

- SUBJECT:** Creating a regional emergency communications districts
- COMMITTEE:** Special Purpose Districts — favorable, without amendment
- VOTE:** 7 ayes — D. Bonnen, Alvarado, Clardy, Goldman, Krause, Stickland, E. Thompson
- 0 nays
- 2 absent — D. Miller, Lucio
- SENATE VOTE:** On final passage, May 7 — 28-1 (Schwertner)
- WITNESSES:** *(On House companion bill, HB 1124:)*
For — Charles Brotherton, City of Austin; Cynthia Long, Capital Area Council of Governments (CAPCOG) and Williamson County;
(Registered, but did not testify: Todd Baxter, Time Warner Cable; Will Conley, COG Hays County; Deece Eckstein, Travis County Commissioners Court; Rod Ellis, Paul Hopingardner, City of Austin; Danny Hobby)
- Against — *(Registered, but did not testify: Brent Connett, Texas Conservative Coalition)*
- On — Betty Voights, Capital Area Council of Governments; *(Registered, but did not testify: Kelli Merriweather, Commission on State Emergency Communications)*
- BACKGROUND:** Emergency 9-1-1 communications are currently delivered throughout the state by emergency communications districts and by regional planning commissions, both authorized by state law. There are 50 districts operating within 24 regional planning commissions delivering 9-1-1 service.
- The Capital Area Council of Governments (CAPCOG), which serves 10 counties including Travis County, is the only regional planning commission without an emergency communications district operating within its territory. As a result, CAPCOG operates a 9-1-1 system solely through a regional planning commission.

All of these 9-1-1 entities must migrate their infrastructure and call-taking equipment to support a digital 9-1-1 system, commonly referred to as NextGeneration 9-1-1 (NG9-1-1). NG9-1-1 offers added capacity and efficiencies as well as demand for expanded digital services, such as texting, video, and automated warning systems.

Financing 9-1-1 systems is achieved in Texas by all citizens paying a service fee on their telephone bills. The districts receive service fees generated by citizens in their service areas directly while the regional planning commissions receive the service fees paid by their citizens after they are collected and appropriated to the Commission on State Emergency Communications.

DIGEST:

SB 628 would amend Health and Safety Code, ch. 772 to authorize the Capital Area Council of Governments (CAPCOG), which serves 10 counties, including Travis County, to create a regional emergency communications district. The district would be governed by the CAPCOG board and would be effective when all of the counties and municipal governing bodies in the region adopted a resolution.

The bill would include standard definitions and procedures typical of emergency communications districts related to:

- the powers and duties of the district and the board;
- the budget and annual report;
- the provision of 9-1-1 services;
- the imposition of emergency service fees;
- issuance and repayment of bonds; and
- the transfer of assets.

The bill also would change the definition of “emergency communication district” to include districts allowed to be created by the provisions of the bill.

SB 628 would take effect September 1, 2013.

**SUPPORTERS
SAY:**

SB 628 would enable the Capital Area Council of Governments (CAPCOG) to implement a much-needed emergency communications district, which also would speed the implementation of NextGeneration 9-1-1 (NG9-1-1). The 9-1-1 entities serving larger metro areas are under

more pressure to implement NG9-1-1 because of the added capacity and efficiencies achieved, as well as demand for expanded digital services such as texting, video, and automated warning systems. Because emergency communication districts have a predictable source of revenue from emergency service fees paid by district residents to support full deployment of NG9-1-1, a regional planning commission that included one or more emergency communications districts within its territory would be more likely to have the necessary digital infrastructure for NG9-1-1.

The regional planning commissions representing the four largest metro areas are working on implementation of NG9-1-1, as are the various districts. However, one of the regional planning commissions representing a large metro area, CAPCOG, which serves 10 counties including Travis County, has no emergency communication districts operating within its territory, which places it at a disadvantage in implementing NG9-1-1. The 9-1-1 service fees that would go to CAPCOG are deposited into a general revenue dedicated fund account and then appropriated from the Commission on State Emergency Communications, rather than being received directly as is the case with the other regional planning commissions. Capturing the fees in a general revenue dedicated account has created an unpredictable revenue source for CAPCOG, which has resulted in fees paid by area citizens being used to certify the budget instead of for their intended purpose. According to the Legislative Budget Board, the 9-1-1 service fees general revenue dedicated account is among those with the highest balances (\$164.5 million) counted toward certification of the 2012–13 general appropriations bill.

SB 628 would create a regional emergency communications district to allow CAPCOG, which has implemented the digital infrastructure for NG9-1-1 as a regional planning commission system, to begin operating under Health and Safety Code, ch. 772 with the same governing and financing authority as existing metro districts, such as Bexar, Dallas, Harris, and Tarrant. This would ensure a predictable revenue stream to support network and capital contracts necessary for full deployment of a digital network for emergency communication services.

**OPPONENTS
SAY:**

This bill would create an unnecessary, new layer of bureaucracy by creating a special district that would be duplicative of existing service, because the Commission on State Emergency Communications handles 9-1-1 service for one-third of the population, largely in rural areas. Texans

pay fees to fund the agency, but much of these fees are used for funds consolidation rather than their intended purpose.

Also, special purpose districts do not provide services that could not be provided by local governments. The cities and counties should have the power to gather revenue and provide services. This is, again, an extra layer of bureaucracy that could be especially dangerous because these districts have the ability to issue bonds and there is not much oversight or awareness of how much debt a special purpose district can create.

NOTES:

According to the Legislative Budget Board, SB 628 would result in a net loss of revenue to 9-1-1 Service Fees Account 5050 in fiscal 2014-15 of about \$8 million due to the creation of a regional emergency communications district that would remove the need for affected regions to collect fees to participate in the state 9-1-1 system. The loss in fee revenue would be offset to an extent by decreased expenditures from the same fund.