

BILL ANALYSIS

Senate Research Center
82R5632 NAJ-D

H.B. 1861
By: Anchia (Whitmire)
Government Organization
4/27/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Commission on State Emergency Communications (CSEC) preserves and enhances public safety in Texas. CSEC contracts with 24 regional planning commissions to provide 9-1-1 service to about one-third of Texans in mostly rural areas. Service is limited to the delivery of emergency calls and does not include the answering of the call or dispatch of emergency services; emergency communications districts and municipal emergency communications districts provide 9-1-1 service to the rest of the state. CSEC administers the Texas Poison Control Network by funding and overseeing the six regional poison control centers. These centers provide treatment information through a toll-free number to persons suspecting a poisoning or toxic exposure.

CSEC is subject to the Sunset Act and will be abolished on September 1, 2011, unless continued in existence by the legislature. The Sunset Advisory Commission found that Texas has a clear and ongoing need to provide emergency communications services, but that the current 9-1-1 system has not kept pace with evolving technologies. As a result, the state does not have a statewide, digital emergency communications system.

Major provisions in H.B. 1861 include continuing CSEC for 12 years; authorizing CSEC to coordinate and lead the development and implementation of an interconnected state-level digital emergency communications network (Next Generation Emergency Communications System or NG9-1-1); and requiring CSEC to establish an advisory committee to assist with the development and implementation of the state-level network and the state's Next Generation Emergency Communications System.

H.B. 1861 amends current law relating to the continuation and functions of the Commission on State Emergency Communications.

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 Section 771.032, Health and Safety Code, to provide that unless continued in existence as provided by Chapter 325 (Sunset Law), Government Code, the Commission on State Emergency Communications (CSEC) is abolished and this chapter expires September 1, 2023, rather than September 1, 2011.

SECTION 2. Amends Subchapter B, Chapter 771, Health and Safety Code, by adding Section 771.040, as follows:

Sec. 771.040. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) Requires CSEC to develop and implement a policy to encourage the use of:

- (1) negotiated rulemaking procedures under Chapter 2008 (Negotiated Rulemaking), Government Code, for the adoption of CSEC rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 (Alternative Dispute Resolution for Use by Governmental Bodies), Government Code, to assist in the resolution of internal and external disputes under CSEC's jurisdiction.

(b) Requires that CSEC's procedures relating to alternative dispute resolution conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) Requires CSEC to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

SECTION 3. Amends Subchapter C, Chapter 771, Health and Safety Code, by adding Section 771.0511, as follows:

Sec. 771.0511. EMERGENCY SERVICES INTERNET PROTOCOL NETWORK; EMERGENCY COMMUNICATIONS ADVISORY COMMITTEE. (a) Defines "advisory committee" and "state-level emergency services Internet Protocol network" in this section.

(b) Authorizes CSEC, with the assistance of an advisory committee, to coordinate the development, implementation, and management of an interconnected, state-level emergency services Internet Protocol network.

(c) Requires CSEC, if CSEC acts under Subsection (b), to establish policy and oversee agency involvement in the development and implementation of the interconnected, state-level emergency services Internet Protocol network.

(d) Requires CSEC, if CSEC acts under Subsection (b), to appoint an advisory committee. Requires the advisory committee to include at least:

(1) one representative from a regional planning commission;

(2) one representative from an emergency communication district, as that term is defined by Section 771.001(3)(A) (relating to a public agency or group of public agencies acting jointly that provided 9-1-1 service before September 1, 1987); and

(3) one representative from an emergency communication district, as that term is defined by Section 771.001(3)(B) (relating to districts created under certain subchapters).

(e) Requires CSEC, in appointing members of an advisory committee, to consult with regional planning commissions and emergency communication districts throughout the state. Requires CSEC to ensure that each member of the advisory committee has appropriate training, experience, and knowledge in 9-1-1 systems and network management to assist in the implementation and operation of a complex network.

SECTION 4. Effective date: upon passage or September 1, 2011.