

## **BILL ANALYSIS**

Senate Research Center  
88R9455 MCF-D

S.B. 1794  
By: Menéndez  
Local Government  
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As Filed

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

Currently, Bexar County is the only county that has a debt cap on an emergency service district (ESD). Under state law, the city must approve any debt an ESD can take on over \$20,000. Unfortunately, this debt cap has delayed progress on a planned station for three years in ESD 5 in Southwest Bexar County. The inability to build stations and purchase necessary equipment jeopardizes the health, welfare, and safety of residents.

S.B. 1794 would remove the debt cap in place that is restricting ESDs' abilities to build stations and purchase equipment they need to protect their communities.

As proposed, S.B. 1794 amends current law relating to conditions imposed on an emergency services district that includes territory in the extraterritorial jurisdiction of certain municipalities.

### **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 775.014(i), Health and Safety Code, to require that a request, if a request under Section 775.014 (Creation of District that Includes Municipal Territory) is submitted 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, include certain information.

SECTION 2. Amends Section 775.016(c), Health and Safety Code, to delete existing text providing that the commissioners court has exclusive jurisdiction to determine each issue relating to the creation of the district, including any matters negotiated with a consenting municipality under Section 775.014(h) (relating to authorizing the governing body of a municipality with a population larger than one million to negotiate with the commissioners court of a county with a population of less than 1.8 million), and is authorized to issue incidental orders it considers proper in relation to the issues before the commissioners court.

SECTION 3. Amends Section 775.017(a), Health and Safety Code, to delete text requiring the commissioners court, if after the hearing the commissioners court finds that creation of the district is feasible and will promote the public safety, welfare, health, and convenience of persons residing in the proposed district, to grant the petition, fix the district's boundaries, and impose any conditions negotiated under Section 775.014(h). Makes a nonsubstantive change.

SECTION 4. Amends Section 775.018(a), Health and Safety Code, to delete existing text requiring that any conditions negotiated under Section 775.014(h) be included on the ballot.

SECTION 5. Amends Section 775.019(b), Health and Safety Code, to delete existing text prohibiting a district from including territory in a municipality's limits or extraterritorial jurisdiction unless a majority of the voters residing in that territory who vote at the election vote in favor of creating the district subject to any conditions negotiated under Section 775.014(h) and imposing a tax.

SECTION 6. Amends Section 775.022(g), Health and Safety Code, to make conforming changes.

SECTION 7. Repealers: Sections 775.014(h) (relating to authorizing the governing body of a municipality with a population larger than one million to negotiate with the commissioners court of a county with a population of less than 1.8 million) and 775.019(f) (relating to requiring that any conditions negotiated under a certain section be included on the ballot and in a certain order), Health and Safety Code.

Repealer: Section 775.031(e) (relating to providing that the condition controls in the event of a conflict between a power granted under this chapter and a condition), Health and Safety Code.

SECTION 8. Provides that any conditions that were negotiated by the governing body of a municipality and the commissioners court of a county under Section 775.014(h), Health and Safety Code, as that section existed immediately before the effective date of this Act, are terminated and have no effect.

SECTION 9. Provides that the changes in law made by this Act do 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 effective date of this Act.

SECTION 10. Effective date: September 1, 2023.