

BILL ANALYSIS

C.S.H.B. 3462
By: Deshotel
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In many parts of the state, 9-1-1 systems are run by councils of governments under the Commission on State Emergency Communications. Interested parties recognize certain inefficiencies with the current structure of the 9-1-1 system and assert that the determination on how to best meet local needs through the system should be made by the elected officials of the region served by the system. C.S.H.B. 3462 seeks to address those inefficiencies.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 3462 amends the Health and Safety Code to establish the Regional Emergency Communication Districts Act, which provides for the creation of a regional emergency communication district in a 9-1-1 region, defined by the bill as the portion of a state planning region 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 commission, in which the total population served by the 9-1-1 system operated through a regional planning commission was less than 1.5 million on September 1, 2015, and in which the governing bodies of each participating county and municipality in the 9-1-1 region adopt a resolution under the bill's provisions to participate in the district. The bill designates such a district as a political subdivision of the state created to carry out essential governmental functions and authorizes a district to exercise all powers necessary to carry out the purposes and provisions of the bill. The bill authorizes a district to enter into an interlocal agreement with another emergency communication district to promote enhanced public safety and increased fiscal and service efficiencies.

C.S.H.B. 3462 sets out requirements for the district's creation and establishes the territory of the district. The bill establishes that the district is governed by a board of managers and sets out provisions relating to the board's composition and powers and duties. The bill requires the regional planning commission for the 9-1-1 region in which the district is established to serve as the district's fiscal and administrative agent and authorizes the commission's executive director to serve as the district's director. The bill sets out the director's responsibilities, authorizes the director to use district money to compensate an employee assigned duties under the bill's provisions, and establishes that such an employee and the director are employees of the commission for all purposes. The bill requires the district to prepare an annual report that

includes the amount and source of funds received and spent by the district and the results of an audit of the district's affairs prepared by an independent certified public accountant in compliance with the district's policies and procedures.

C.S.H.B. 3462 requires a district to provide 9-1-1 service to each participating county or municipality through one or a combination of certain specified methods and requires the district to design, implement, and operate a 9-1-1 system for each participating county and municipality in the district. The bill establishes that 9-1-1 service is mandatory for each individual telephone subscriber in the district and is not an optional service under any definition of terms relating to telephone service. The bill extends certain liability protections to services provided under the bill's provisions.

C.S.H.B. 3462 specifies that the digits 9-1-1 are the primary emergency telephone number in a 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 established under the bill's provisions 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.

C.S.H.B. 3462 authorizes a district's board to impose a 9-1-1 emergency service fee on service users in the district, sets out provisions relating to the imposition and collection of the fee, and caps the fee at 50 cents per month for each line. The bill requires the board to select a depository for the district in the manner provided by law. The bill establishes that a district's allowable operating expenses include all costs attributable to designing a 9-1-1 system and all equipment and personnel necessary to establish and maintain a public safety answering point and other related operations that the board considers necessary. The bill sets out requirements for a service supplier or a business service user to provide number and location identification for each call.

C.S.H.B. 3462 requires the board 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, sets out requirements for such hearings, and establishes procedures for the dissolution of a district. The bill authorizes the regional planning commission for the 9-1-1 region in which a district is established to transfer to the district any land, buildings, improvements, equipment, and other assets acquired by the commission in relation to the provision of 9-1-1 service in accordance with statutory provisions relating to the state administration of emergency communications.

C.S.H.B. 3462 does not affect an emergency communication district created under other law, the distribution of funds from the 9-1-1 equalization surcharge, or a public agency or group of public agencies acting jointly that provided 9-1-1 services before September 1, 1987, or that had voted or contracted before that date to provide that service.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3462 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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:

See Sec. 772.603(a)(1) below.

(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 commission;

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

(3) in which the governing bodies of each participating county and municipality in the

HOUSE COMMITTEE SUBSTITUTE

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) "9-1-1 region" means the portion of a state planning region established under Chapter 391, Local Government Code, 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 commission.

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

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

(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 9-1-1 region:

See Sec. 772.602(1) above.

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

(2) in which the governing bodies of each participating county and municipality in the

region adopt a resolution under Section 772.604 to participate in the district.

(b) This subchapter does not affect:

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

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

(3) the distribution of funds under Section 771.072.

Sec. 772.604. CREATION OF DISTRICT.

(a) A district is created when the governing bodies of each participating county and municipality in a region adopt a resolution approving the district's creation. The district's creation is effective on the date the last resolution is adopted by a participating county or municipality.

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

Sec. 772.605. POLITICAL SUBDIVISION; DISTRICT POWERS.

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

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

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

Sec. 772.607. BOARD OF MANAGERS.

Sec. 772.608. POWERS AND DUTIES OF BOARD.

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

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

(c) The director is responsible for:

9-1-1 region adopt a resolution under Section 772.604 to participate in the district.

(b) This subchapter does not affect:

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

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

(3) the distribution of funds under Section 771.072.

Sec. 772.604. CREATION OF DISTRICT.

(a) A district is created when the governing bodies of each participating county and municipality in a 9-1-1 region adopt a resolution approving the district's creation. The district's creation is effective on the date the last resolution is adopted by a participating county or municipality.

