

By: Stephenson

H.B. No. 2911

A BILL TO BE ENTITLED

AN ACT

relating to establishment of statewide and local emergency communications grant programs and financing of state emergency communications.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 771.051(a), Health and Safety Code, is amended to read as follows:

(a) The commission is the state's authority on emergency communications. The commission shall:

(1) administer the implementation of statewide 9-1-1 service and the poison control network, including poison control centers under Chapter 777;

(2) develop minimum performance standards for equipment and operation of 9-1-1 service to be followed in developing regional plans under Section 771.055, including requirements that the plans provide for:

(A) automatic number identification by which the telephone number of the caller is automatically identified at the public safety answering point receiving the call; and

(B) other features the commission considers appropriate;

(3) examine and approve or disapprove regional plans as provided by Section 771.056;

(4) recommend minimum training standards, assist in

1 training, and provide assistance in the establishment and operation
2 of 9-1-1 service;

3 (5) allocate money to prepare and operate regional
4 plans as provided by Section 771.056;

5 (6) develop and provide public education materials and
6 training;

7 (7) plan, implement, operate, and maintain poison
8 control center databases and assist in planning, supporting, and
9 facilitating 9-1-1 databases, as needed;

10 (8) provide grants or contracts for services that
11 enhance the effectiveness of emergency services [~~9-1-1 service~~];

12 (9) coordinate emergency communications services and
13 providers;

14 (10) make reasonable efforts to gain voluntary
15 cooperation in the commission's activities of emergency
16 communications authorities and providers outside the commission's
17 jurisdiction, including:

18 (A) making joint communications to state and
19 federal regulators; and

20 (B) arranging cooperative purchases of equipment
21 or services; and

22 (11) accept, receive, and deposit in its account in
23 the general revenue fund gifts, grants, and royalties from public
24 and private entities. Gifts, grants, and royalties may be used for
25 the purposes of the commission.

26 SECTION 2. Section 771.056(d), Health and Safety Code, is
27 amended to read as follows:

1 (d) If the commission approves the plan, it shall allocate
2 to the region from the money collected under Sections 771.071,
3 771.0711, and 771.072 ~~[and appropriated to the commission the~~
4 ~~amount that the commission considers appropriate to operate 9-1-1~~
5 ~~service in the region]~~ according to the plan and contracts executed
6 under Section 771.078.

7 SECTION 3. Sections 771.071(e) and (f), Health and Safety
8 Code, are amended to read as follows:

9 (e) A service provider shall collect the fees imposed on its
10 customers under this section. Not later than the 30th day after
11 the last day of the month in which the fees are collected, the
12 service provider shall deliver the fees to the comptroller. The
13 comptroller shall deposit money from the fees to the credit of the
14 9-1-1 services fee ~~[account in the general revenue]~~ fund. The
15 comptroller may establish alternative dates for payment of fees
16 under this section, provided that the required payment date be no
17 earlier than the 30th day after the last day of the reporting period
18 in which the fees are collected.

19 (f) The commission shall distribute money ~~[appropriated to~~
20 ~~the commission]~~ from the 9-1-1 services fee fund to regional
21 planning commissions for use in providing 9-1-1 services as
22 provided by contracts executed under Section 771.078 and as
23 otherwise required or authorized by this subchapter. The regional
24 planning commissions shall distribute the money to public agencies
25 for use in providing those services.

26 SECTION 4. Sections 771.0711(b) and (c), Health and Safety
27 Code, are amended to read as follows:

1 (b) A wireless service provider shall collect the fee in an
2 amount equal to 50 cents a month for each wireless
3 telecommunications connection from its subscribers and shall pay
4 the money collected to the comptroller not later than the 30th day
5 after the last day of the month during which the fees were
6 collected. The comptroller may establish alternative dates for
7 payment of fees under this section. The wireless service provider
8 may retain an administrative fee of one percent of the amount
9 collected. The comptroller shall deposit the money from the fees to
10 the credit of the 9-1-1 services fee fund ~~[account]~~. ~~[Until~~
11 ~~deposited to the credit of the 9-1-1 services fee account as~~
12 ~~required by Subsection (c), money the comptroller collects under~~
13 ~~this subsection remains in a trust fund with the state treasury.]~~

