

## BILL ANALYSIS

Senate Research Center  
79R2764 UM-F

S.B. 598  
By: Madla  
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As Filed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Increased federal funding through the United States Department of Homeland Security and other sources has become available to public safety entities in Texas since 2002. Roughly \$50 million of grant funds have been dedicated to the purchase of interoperable public safety radio communications equipment across Texas. Thirty-nine percent of all Homeland Security grants to local entities in 2002 and 2003 and 46 percent of all Homeland Security grants to local entities in 2004, have been used to purchase new interoperable communications equipment.

S.B. 598 establishes an additional fee, to be collected by wireless and wire line telephone service providers, to provide a method of recurring funding at the regional level (similar to the current fifty cent fee to provide 911 emergency call services), dedicated to the provision, maintenance, and operation of public safety radio communications infrastructure across Texas. S.B. 598 would help ensure that there will be funds available on an ongoing basis to operate and maintain new public safety communications infrastructures currently being purchased with federal funds and that this new infrastructure would not fall into a state of disrepair and neglect because of a lack of funding at the local level, as has been the case historically. S.B. 598 allows each regional council of government's board of directors, comprised of local county judges and mayors, to "opt in" to the proposed recurring funding plan and then set the appropriate rate (not to exceed fifty cents per phone line) for their respective regions. Studies have shown that much of the existing public safety communications infrastructure in Texas is aged, and in various states of disrepair, mainly due to the lack of available local funding for maintaining the existing systems. This new funding would provide for state of the art connectivity within and between systems.

### 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. Amends Chapter 771, Health and Safety Code, by adding Subchapter F, as follows:

#### SUBCHAPTER F. EMERGENCY RADIO INFRASTRUCTURE

Sec. 771.151. DEFINITIONS. Defines "emergency radio infrastructure," "local exchange access line," and "equivalent local exchange access line."

Sec. 771.152. APPLICATION OF SUBCHAPTER. Provides that this subchapter applies to certain regional planning commissions (commission).

Sec. 771.153. EMERGENCY RADIO INFRASTRUCTURE FEE. (a) Authorizes a commission, notwithstanding Section 391.011, to impose an emergency radio infrastructure fee (fee) to provide and maintain an emergency radio infrastructure, on each local exchange access line or equivalent local exchange access line, in the territory of the commission if authorized to do so by a majority vote of the governing body of the commission.

(b) Requires, if a business service user provides residential facilities, each line that terminates at a residential unit, and that is a communication link equivalent to

a residential local exchange access line, to be charged the fee. Prohibits the fee from being imposed on a line to coin-operated public telephone equipment or to public telephone equipment operated by coin or by card reader and from being imposed on any line that the commission excluded from the definition of a local exchange access line or an equivalent local exchange access line under Section 771.063, Health and Safety Code.

(c) Prohibits the amount of the fee from exceeding 50 cents a month for each line and requires the governing body of the commission to set the fee annually.

(d) Provides that a fee imposed under this section is in addition to any other fee authorized by this chapter.

Sec. 771.154. COLLECTION OF FEE. Provides that a customer on which a fee is imposed under this subchapter is liable for the fee in the same manner as the customer is liable for the charge for services provided by the local exchange service supplier. Sets forth guidelines for the collection of fees. Requires a supplier to maintain certain records for certain time periods. Authorizes the commission to require an annual audit of a supplier's books and records. Authorizes a supplier to retain an administrative fee from the fees collected. Provides that a supplier is not required to take legal action to enforce the collection of fees. Requires the supplier to provide the commission with certain information regarding delinquent fees. Authorizes the commission to institute legal action and internal collection procedures relating to delinquent fees. Provides that certain court costs and fees may be awarded if legal proceedings are established. Establishes an annual rate of interest on a delinquent fee.

Sec. 771.155. FUNDS. Authorizes a commission to apply for, contract for, receive, and expend to provide or maintain emergency radio infrastructure in its territory a grant or funds from a participating governmental unit, the state, the federal government, or other sources. Authorizes a participating government or the state to appropriate funds to a commission for the costs and expenses required to provide and maintain an emergency radio infrastructure.

Sec. 771.156. BUDGET. Requires the governing body of the commission, annually, to adopt a budget under which the fees collected under this subchapter are used to plan, administer, provide, and maintain the regional emergency radio infrastructure.

SECTION 2. Effective date: September 1, 2005.