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

Sec. 772.605. POLITICAL SUBDIVISION; DISTRICT POWERS.

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

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

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

Sec. 772.607. BOARD OF MANAGERS.

Sec. 772.608. POWERS AND DUTIES OF BOARD.

Sec. 772.609. DIRECTOR OF DISTRICT; STAFF; FISCAL AND ADMINISTRATIVE AGENT. (a) The regional planning commission for the 9-1-1 region in which the district is established shall serve as the fiscal and administrative agent for the district.

(b) The executive director of the regional planning commission for the 9-1-1 region may serve as director of the district.

(c) The director is responsible for:

- (1) performing all duties required by the board;
- (2) ensuring that board policies and procedures are implemented for the purposes of this subchapter;
- (3) preparing an annual budget; and
- (4) employing and assigning employees of the regional planning commission to perform duties under this subchapter in accordance with the district's approved annual budget.
- (d) The director may use district money to compensate an employee assigned duties under this subchapter.
- (e) The director and an employee assigned duties under this subchapter are employees of the regional planning commission for all purposes.

Sec. 772.610. AUDIT AND REPORTING REQUIREMENTS.

Sec. 772.611. PROVISION OF 9-1-1 SERVICE.

Sec. 772.612. LIABILITY.

Sec. 772.613. PRIMARY EMERGENCY TELEPHONE NUMBER.

Sec. 772.614. TRANSMITTING REQUESTS FOR EMERGENCY AID.

Sec. 772.615. 9-1-1 EMERGENCY SERVICE FEE.

Sec. 772.616. COLLECTION OF FEE.

Sec. 772.617. DISTRICT DEPOSITORY.

Sec. 772.618. ALLOWABLE EXPENSES.

Sec. 772.619. NUMBER AND LOCATION IDENTIFICATION.

Sec. 772.620. PUBLIC REVIEW.

- Sec. 772.621. DISSOLUTION PROCEDURES. (a) If a district is dissolved, 9-1-1 service must be discontinued in compliance with the district's policies and bylaws and must be administered in accordance with Chapter 771.
- (b) The regional planning commission for

- (1) performing all duties required by the board;
- (2) ensuring that board policies and procedures are implemented for the purposes of this subchapter;
- (3) preparing an annual budget; and
- (4) employing and assigning employees of the regional planning commission to perform duties under this subchapter in accordance with the district's approved annual budget.
- (d) The director may use district money to compensate an employee assigned duties under this subchapter.
- (e) The director and an employee assigned duties under this subchapter are employees of the regional planning commission for all purposes.

Sec. 772.610. AUDIT AND REPORTING REQUIREMENTS.

Sec. 772.611. PROVISION OF 9-1-1 SERVICE.

Sec. 772.612. LIABILITY.

Sec. 772.613. PRIMARY EMERGENCY TELEPHONE NUMBER.

Sec. 772.614. TRANSMITTING REQUESTS FOR EMERGENCY AID.

Sec. 772.615. 9-1-1 EMERGENCY SERVICE FEE.

Sec. 772.616. COLLECTION OF FEE.

Sec. 772.617. DISTRICT DEPOSITORY.

Sec. 772.618. ALLOWABLE EXPENSES.

Sec. 772.619. NUMBER AND LOCATION IDENTIFICATION

Sec. 772.620. PUBLIC REVIEW.

- Sec. 772.621. DISSOLUTION PROCEDURES. (a) If a district is dissolved, 9-1-1 service must be discontinued in compliance with the district's policies and bylaws and must be administered in accordance with Chapter 771.
- (b) The regional planning commission for

the district's region shall assume the district's assets, provide 9-1-1 service, and pay the district's debts. If the district's assets are insufficient to retire all existing debts of the district on the date of dissolution, the regional planning commission shall continue to impose the 9-1-1 emergency service fee in compliance with Section 772.615, and each service supplier shall continue to collect the fee for the regional planning commission. Proceeds from the imposition of the fee by the regional planning commission after dissolution of the district may be used only to retire the outstanding debts of the district.

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

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

Sec. 772.622. TRANSFER OF ASSETS. If a district is established under this subchapter, the regional planning commission for the region in which the district is established may transfer to the district any land, buildings, improvements, equipment, and other assets acquired by the regional planning commission in relation to the provision of 9-1-1 service in accordance with Chapter 771.

SECTION 2. Section 771.001(3), Health and Safety Code, is amended.

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

the district's 9-1-1 region shall assume the district's assets, provide 9-1-1 service, and pay the district's debts. If the district's assets are insufficient to retire all existing debts of the district on the date of dissolution, the regional planning commission shall continue to impose the 9-1-1 emergency service fee in compliance with Section 772.615, and each service supplier shall continue to collect the fee for the regional planning commission. Proceeds from the imposition of the fee by the regional planning commission after dissolution of the district may be used only to retire the outstanding debts of the district.

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

(d) The governing body of the regional planning commission for the district's 9-1-1 region may adopt rules necessary to administer this section.

Sec. 772.622. TRANSFER OF ASSETS. If a district is established under this subchapter, the regional planning commission for the 9-1-1 region in which the district is established may transfer to the district any land, buildings, improvements, equipment, and other assets acquired by the regional planning commission in relation to the provision of 9-1-1 service in accordance with Chapter 771.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.