14 (c) Money collected under Subsection (b) may be used only
15 for services related to 9-1-1 services, including automatic number
16 identification and automatic location information services, or as
17 authorized by this subchapter ~~[Section 771.079(c)]~~. Not later
18 than the 15th day after the end of the month in which the money is
19 collected, the commission shall distribute to each emergency
20 communication district that does not participate in the state
21 system a portion of the money that bears the same proportion to the
22 total amount collected that the population of the area served by the
23 district bears to the population of the state. The remaining money
24 collected under Subsection (b) shall be deposited to the 9-1-1
25 services fee fund ~~[account]~~.

26 SECTION 5. Section 771.072(f), Health and Safety Code, is
27 amended to read as follows:

(f) The comptroller shall deposit the surcharges ~~[and any prior balances in accounts]~~ in the 9-1-1 services fee fund ~~[general revenue fund in the state treasury until they are allocated to regional planning commissions, other 9-1-1 jurisdictions, and regional poison control centers in accordance with this section].~~ ~~[From those accounts, the amount necessary for the commission to fund approved plans of regional planning commissions and regional poison control centers and to carry out its duties under this chapter shall be appropriated to the commission. Section 403.095, Government Code, does not apply to an account established by this subsection.]~~

SECTION 6. Sections 771.077(d) and (e), Health and Safety Code, are amended to read as follows:

(d) The comptroller shall:

(1) deposit to the 9-1-1 services fee fund ~~[remit to the commission]~~ money collected under this section for fees provided by Section 771.0711 and associated late penalties;

(2) deposit to the 9-1-1 services fee fund ~~[account]~~ any money collected under this section for fees provided by Section 771.071 and associated late penalties; and

(3) deposit to the 9-1-1 services fee fund ~~[account]~~ as authorized by Section 771.072 any money collected under this section for fees provided by Section 771.072 and associated late penalties.

(e) The commission shall ~~[+~~

~~[(1) deposit or]~~ distribute the money deposited ~~[remitted]~~ under Subsection (d) ~~[(d)(1) as Section 771.0711~~

1 ~~provides for fees received under that section; and~~

2 ~~[(2) distribute the money remitted under Subsection~~
3 ~~(d)(2) and appropriated to the commission under contracts]~~ as
4 provided by Section [771.078](#) ~~[771.078(b)(1)]~~.

5 SECTION 7. Section [771.078\(b\)](#), Health and Safety Code, is
6 amended to read as follows:

7 (b) In making contracts under this section, the commission
8 shall ensure that each regional planning commission receives money
9 for 9-1-1 service in two separately computed amounts as provided by
10 this subsection. The commission must provide each regional
11 planning commission with:

12 (1) an amount of money equal to 75 percent of the total
13 of the revenue from the emergency service fees collected under
14 Section [771.071](#) that is deposited in the 9-1-1 services fee fund
15 ~~[treasury and appropriated to the commission]~~ multiplied by a
16 fraction, the numerator of which is the amount of those fees
17 collected from the region and the denominator of which is the total
18 amount of those fees collected in this state; ~~and~~

19 (2) an amount of money equal to 75 percent of the total
20 of the revenue from the emergency service fee for wireless
21 telecommunications connections under Section [771.0711](#) that is
22 deposited in the 9-1-1 services fee fund ~~[treasury and appropriated~~
23 ~~to the commission]~~ multiplied by a fraction, the numerator of which
24 is the population of the region and the denominator of which is the
25 population of this state; and

26 (3) an amount of money equal to 75 percent of the total
27 of the revenue from the surcharges collected under Section [771.072](#)

1 that is deposited in the 9-1-1 services fee fund multiplied by a
2 fraction, the numerator of which is the amount of those surcharges
3 collected from the region and the denominator of which is the total
4 amount of those surcharges collected in this state.

