

BILL ANALYSIS

C.S.H.B. 2633
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Certain counties have begun creating emergency services districts in order to augment the number of fire stations and other public safety offices in their area. However, some of these districts have run into bureaucratic roadblocks that impede their ability to protect those who are counting on them due to conditions negotiated between certain municipalities and counties for the inclusion of municipal extraterritorial jurisdiction in a district. Such a condition could require a district to obtain permission from a municipality to incur certain debt, permission which a municipality is often loath to grant, thus preventing district fire stations from obtaining the equipment they need to protect the citizens in their area. C.S.H.B. 2633 seeks to address this issue by repealing a provision that authorizes the governing body of certain municipalities to negotiate with the commissioners court of certain counties conditions under which the municipality will grant its consent to the inclusion of its extraterritorial jurisdiction in an emergency services district.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 2633 repeals a Health and Safety Code provision that authorizes the governing body of a municipality with a population of more than one million to negotiate with the commissioners court of a county with a population of less than 1.8 million that is the county in which the majority of the territory inside the municipality's corporate boundaries is located conditions under which the municipality will grant its consent to the inclusion of its extraterritorial jurisdiction in an emergency services district.

C.S.H.B. 2633 amends the Health and Safety Code to authorize the board of a district created before September 1, 2023, that is subject to such negotiated conditions to hold an election to submit to the district's qualified voters the question of whether to terminate the negotiated conditions. If a majority of the votes cast in the election favor the termination of the conditions, the conditions are terminated and have no effect. The bill prohibits the board from holding such an election if the termination of the conditions would impair either a contract entered into by the board or the rights of the holders of any outstanding and unpaid bonds or other debt.

C.S.H.B. 2633, with respect to the applicability of the following to a municipality subject to the provision repealed by the bill, instead makes the following applicable to a municipality that has

a population of more than one million and the majority of the territory inside the municipality's corporate boundaries is located inside a county with a population of less than 2.1 million:

- the requirement for a submitted request for inclusion in a proposed district of territory in the applicable municipality's limits or extraterritorial jurisdiction to include a copy of the district creation petition and a sufficient legal description of the portion of the municipality and its extraterritorial jurisdiction that would be included in the district territory; and
- the determination of the amount of compensation for the removal of territory from a district that the applicable municipality has annexed, contingent on the municipality and the district having entered into an agreement on or before September 1, 2019, regarding the district's bonded and other indebtedness.

C.S.H.B. 2633 repeals the following provisions of the Health and Safety Code:

- Section 775.014(h);
- Section 775.019(f); and
- Section 775.031(e).

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2633 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced expressly terminated negotiated conditions and established that they have no effect, the substitute authorizes the board of an emergency services district created before September 1, 2023, that is subject to negotiated conditions to hold an election on the question of whether to terminate the negotiated conditions and only terminates the conditions and establishes that they have no effect contingent on voter approval of the termination. Whereas the substitute prohibits the board from holding such an election if the termination of the conditions would impair either a contract entered into by the board or the rights of the holders of any outstanding and unpaid bonds or other debt, the introduced expressly did not affect the validity or enforceability of a contract that was entered into by the board of a district before the bill's effective date.