

## **BILL ANALYSIS**

Senate Research Center  
81R10564 SJM-F

S.B. 1621  
By: Wentworth  
Intergovernmental Relations  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, there are two statutes under which emergency services may be created and may operate. One governs districts in counties with a population of 125,000 or less and the other governs all others. S.B. 1621 brings all emergency services districts under one statute and allows the districts operating under the old statute the authority to, among other things, contract for law enforcement services to enforce fire code, charge reasonable fees for providing services, collect delinquent fees through court proceedings, and borrow money to construct emergency services facilities.

As proposed, S.B. 1621 repeals the statute governing districts in counties with populations of 125,000 or less and converts all districts created under that statute to districts operating under the statute governing all other emergency services districts. This would bring all districts under one statute.

### **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 775.0205(a), Health and Safety Code, to prohibit 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, rather than another district created under this chapter or created under Chapter 776, from providing services in the overlapping territory that duplicate the services provided by the other district at the time the overlapping district was created.

SECTION 2. Amends Section 344.051(c), Local Government Code, to authorize that a district, except as provided by Subsection (f), be created inside the boundaries of an emergency services district operating under Chapter 775, rather than Chapter 775 or 776, Health and Safety Code, only if the governing body of the emergency services district (district) gives its written consent by order or resolution not later than the 60th day after the date the governing body receives a request for its consent.

SECTION 3. Amends Section 323.101(f), Tax Code, to provide that the provisions of this chapter govern the application, collection, and administration of a sales and use tax imposed under Chapters 285 (Special Provisions Relating to Hospital Districts) or 775, Health and Safety Code, rather than Chapter 285, 775, or 776, to the extent not inconsistent with the provisions of those chapter. Provides that Subsection (b) (relating a county being qualified to adopt the tax) shall not apply to a tax authorized under those chapters.

SECTION 4. Repealer: Chapter 776 (Emergency Services Districts in Counties of 125,000 or Less), Health and Safety Code.

SECTION 5. (a) Provides that on the effective date of this Act, a district created under Chapter 776, Health and Safety Code, is converted into a district operated under Chapter 775, Health and Safety Code. Provides that a district converted under this section continues in existence and is subject to Chapter 775, Health and Safety Code.

(b) Provides that on and after the effective date of this Act, each person serving as a fire commissioner of a district created under Chapter 776, Health and Safety Code, is an emergency services commissioner and is required to serve on the board of the district as an emergency services commissioner for the remainder of the unexpired term to which the person was elected.

SECTION 6. Effective date: upon passage or September 1, 2009.