5 SECTION 8. Subchapter D, Chapter 771, Health and Safety
6 Code, is amended by adding Sections 771.080 and 771.081 to read as
7 follows:

8 Sec. 771.080. 9-1-1 SERVICES FEE FUND. (a) The 9-1-1
9 services fee fund is created as a trust fund outside the state
10 treasury to be held by the Texas Treasury Safekeeping Trust Company
11 and administered by the commission under this section and rules
12 adopted by the commission.

13 (b) The 9-1-1 services fee fund is composed of fees and
14 surcharges collected under this subchapter. The commission may
15 disburse, without an appropriation, money held in the fund to
16 regional planning commissions only:

17 (1) as otherwise provided by this subchapter; and
18 (2) to emergency responders and poison control centers
19 under the statewide emergency communications grant program
20 established under Section 771.081.

21 (c) Money in the fund may not be used for salaries,
22 pensions, health care, or similar benefit programs for employees or
23 volunteers.

24 (d) The commission shall disburse 75 percent of the funds
25 deposited in the 9-1-1 services fee fund in a fiscal year to
26 regional planning commissions in the manner provided by Section
27 [771.078\(b\).](#)

1 (e) The commission shall disburse 25 percent of the funds
2 deposited in the 9-1-1 services fee fund in a fiscal year to
3 emergency responders and poison control centers under the statewide
4 emergency communications grant program established under Section
5 771.081 and the grant program established under Section 777.009.
6 The commission may not disburse funds under this subsection if the
7 amount disbursed exceeds 50 percent of the amount in the fund at the
8 beginning of the fiscal year.

9 (f) The commission may use funds from the 9-1-1 services fee
10 fund to pay the costs of administering this subchapter.

11 Sec. 771.081. STATEWIDE EMERGENCY COMMUNICATIONS GRANT
12 PROGRAM. (a) In this section, "capital asset" means a physical
13 item, including a fire truck, ambulance, police vehicle, hose,
14 stretcher, defibrillator, bulletproof vest, and police body
15 camera, necessary to provide emergency services.

16 (b) The commission shall establish and maintain a statewide
17 emergency communications grant program to finance the provision of
18 capital assets to emergency responders and poison control centers.

19 (c) If an emergency responder or poison control center is
20 located in an area in which residents pay a fee or surcharge under
21 this subchapter, the emergency responder or poison control center
22 may apply for financing the provision of a capital asset under the
23 statewide emergency communications grant program. The commission
24 shall determine whether to approve a grant based on the applicant's
25 financial need and commission rules. If the commission approves
26 the grant, the comptroller shall disburse the approved amount from
27 the 9-1-1 services fee fund to the applicant.

SECTION 9. Section 771.106(a), Health and Safety Code, is amended to read as follows:

(a) Money [~~in the 9-1-1 services fee fund and other state funds~~] may be appropriated to The University of Texas Medical Branch at Galveston on behalf of the center to fund the program.

SECTION 10. Subchapter A, Chapter 772, Health and Safety Code, is amended by adding Sections 772.004 and 772.005 to read as follows:

Sec. 772.004. SURPLUS TRANSFER; ADDITIONAL PUBLIC PURPOSE.

(a) In this section, "district" means an emergency communications district created under this chapter.

(b) At the end of each fiscal year, each district shall transfer surplus revenue to a special reserve account in an amount equal to 24 months of estimated operating expenses for the district.

(c) After transferring surplus revenue under Subsection (b), each district shall transfer:

(1) 10 percent of any remaining surplus revenue to the special reserve account described by Subsection (b);

(2) 50 percent of any remaining surplus revenue to an account for the district's local emergency communications grant program; and

(3) 40 percent of any remaining surplus revenue to each local emergency services district located in the district, on a pro rata basis, to reduce the effective tax rate and rollback tax rate of the emergency services districts under Section 775.0755.

(d) If the district receives funds remanded to the district

under Section 775.0755(d), the district shall reduce a fee assessed under this chapter by the amount that would have produced the amount remanded to the district under Section 775.0755(d).

(e) Notwithstanding any other law, the public purpose of an emergency communications district includes the provision of emergency services.

Sec. 772.005. LOCAL EMERGENCY COMMUNICATIONS GRANT PROGRAM. (a) In this section:

(1) "Capital asset" means a physical item, including a fire truck, ambulance, police vehicle, hose, stretcher, defibrillator, bulletproof vest, and police body camera, necessary to provide emergency services.

