

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 7, 2003

TO: Honorable Glenn Lewis, Chair, House Committee on County Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1022 by Madla (Relating to emergency services districts.), **Committee Report 2nd House, As Amended**

No fiscal implication to the State is anticipated.

Several sections of the Health and Safety Code would be amended by the provisions of the bill. The bill would expand the procedures that a municipality must follow if, upon annexing territory that is in an emergency services district, the municipality intends to provide emergency services to the annexed area and is therefore, removing the territory from the district.

The bill would authorize emergency services districts to contract for law enforcement services or for enforcement of the district's fire code. The district would also be authorized to commission or employ a licensed peace officer. Under current statute, a district may contract for law enforcement services, but may not commission or hire a peace officer.

The fire code in an emergency services district would be required to be similar to standards adopted by a nationally recognized standards-making association. The board, as under current law, would not be allowed to enforce the district's fire code within the boundaries of a municipality that has adopted a fire code, but the proposed changes to statute would provide an exception when an area has been annexed for limited purposes only and in which the municipality does not enforce a fire code.

If a county adopts a fire code and any portion of the county is located in the emergency services district, the district board may continue to enforce its fire code in the area subject to the county fire code. To the extent of any conflict in codes, the more stringent provision would prevail.

The bill would amend the increments of the tax rate a district may impose, allowing a rate from one-eighth of one percent to two percent in increments of one-eighth of one percent. Increments under current law are at a rate of one-half percent, one percent, one and one-half percent, or two percent. The smaller increments would allow more flexibility in setting the tax rate and assist in remaining below the rate cap on the total of combined taxes.

The bill would also authorize a district's board to borrow money and make other financial arrangements to construct emergency services facilities. Under existing statute, districts may borrow money and make other financial arrangements to purchase real property or emergency services equipment, but not emergency services facilities.

County commissioners courts would be required to consider relevant factors in determining the individuals to appoint as emergency services commissioners.

The bill would take effect September 1, 2003.

None of the proposed amendments to statute are expected to impact the state. None of the proposed amendments to statute are anticipated to have a significant fiscal impact to districts, counties, or municipalities.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, DLBa