

BILL ANALYSIS

Senate Research Center

S.B. 1848
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, 65 percent of the wireless 9-1-1 fee, as defined by Section 771.0711 (Emergency Service Fee For Wireless Telecommunications Connections), Health and Safety Code, and pre-paid 9-1-1 fee revenue, as defined by Section 771.0712 (Prepaid 9-1-1 Emergency Service Fee), Health and Safety Code, is distributed monthly by the Commission on State Emergency Communications (CSEC) to the state's 51 emergency communication districts, the independent local administrators of 9-1-1 service. The remaining 35 percent goes to General Revenue Account 5050. The legislature must then appropriate funds from General Revenue Account 5050 to CSEC, which then distributes it by formula to the Councils of Government to operate 9-1-1 services. Legislative appropriations from General Revenue account 5050 vary from biennium to biennium, resulting in an unstable funding stream for the Councils of Government that is impossible to predict and imperils the delivery of 9-1-1 service. S.B. 1848 would create a stable funding stream for the Councils of Government by instituting a process under which CSEC would distribute wireless 9-1-1 fee and pre-paid 9-1-1 fee revenue directly to the Councils of Government, just as it does to the state's 51 emergency communication districts.

As proposed, S.B. 1848 amends current law relating to the distribution of the emergency service fee for wireless telecommunications connections and the prepaid 9-1-1 emergency service fee.

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 771.056(d), Health and Safety Code, to require the Commission on State Emergency Communications (CSEC), if CSEC approves the regional plan for 9-1-1 service (plan), to allocate to the region from the money collected under Sections 771.071 (Emergency Service Fee) and 771.072 (Equalization Surcharge), rather than Sections 771.071, 771.0711 (Emergency Service Fee for Wireless Telecommunications Connections) and 771.072, and appropriated to CSEC the amount that CSEC considers appropriate to operate 9-1-1 service in the region according to the plan and contracts executed under Section 771.078 (Contracts for Services).

SECTION 2. Amends Sections 771.0711(c) and (g), Health and Safety Code, as follows:

(c) Requires CSEC, not later than the 15th day after the end of the month in which the money is collected, to distribute to each emergency communication district that does not participate in the state system and regional planning CSEC a portion of the money that bears the same proportion to the total amount collected that the population of the area served by the district or regional planning CSEC bears to the population of the state. Deletes existing text requiring that the remaining money collected under Subsection (b) shall be deposited to the 9-1-1 services fee account.

(g) Requires an emergency communication district or regional planning CSEC, rather than CSEC or an emergency services district of a home-rule municipality or an emergency communication district created under Chapter 772 (Local Administration of

Emergency Communications), on receipt of an invoice from a wireless service provider for reasonable expenses for network facilities, including equipment, installation, maintenance, and associated implementation costs, to reimburse the wireless service provider in accordance with state law for all expenses related to 9-1-1 service.

SECTION 3. Amends Sections 771.077(d) and (e), Health and Safety Code, as follows:

(d) Requires the comptroller of public accounts to perform certain actions, including remit to CSEC money collected under this section for fees provided by Sections 771.0711 and 771.0712 (Prepaid 9-1-1 Emergency Service Fee), and associated late penalties.

(e) Requires CSEC to:

(1) distribute, rather than deposit or distribute, the money remitted under Subsection (d)(1) (relating to remitting to CSEC money collected under this section for certain fees) as Section 771.0711 provides for fees received under that section and Section 771.0712; and

(2) distribute the money remitted under Subsection (d)(2) (relating to depositing to the 9-1-1 services fee account any money collected for certain fees) and appropriated to CSEC under contracts as provided by Section 771.078(b), rather than Section 771.078(b)(1).

SECTION 4. Amends Section 771.078(b), Health and Safety Code, as follows:

(b) Requires CSEC, in making contracts under this section, to ensure that each regional planning CSEC receives an amount of money equal to the total of the revenue from the emergency service fees collected under Section 771.071 that is deposited in the treasury and appropriated to CSEC multiplied by a fraction, the numerator of which is the amount of those fees collected from the region and the denominator of which is the total amount of those fees collected in this state, rather than money for 9-1-1 service in two separately computed amounts as provided by this subsection. Deletes existing text requiring CSEC to provide each regional planning CSEC with an amount of money equal to the total of the revenue from the emergency service fee for wireless telecommunications connections under Section 771.0711 that is deposited in the treasury and appropriated to CSEC multiplied by a fraction, the numerator of which is the population of the region and the denominator of which is the population of this state.

SECTION 5. Amends Section 771.079(b), Health and Safety Code, to provide that the account consists of certain amounts, including fees deposited in the fund as provided by Section 771.071, rather than Sections 771.071 and 771.0711.

SECTION 6. Provides that the changes in law made by this Act apply only to fees collected after September 1, 2011.

SECTION 7. Effective date: September 1, 2011.