

BILL ANALYSIS

C.S.H.B. 2348
By: Dutton
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.H.B. 2348 permits such an exclusion in very limited circumstances where the municipality has the highest rating for Insurance Services Office Public Protection Classification.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2348 amends the Water Code to authorize a water 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 water district is wholly or partly located, to contract with a municipality whose fire department, on the date the agreement is entered into, has an Insurance Services Office Class 1 Public Protection Classification Rating or comparable rating recognized by the state fire marshal for the provision of fire-fighting services to the water district's territory, without the authorization of the emergency services district that provides fire-fighting services to the water district immediately before the date on which the agreement takes effect. The bill provides for the disannexation of the water district territory annexed by the municipality for limited purposes and served by the municipality under the agreement from the emergency services district in the manner for territory that is annexed by a municipality for full purposes, if a water district enters into a strategic partnership agreement with a municipality that includes the provision of fire-fighting services. The bill provides for the meaning of "fire-fighting services." The bill establishes its provisions are not applicable to an agreement that is entered into after December 31, 2006, or amended after December 31, 2006, to include the provision of fire-fighting services.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2348 adds a provision not in the original to provide for the meaning of "fire-fighting services." The substitute differs from the original by clarifying that the territory of the water district annexed by the municipality for limited purposes, in addition to being served by the municipality under a strategic partnership agreement, is required to be disannexed from the emergency services district in the manner for territory that is annexed by the municipality for full purposes.

C.S.H.B. 2348 removes a standard savings provision included in the original.

C.S.H.B. 2348 adds a provision not in the original making its provisions inapplicable to a strategic partnership agreement entered into after December 31, 2006, or amended after December 31, 2006, to include the provision of fire-fighting services.