

CHAPTER 820

S.B. No. 851

An Act relating to the creation, expansion, administration, operation, and funding of certain emergency communication districts; amending the Emergency Communication District Act, as amended (Article 1432d, Vernon's Texas Civil Statutes), by amending Subdivision (6) and adding Subdivision (24) to Section 3; and amending Sections 4 and 27; Subsection (b), Section 6; Subsection (b), Section 7; Subsections (a) and (b), Section 10; Subsections (b) and (i), Section 11; and Subsection (c), Section 14.

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

SECTION 1. Section 3, Emergency Communication District Act (Article 1432d, Vernon's Texas Civil Statutes), is amended by amending Subdivision (6) and adding Subdivision (24) to read as follows:

"(6) 'Most populous city' means *the* [a] city located entirely within the county in which the district is located that has a population of more than 150,000 according to the most recent federal census *and that, of the cities located entirely within that county, has the largest population according to the most recent federal census.*"

"(24) 'Second most populous city' means *a city that is located entirely within the county in which the district is located and that, of the cities located entirely within that county, ranks second in population according to the most recent federal census.*"

SECTION 2. Sections 4 and 27, Emergency Communication District Act (Article 1432d, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 4. APPLICATION: **BOUNDARIES OF DISTRICT [TERRITORY].** (a) This Act applies only to counties with a population of more than 860,000 according to the most recent federal census.

"(b) If a city that is a part of a district annexes additional territory that is not a part of the district, the annexed territory becomes part of the district."

"Section 27. **ADDING OTHER PUBLIC AGENCIES.** After creation of the district, any public agency in the county in which the district is located or any public agency *a* ~~an~~ part of which is located in an adjoining county may become a part of the district and subject to its benefits and requirements on adoption of a resolution by its governing board and approval by the district's board."

SECTION 3. Subsection (b), Section 6, Emergency Communication District Act (Article 1432d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The governing bodies under Subdivision (4) [~~(3)~~] of Subsection (a) of this section by agreement of their presiding officers shall establish the time and place to meet and the procedures for selecting *the member* [~~members~~] of the board."

SECTION 4. Subsection (b), Section 7, Emergency Communication District Act (Article 1432d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) One time each year, as soon as practicable after the close of the fiscal year, the director shall prepare and present to the board and to all participating public agencies a full, sworn, written statement of all money received by the district and how the money was used. The report must state in detail the operations of the district for the fiscal year. Under the direction of the board, the director shall prepare an annual budget that must be approved by the board and then presented to the commissioners court of the county *in which the majority of the district is located*, the governing bodies of the most populous cities, and the other participating jurisdictions in the district for final approval. For approval, the commissioners court and the governing bodies of the most populous city *and the second most populous city* [~~cities~~] must approve the budget, and a majority of the remaining participating jurisdictions must approve the budget, that approval to be given by the mayor's council established to administer urban development block grant funds if such a mayor's council exists, and if a mayor's council does not exist, then by *the majority of the*

governing bodies of all other cities and towns lying wholly or partly within the district. In like manner, all budget revisions must be approved by the board, the commissioners court, the most populous city and the second most populous city [cities], and a majority of the remaining participating jurisdictions. Annually, the board shall have an independent financial audit of the district performed."

SECTION 5. Subsections (a) and (b), Section 10, Emergency Communication District Act (Article 1432d, Vernon's Texas Civil Statutes), are amended to read as follows:

"(a) A 9-1-1 system established under this Act must be capable of transmitting requests for fire-fighting, law enforcement, ambulance, and medical services to a public safety agency or agencies that provide the requested service in the jurisdiction at the place where the call originates. A 9-1-1 system may also provide for transmittal of requests for other emergency services including poison control, suicide prevention, and civil defense, *with the approval of the board and the consent of the participating jurisdiction.*

"(b) A 9-1-1 PSAP may transmit emergency response requests to private safety entities *with the approval of the board and the consent of the participating jurisdiction.*"

SECTION 6. Subsections (b) and (i), Section 11, Emergency Communication District Act (Article 1432d, Vernon's Texas Civil Statutes), are amended to read as follows:

"(b) The board may charge a 9-1-1 emergency service fee at a rate not to exceed three percent of the base rate of the principal service supplier per service user [year] per month in the participating jurisdictions. The 9-1-1 emergency service fee must have uniform application and must be imposed within all participating jurisdictions."

"(i) The cost of the election shall be divided equally *among [between]* the county and the most populous city and the second most populous city [cities] in the proposed district."

SECTION 7. Subsection (c), Section 14, Emergency Communication District Act (Article 1432d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) The board shall set the amount of the fee each year as part of the annual budget, and the service supplier shall be given at least 90 days' notice of a change in the fee. The amounts collected by the service supplier attributable to any 9-1-1 emergency service fee shall be due monthly. The amount of the fee collected in any one calendar month by the service supplier shall be remitted to the district not later than the 60th day after the last day of the calendar month. On or before *the [that]* 60th day, a return, in a form the district prescribes, shall be filed with the district together with a remittance of the amount of fees collected payable to the district. The service supplier shall maintain records of the amount of fees collected for a period of at least two years from the date of collection. The board may require at its expense an annual audit of the service supplier's books and records with respect to the collection and remittance of fees. From the collected 9-1-1 fees to be remitted to the board, the service supplier is entitled to retain as an administrative fee an amount equal to two percent of the collected 9-1-1 fees."

SECTION 8. 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 the Senate on April 18, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved: June 15, 1985

Effective: Immediately