

BILL ANALYSIS

Senate Research Center

H.B. 2746
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

The House Committee on Urban Affairs made recommendations regarding emergency services districts and rural fire prevention districts. Fire fighters need greater flexibility in structuring districts to provide fire protection and emergency services. H.B. 2746 implements some of the recommendations concerning overlapping districts and shared boundaries of districts.

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 775.013(a), Health and Safety Code, to amend the required elements of a petition prescribed by Section 775.011 or 775.012.

SECTION 2. Amends Section 775.020, Health and Safety Code, as follows:

Sec. 775.020. New heading: **OVERLAPPING DISTRICTS LOCATED WHOLLY IN POPULOUS COUNTY**. Provides that this section applies only to a district located wholly in a county with a population of more than three million. Provides that if the elections approving the creation of two or more districts are held on the same date, the most recently created district is the district for which the hearing regarding approval of the petition for creation of the district was most recently held. Deletes a reference to Section 775.016.

SECTION 3. Amends Chapter 775B, Health and Safety Code, by adding Section 775.0205, as follows:

Sec. 775.0205. **OVERLAPPING DISTRICTS**. (a) Provides that if the territory in a district created under this chapter overlaps with the boundaries of another district created under this chapter, a district created under Chapter 776, or a rural fire prevention district created under Chapter 794, the most recently created district is prohibited from providing services in the overlapping territory that duplicate the services provided by the other district.

(b) Provides that if the territory in more than two districts overlaps, the commissioners court of the county in which the most recently created district is located by order is required to exclude the overlapping territory from that district.

(c) Provides that for purposes of this section, a district is created on the date on which the election approving its creation was held. Provides that if the elections approving the creation of two or more districts are held on the same date, the most recently created district is the district for which the hearing regarding approval of the petition for creation of the district was most recently held.

(d) Provides that the creation of a district with boundaries that overlap the boundaries of another district does not affect the validity of either district.

(e) Provides that this section does not apply to a district located wholly in a county with a population of more than three million.

SECTION 4. Amends Section 775.023(b), Health and Safety Code, to amend the required elements of a petition under this section.

SECTION 5. Amends Section 776.013, Health and Safety Code, to amend the required contents of the petition under this section for the creation of a district.

SECTION 6. Amends Section 776.021, Health and Safety Code, to provide that if the territory in a district created under this chapter overlaps with the boundaries of another district created under this chapter, a district created under Chapter 775, or a rural fire prevention district created under Chapter 794, the most recently created district is prohibited from providing services in the overlapping territory that duplicate the services provided by the other district. Provides that if the territory in more than two districts, rather than one or more districts, overlaps, the commissioners court of the county in which the most recently created district is located by order is required to exclude the overlapping territory from that district.

SECTION 7. Amends Section 794.013(a), Health and Safety Code, to amend the required elements of a petition prescribed by Section 794.011 or 794.012.

SECTION 8. Amends Section 794.020, Health and Safety Code, as follows:

Sec. 794.020. New heading: OVERLAPPING DISTRICTS LOCATED WHOLLY IN POPULOUS COUNTY. Makes conforming changes.

SECTION 9. Amends Chapter 794B, Health and Safety Code, by adding Section 794.0205, as follows:

Sec. 794.0205. OVERLAPPING DISTRICTS. (a) Provides that if the territory in a district created under this chapter overlaps with the boundaries of another district created under this chapter or an emergency services district created under Chapter 775 or 776, the most recently created district is prohibited from providing services in the overlapping territory that duplicate the services provided by the other district.

(b) Makes conforming changes.

(c) Makes conforming changes.

(d) Makes conforming changes.

(e) Makes conforming changes.

SECTION 10. Effective date: upon passage or September 1, 2001.