

CHAPTER 246

H.B. No. 252

An Act relating to the administration of a 9-1-1 emergency telephone number system in certain counties and adjacent territory.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 10(c) and (f), 9-1-1 Emergency Number Act (Article 1432c, Vernon's Texas Civil Statutes), are amended to read as follows:

(c) A governing body of a public agency voting at a later date to participate in the district must have the 9-1-1 emergency service fee charged beginning on the date *specified by the board* ~~the governing body passes the resolution or order formally making the public agency a participating jurisdiction of the district~~. *The board may charge the incoming jurisdiction an additional amount of money to cover the initial cost of providing the service to the incoming jurisdiction.* At the time territory is added to a district under Section 4 of this Act, the 9-1-1 emergency service fee that the board has already been authorized to charge applies to the added territory.

(f) The board shall give notice of the election by posting the notice of the election in each election precinct in the district not later than the 20th day before the day of the election ~~or~~ by publishing the notice at least one time, not before the 25th day nor after the 10th day before the day of the election, in at least one daily newspaper of general circulation published in the district. The board shall include in the notice the nature and date of the election, the hours during which the polls will be open, the location of the polling places, and a description of the nature and maximum rate of the proposed 9-1-1 emergency service fee and the nature and proposed territory of the district. Except as provided by this section, the election shall be held to the extent practicable in accordance with the general election laws. A copy of the notice of the election shall be given to the county clerk of the county covered by this Act.

SECTION 2. Section 11(a), 9-1-1 Emergency Number Act (Article 1432c, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The district, when created and confirmed, constitutes a public body corporate and politic, exercising public and essential governmental functions, having all the powers necessary or convenient to effect the purposes and provisions of this Act, including the capacity to sue or be sued. The district shall function in accordance with this Act, and the board may levy and collect the proposed 9-1-1 emergency service fee. ~~The board shall adopt an order specifying~~ *establishing the creation of the district shall specify* the date of the commencement of the levy and collection of the 9-1-1 emergency service fee.

SECTION 3. Section 13(a), 9-1-1 Emergency Number Act (Article 1432c, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) A 9-1-1 emergency service fee may be imposed only upon the base rate charges or their equivalent, exclusive of coin-operated telephone equipment. The fee may not be imposed upon more than 100 local exchange access lines/trunks or their equivalent per entity per location. Every billed service user is liable for any fee imposed under this subsection until it has been paid to the service supplier. The duty of the service supplier to collect the fee begins on the date of its implementation which shall be specified in the ~~order adopted by the board~~ *resolution calling the election*. The 9-1-1 emergency service fee shall be added to and shall be stated separately in the billing by the service supplier to the service user.

SECTION 4. Section 15(d), 9-1-1 Emergency Number Act (Article 1432c, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) If a district is dissolved under this Act, the 9-1-1 service shall be discontinued on the date of the dissolution. The commissioners court of the county in which the principal part of the district was located shall assume the assets of the district and pay the debts of the district. If the assets of the district are insufficient to retire *all existing debts* ~~the outstanding bonded indebtedness~~ of the district *as of the date of dissolution*, the commissioners court shall continue to levy the 9-1-1 emergency service fee, the proceeds from which may be used only to retire the outstanding ~~debts~~ *debts* ~~bonded indebtedness~~ of the district. The commissioners court shall retire the ~~debts~~ *debts* ~~indebtedness~~ of the district to the extent practicable in accordance with the terms of the *instruments creating the debts* ~~bonds~~ and the terms of the orders and resolutions authorizing their ~~creation~~ *issuance*. The service supplier shall continue to collect the 9-1-1 emergency service fee and shall pay the fee to the commissioners court. The commissioners court by order may adopt regulations necessary to administer this subsection.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 28, 1985, by a non-record vote; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 4, 1985

Effective: August 26, 1985