(2) "District" means an emergency communications district created under this chapter.

(b) Each district shall establish and maintain a local emergency communications grant program to finance the provision of capital assets to local emergency responders and regional poison control centers.

(c) A local emergency responder or regional poison control center may apply for financing of the provision of a capital asset under the local emergency communications grant program. The applicable district shall determine whether to approve a grant based on the applicant's financial need and rules adopted by the Commission on State Emergency Communications. If the district approves the grant, the district shall disburse the approved amount to the applicant.

SECTION 11. The heading to Section [773.122](#), Health and

1 Safety Code, is amended to read as follows:

2 Sec. 773.122. PAYMENTS FROM THE ACCOUNT [~~ACCOUNTS~~].

3 SECTION 12. Sections 773.122(a), (c), (d), (e), (f), and
4 (g), Health and Safety Code, are amended to read as follows:

5 (a) The commissioner, with advice and counsel from the
6 chairpersons of the trauma service area regional advisory councils,
7 shall use money in the account [~~accounts~~] established under Section
8 [~~Sections 771.072(f) and~~ 773.006 to fund county and regional
9 emergency medical services, designated trauma facilities, and
10 trauma care systems in accordance with this section.

11 (c) In any fiscal year the commissioner shall use 50 percent
12 of the appropriated money remaining from the account [~~accounts~~],
13 after any amount necessary to maintain the reserve established by
14 Subsection (b) is deducted, to fund, in connection with an effort to
15 provide coordination with the appropriate trauma service area, the
16 cost of supplies, operational expenses, education and training,
17 equipment, vehicles, and communications systems for local
18 emergency medical services. The money shall be distributed on
19 behalf of eligible recipients in each county to the trauma service
20 area regional advisory council for that county. To receive a
21 distribution under this subsection, the regional advisory council
22 must be incorporated as an entity that is exempt from federal income
23 tax under Section 501(a), Internal Revenue Code of 1986, and its
24 subsequent amendments, by being listed as an exempt organization
25 under Section 501(c)(3) of the code. The share of the money
26 allocated to the eligible recipients in a county's geographic area
27 shall be based on the relative geographic size and population of the

county and on the relative number of emergency or trauma care runs performed by eligible recipients in the county. Money that is not disbursed by a regional advisory council to eligible recipients for approved functions by the end of the fiscal year in which the funds were disbursed may be retained by the regional advisory council to be used during the following fiscal year in accordance with this subsection. Money that is not disbursed by the regional advisory council during the following fiscal year shall be returned to the account.

(d) In any fiscal year, the commissioner may use not more than 20 percent of the appropriated money remaining from the account [~~accounts~~], after any amount necessary to maintain the reserve established by Subsection (b) is deducted, for operation of the 22 trauma service areas and for equipment, communications, and education and training for the areas. Money distributed under this subsection shall be distributed on behalf of eligible recipients in each county to the trauma service area regional advisory council for that county. To receive a distribution under this subsection, the regional advisory council must be incorporated as an entity that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt organization under Section 501(c)(3) of the code. A regional advisory council's share of money distributed under this section shall be based on the relative geographic size and population of each trauma service area and on the relative amount of trauma care provided. Money that is not disbursed by a regional advisory council to eligible recipients for approved

functions by the end of the fiscal year in which the funds were disbursed may be retained by the regional advisory council to be used during the following fiscal year in accordance with this subsection. Money that is not disbursed by the regional advisory council during the following fiscal year shall be returned to the account.

(e) In any fiscal year, the commissioner may use not more than three percent of the appropriated money from the account ~~[accounts]~~ after any amount necessary to maintain the reserve established by Subsection (b) is deducted to fund the administrative costs of the bureau of emergency management of the department associated with administering the state emergency medical services program, the trauma program, and the account ~~[accounts]~~ and to fund the costs of monitoring and providing technical assistance for those programs and the account ~~[accounts]~~.

