

BILL ANALYSIS

Senate Research Center

S.B. 1596
By: Zaffirini
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently cities can annex portions of emergency service districts (ESD) without notifying or developing a plan for revenue compensation or determining a plan for services rendered by ESDs in annexed portions.

This bill requires annexations to not reduce services to the annexed area. In the case in which an ESD is in place, it will still allow the annexation and the city can still extend full services, but the city will then have to consider augmenting those services with the ESD so as not to reduce services to the residents or property owners.

S.B. 1596 amends current law relating to emergency services districts.

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 Sections 775.022(a) and (c), Health and Safety Code, as follows:

(a) Requires a municipality, if the municipality completes all other procedures necessary to annex territory in an emergency services district created under this chapter (district) and if the municipality intends to remove the territory from the district and be the sole provider of emergency services to the territory, rather than if the municipality intends to provide emergency services to the territory, by the use of municipal personnel or by some method other than by use of the district, to send written notice of those facts to the board of emergency services commissioners. Provides that this subsection does not require a municipality to remove from a district territory the municipality has annexed. Makes a nonsubstantive change.

(c) Requires a municipality, if the municipality removes territory from a district that the municipality has annexed, rather than if the municipality annexes territory in a district, to compensate the district immediately after disannexation of the territory under Subsection (a) in a certain amount.

SECTION 2. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.045, as follows:

Sec. 775.045. **APPLICABILITY OF CERTAIN LAWS.** (a) Provides that except as provided by Subsection (b), notwithstanding any other law:

(1) Section 1301.551(i) (relating to prohibiting a municipality, notwithstanding any other provision of state law, after January 1, 2009, from enacting an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling; and authorizing a municipality to adopt an

ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling), Occupations Code, applies to a district as if the district were a municipality; and

(2) Section 233.062 (Application and Content of Fire Code), Local Government Code, applies to a district as if the district were in an unincorporated area of a county.

(b) Provides that Subsection (a) does not apply to a district:

(1) that before February 1, 2013, has adopted a fire code, fire code amendments, or other requirements in conflict with Subsection (a); and

(2) whose territory is located:

(A) in or adjacent to a general law municipality with a population of less than 4,000 that is served by a water control and improvement district governed by Chapter 51 (Water Control and Improvement Districts), Water Code; and

(B) in a county that has a population of more than one million and is adjacent to a county with a population of more than 420,000.

SECTION 3. Amends Section 43.056, Local Government Code, by amending Subsection (f) and adding Subsections (p) and (q), as follows:

(f) Prohibits a service plan from taking certain actions, including providing services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the area before annexation or causing a reduction in fire and police protection and emergency medical services within the area to be annexed below that of areas within the corporate boundaries of the municipality with similar topography, land use, and population density.

(p) Provides that this subsection applies only to a municipality in a county with a population of more than one million and less than 1.5 million. Provides that for a municipality that has adopted Chapter 143 (Municipal Civil Service for Firefighters and Police Officers) and directly employs firefighters, a service plan that includes the provision of services to an area that, at the time the service plan is adopted, is located in the territory of an emergency services district:

(1) must require the municipality's fire department to provide initial response to the annexed territory that is equivalent to that provided to other areas within the corporate boundaries of the municipality with similar topography, land use, and population density;

(2) may not provide for municipal fire services to the annexed area solely or primarily by means of an automatic aid or mutual aid agreement with the affected emergency services district or other third-party provider of services; and

(3) may authorize the emergency services district to provide supplemental fire and emergency medical services to the annexed area by means of an automatic aid or mutual aid agreement.

(q) Provides that this chapter does not affect the obligation of a municipality that has adopted Chapter 143 to provide police, fire, or emergency medical services within the municipality's corporate boundaries by means of personnel classified in accordance with that chapter.

SECTION 4. Effective date: September 1, 2013.