

BILL ANALYSIS

Senate Research Center

S.B. 1021
By: Madla
Intergovernmental Relations
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DIGEST AND PURPOSE

Currently, there are two types of special districts which provide services to the residents within the districts' services boundaries: rural fire prevention districts and emergency services districts. This past interim, the Senate Committee on Intergovernmental Relations studied these districts. Research revealed that while these districts provide similar services, their ability to fund the districts' operations are very different. As proposed, S.B. 1021 provides for the conversion of the remaining rural fire prevention districts to emergency services districts and offers conforming language.

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 Chapter 775B, Health and Safety Code, by adding Section 775.026, as follows:

Sec. 775.026. CONVERSION OF RURAL FIRE PREVENTION DISTRICTS TO EMERGENCY SERVICES DISTRICTS. (a) Provides that each rural fire prevention district created under Chapter 794 is converted to an emergency services district operating under this chapter and has the powers and duties of a district created under this chapter.

(b) Provides that the name of a district converted under this section is changed to “_____Emergency Services District No._____,” with the name of the county or counties in which the district is located and the proper consecutive number inserted.

(c) Provides that the emergency services district to which a rural fire prevention district converts assumes all obligations and outstanding indebtedness of the rural fire prevention district.

(d) Provides that a fire commissioner of a rural fire prevention district is an emergency services commissioner of the converted district on conversion of the district under this section and serves until the term for which the commissioner was appointed or elected expires.

(e) Provides that the converted district, if any portion of a district that converts to an emergency services district under this section is located within the boundaries of another district created this chapter, may not provide, in that portion of the district located within the boundaries of the other district, a service that duplicates a service provided by the other district as of September 1, 2003.

(f) Requires the district, notwithstanding any other provision of this chapter, before a district converted under this section may levy a tax in excess of the maximum rate

allowed for such district prior to conversion, to order an election and requires the ballot for such election to be printed to permit voting for or against the proposition: “To establish the maximum tax rate of _____ County Emergency Services District No. _____ to not exceed the rate allowed under Section 48-e, Article III, Texas Constitution.”

SECTION 2. (a) Amends Section 411.1235(a), Government Code, to replace “a rural fire prevention” district, with an “emergency services” district.

(b) Amends Section 418.109(d), Government Code, to make conforming changes.

(c) Amends Section 419.904, Government Code, as follows:

New heading: TECHNICAL ASSISTANCE TO EMERGENCY SERVICES DISTRICTS. Makes a conforming change.

(d) Amends Section 775.020(b), Health and Safety Code, by adding a new Subsection (b) and relettering Subsections (b)-(d), as follows:

(b) Prohibits the most recently created district, if the territory in a district created under this chapter overlaps with the boundaries of another district created under this chapter, or a district converted as provided under this chapter from a rural fire prevention district created under Chapter 794, from providing services in the overlapping territory that duplicate the services provided by the other district.

Redesignates (b)-(d) as (c)-(e).

(e) Amends Section 775.0205(a), Health and Safety Code, to make conforming changes.

(f) Amends Section 775.031(b), Health and Safety Code, to make a conforming change.

(g) Amends Section 775.032(a), Health and Safety Code, to add new language relating to standards developed by a nationally recognized standards-making association, as defined by the National Fire Protection Association, rather than the State Board of Insurance. Deletes current language from existing text.

(h) Amends Section 775.0741(c), Health and Safety Code, to make a conforming change.

(i) Amends Section 775.0745(a), Health and Safety Code, to add a new condition relating to the increase in the maximum tax.

(j) Amends Section 776.021(a), Health and Safety Code, to make conforming changes.

(k) Amends Section 776.032(a), Health and Safety Code, to make conforming changes.

(l) Amends Sections 344.051(c)-(f), Local Government Code, to make conforming changes.

SECTION 3. Repealer: Sections 775.023 (Petition for Creation of Emergency Services District) and 775.024 (Election to Create Emergency Services District), Health and Safety Code; and Chapter 794 (Rural Fire Prevention Districts), Health and Safety Code.

SECTION 4. Effective date: September 1, 2003.