

## **BILL ANALYSIS**

S.B. 1794  
By: Menéndez  
County Affairs  
Committee Report (Unamended)

### **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. S.B. 1794 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**

S.B. 1794 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. The bill establishes any such negotiated conditions are terminated and have no effect.

S.B. 1794 amends the Health and Safety Code to replace, with respect to the following, such a municipality with 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 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 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.

S.B. 1794 expressly does not affect the validity or enforceability of a contract that was entered into by the board of emergency services commissioners of an emergency services district before the bill's effective date.

S.B. 1794 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**

March 1, 2024.