

BILL ANALYSIS

Senate Research Center
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H.B. 2348
By: Dutton, Flynn (Whitmire)
Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a municipal utility district has the authority to perform fire-fighting services within its boundaries or to contract with another district or entity for fire-fighting services. One method for a district to provide these services is to enter into a strategic partnership agreement with a municipality under current law to effectuate an annexation for limited purposes until the area can be annexed by the municipality for full purposes. Before a district can establish or contract for the provision of fire-fighting services, it must first adopt a fire plan and have the plan approved by the Texas Commission on Environmental Quality and by the voters within the district. However, absent a full-purpose annexation by a municipality, current law does not authorize the exclusion of land from the boundaries of the current service provider even if superior and more cost-effective municipal services can be provided.

This legislation permits such an exclusion in very limited circumstances where the municipality has the highest rating for Insurance Services Office Public Protection Classification.

H.B. 2348 relates to a contract between a water district and a municipality for the provision of fire-fighting services in certain counties.

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 Subchapter L, Chapter 49, Water Code, by adding Section 49.353, as follows:

Sec. 49.353. MUNICIPAL CONTRACT FOR FIRE-FIGHTING SERVICES IN CERTAIN COUNTIES. (a) Defines "fire-fighting services" in this section.

(b) Provides that this section applies only to a district located wholly or partly in a county with a population of more than 3.3 million and in whose territory an emergency services district that provides fire-fighting services to all or part of the district is wholly or partly located.

(c) Authorizes a district, notwithstanding Section 43.0751(f)(2)(B)(iii) (relating to authorizing a strategic partnership agreement to provide a limited-purpose annexation of a certain district provided that the municipality is not prevented from providing services if the district has obtained the authorization of the governmental entity currently providing the service), Local Government Code, as part of a strategic partnership agreement entered into on or before December 31, 2006, under Section 43.0751 (Strategic Partnerships for Continuation of Certain Districts), Local Government Code, to contract with a municipality whose fire department, on the date the agreement is entered into, has an Insurance Services Office (ISO) Class 1 Public Protection Classification Rating or comparable rating recognized by the state fire marshal for the provision of fire-fighting services to all or part of the district's territory, without the authorization of the emergency services district that provides fire-fighting services to the district immediately before the date on which the agreement takes effect.

(d) Requires that the territory of the district annexed by the municipality for limited purposes and to be served by the municipality under the agreement, if a district enters into a strategic partnership agreement with a municipality that includes the provision of fire-fighting services under this section, be disannexed from the emergency services district in the manner provided by Section 775.022 (Removal of Territory by Municipality), Health and Safety Code, for territory that is annexed by a municipality for full purposes.

(e) Provides that this section does not apply to a strategic partnership agreement that is entered into after December 31, 2006, or amended after December 31, 2006, to include the provision of fire-fighting services.

SECTION 2. Effective date: upon passage or September 1, 2009.