(f) In any fiscal year, the commissioner shall use at least 27 percent of the appropriated money remaining from the account ~~[accounts]~~ after any amount necessary to maintain the reserve established by Subsection (b) is deducted and the money from the account ~~[accounts]~~ not otherwise distributed under this section to fund a portion of the uncompensated trauma care provided at facilities designated as state trauma facilities by the department. The administrator of a designated facility may request a regional advisory council chairperson to petition the department for disbursement of funds to a designated trauma facility in the chairperson's trauma service area that has provided uncompensated trauma care. Funds may be disbursed under this subsection based on

1 a proportionate share of uncompensated trauma care provided in the
2 state and may be used to fund innovative projects to enhance the
3 delivery of patient care in the overall emergency medical services
4 and trauma care system.

5 (g) The department shall review the percentages for
6 disbursement of funds in the account [~~accounts~~] on an annual basis
7 and shall make recommendations for proposed changes to ensure that
8 appropriate and fair funding is provided under this section.

9 SECTION 13. Section 773.123, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 773.123. CONTROL OF EXPENDITURES FROM ACCOUNT
12 [~~ACCOUNTS~~]. Money distributed from the account [~~accounts~~]
13 established under Section [~~Sections 771.072(f) and~~] 773.006 shall
14 be used in accordance with Section 773.122 on the authorization of
15 the executive committee of the trauma service area regional
16 advisory council.

17 SECTION 14. Subchapter E, Chapter 775, Health and Safety
18 Code, is amended by adding Section 775.0755 to read as follows:

19 Sec. 775.0755. TEMPORARY REDUCTION OF AD VALOREM TAX RATE.

20 (a) If the district receives funds under Section 772.004, the
21 district shall reduce the effective tax rate and rollback tax rate
22 for the district in the manner provided by this section.

23 (b) Notwithstanding Chapter 26, Tax Code, in any year in
24 which the district receives funds under Section 772.004, the
25 effective tax rate and rollback tax rate for the district are
26 calculated according to the following formulas:

27 EFFECTIVE TAX RATE = [(LAST YEAR'S LEVY - LOST PROPERTY

LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] -

COMMUNICATIONS DISTRICT GAIN RATE

and

ROLLBACK TAX RATE = (EFFECTIVE MAINTENANCE AND

OPERATIONS RATE x 1.08) + CURRENT DEBT RATE -

COMMUNICATIONS DISTRICT GAIN RATE

where "communications district gain rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that would have been generated by the amount received under Section 772.004 by the current total value.

(c) Notwithstanding Chapter 26, Tax Code, in a year in which a district that has received funds under Section 772.004 does not receive funds under Section 772.004, the effective tax rate and rollback tax rate for the district are calculated according to the following formulas:

EFFECTIVE TAX RATE = [(LAST YEAR'S LEVY - LOST PROPERTY

LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] +

COMMUNICATIONS DISTRICT LOSS RATE

and

ROLLBACK TAX RATE = [(LAST YEAR'S MAINTENANCE AND

OPERATIONS EXPENSE x 1.08) / (CURRENT TOTAL VALUE - NEW

PROPERTY VALUE)] + CURRENT DEBT RATE

where "communications district loss rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the amount received under Section 772.004 for the previous tax year by the current total value and "last year's maintenance and operations expense" means the amount spent for maintenance and operations from

1 property tax and revenues under Section 772.004 in the preceding
2 year.

3 (d) If the district has funds remaining from the funds
4 transferred under Section 772.004 after reducing the effective tax
5 rate to zero under this section, the district shall remand the
6 remaining funds back to the entity that transferred the funds under
7 Section 772.004.

8 SECTION 15. (a) Sections 771.072(d), (e), and (g),
9 771.075, 771.077(b), 771.078(e), and 771.079, Health and Safety
10 Code, are repealed.

11 (b) Section 771.0751, Health and Safety Code, as added by
12 Chapter 258 (H.B. 1771), Acts of the 78th Legislature, Regular
13 Session, 2003, and Section 771.0751, Health and Safety Code, as
14 added by Chapter 1324 (H.B. 3491), Acts of the 78th Legislature,
15 Regular Session, 2003, are repealed.

16 SECTION 16. This Act takes effect September 1, 2015.