



Mary S. Connor

*Bill Analysis*  
Legislative Service Commission

## **H.B. 152**

123rd General Assembly  
(As Introduced)

**Reps. Logan, Krupinski**

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### **BILL SUMMARY**

- Authorizes the imposition of a maximum 50¢ monthly charge on telephone access lines in a county to fund the operating and equipment costs of establishing and maintaining no more than one public safety answering point (PSAP) of a countywide 9-1-1 system that previously lacked funding.

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### **CONTENT AND OPERATION**

The bill generally provides a county with additional means to fund one PSAP to receive and route calls as part of a countywide 9-1-1 emergency telephone system. It authorizes the imposition of a monthly charge on telephone access lines in the county, which will be collected by the telephone companies involved. The companies will be compensated for remitting collected amounts to the county.

#### **Existing law**

Under existing law, a subdivision that operates a PSAP must pay all the costs associated with establishing, equipping, furnishing, operating, and maintaining that facility. Generally, the subdivision must allocate those costs among itself and the subdivisions served by the PSAP based on an allocation formula specified in the final plan that must be adopted to establish a countywide system. Each subdivision served by a PSAP is required to pay the amount computed under the allocation formula. The procedures and requisite approvals for adopting a final plan are specified in existing law, unchanged by the bill (secs. 4931.40 to 4931.45).

Subdivisions fund their shares of PSAP costs through general funds and through other funding mechanisms specially provided in existing law. Currently, these special mechanisms consist of the following:

(1) Subdivisions, including counties, may seek voter approval of a tax on real and personal property located within the subdivision, in excess of the ten-mill limitation on such taxation, for the express purpose of establishing and operating a 9-1-1 system (sec. 5705.19(BB));

(2) A county may fund the costs of establishing, equipping, and furnishing, or operating and maintaining, PSAPs through a special assessment on improved real property in the county (sec. 4931.51);

(3) A county may fund the costs of implementing and operating PSAPs through a five-year, 1/4 or 1/2 of 1% county sales tax or an increase to 1/2 of 1% (sec. 5739.026(A)(6));

(4) A county that has failed to receive approval of its final 9-1-1 plan or has not implemented the plan due to a lack of funding and that has failed to get voter approval of one of the authorized funding methods listed in (1) to (3) above may fund the necessary equipment costs of establishing and maintaining not more than three PSAPs for a countywide 9-1-1 system, through a monthly charge, not exceeding 50¢ on each residential and business access line in the county. The monthly charge is billed and collected through each telephone company serving the 9-1-1 system, and the company is permitted to retain 3% of any charge it collects as compensation for the cost of collection. (Secs. 4931.52 and 4931.53.)

### **The bill**

The bill authorizes a board of county commissioners of any county for which a 9-1-1 final plan has not been approved or has not been implemented because of a lack of funding to impose a monthly charge, not exceeding 50¢ per month, on each residential and business customer access line or its equivalent within the area served by the 9-1-1 system. The charge would be for the purposes of paying for the operating and equipment costs of establishing and maintaining no more than one PSAP for the 9-1-1 system. (Sec. 4931.53(A) and (B).) Money raised from the monthly charge must be deposited into a special fund of the county treasury, to be used solely for the necessary operating and equipment costs of establishing and maintaining the PSAP (sec. 4931.53(D)).

A resolution that a board must adopt to impose the monthly charge described above must state the amount of the charge and the month the charge will first be imposed, which cannot be any sooner than four months after a special election also called for in the resolution. Before adopting the resolution, the board must hold at least two public hearings on the proposed charge, publishing notice of the hearings before the first hearing, once a week for two consecutive weeks in a newspaper of general circulation in the county. The notice must state the amount

of the proposed charge, an explanation of the necessity for the charge, and the date, time, and location of each of the hearings. (Sec. 4931.53(B).)

The special election called for by the resolution must be on the question of imposing the charge. The question must be submitted to the electors of the county at a special election on the day of the next primary or general election in the county. The board of county commissioners must certify a copy of the resolution to the board of elections not less than 75 days before the day of the special election. The bill prohibits a resolution from taking effect unless approved by a majority of the electors voting on the resolution at the special election. (Sec. 4931.53(C).)

The bill authorizes the board of county commissioners to impose in any year a lesser charge than the amount originally approved by the electors. It prohibits a board from changing the amount of the charge more than once per year. It also prohibits a board from imposing a charge greater than the amount approved by the electors without first holding an election on the question of the greater charge. (Sec. 4931.53(C).)

The bill also provides that, pursuant to voter approval of a monthly charge, the final plan that establishes the 9-1-1 system must be amended by the existing 9-1-1 planning committee, but that amendment is not subject to the approval procedure (in existing sec. 4931.45(A)) that ordinarily applies to an amendment of a final plan. (Sec. 4931.53(E).)

As to the bill's provisions regarding liability for the charge, and collection of the charge by a telephone company and quarterly remittance to the county, the bill relies on the framework applicable to a charge under existing section 4931.52. With respect to that charge and a charge under the bill, a telephone company may retain 3% of any charge it collects as compensation for collection. (Sec. 4931.54.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-08-99	p. 170

H0152-I.123/nlr

