency communication district" means:

10 (A) a public agency or group of public agencies  
11 acting jointly that provided 9-1-1 service before September 1,  
12 1987, or that had voted or contracted before that date to provide  
13 that service; or

14 (B) a district created under Subchapter B, C, D,  
15 F, ~~or~~ G, or H, Chapter 772.

16 SECTION 3. This Act takes effect September 1, 2015.